

By: Representative Banks

To: Public Health and Human Services

HOUSE BILL NO. 1244

1 AN ACT TO AMEND SECTION 73-11-51, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE THE REGISTRATION OF SELLERS OF PRENEED FUNERAL SERVICES  
3 WITH THE STATE BOARD OF FUNERAL SERVICE; TO AMEND SECTION  
4 75-63-65, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR  
5 RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** Section 73-11-51, Mississippi Code of 1972, is  
8 amended as follows:

9 73-11-51. (1) No person shall engage in the business or  
10 practice of funeral service, including embalming, and/or funeral  
11 directing or hold himself out as transacting or practicing or  
12 being entitled to transact or practice funeral service, including  
13 embalming, and/or funeral directing in this state unless duly  
14 licensed under the provisions of this chapter.

15 (2) The board is authorized and empowered to examine  
16 applicants for licenses for the practice of funeral service and  
17 funeral directing and shall issue the proper license to those  
18 persons who successfully pass the applicable examination and  
19 otherwise comply with the provisions of this chapter.

20 (3) To be licensed for the practice of funeral directing  
21 under this chapter, a person must:

22 (a) Be at least eighteen (18) years of age;

23 (b) Have a high school diploma or the equivalent  
24 thereof;

25 (c) Have served as a resident trainee for not less than  
26 twenty-four (24) months under the supervision of a person licensed  
27 for the practice of funeral service or funeral directing in this  
28 state;

29           (d) Have successfully passed a written and/or oral  
30 examination as prepared or approved by the board; and

31           (e) Be of good moral character.

32           (4) To be licensed for the practice of funeral service under  
33 this chapter, a person must:

34           (a) Be at least eighteen (18) years of age;

35           (b) Have a high school diploma or the equivalent  
36 thereof;

37           (c) Have successfully completed twelve (12) months or  
38 more of academic and professional instruction from an institution  
39 accredited by the United States Department of Education for  
40 funeral service education and have a certificate of completion  
41 from an institution accredited by the American Board of Funeral  
42 Service Education or any other successor recognized by the United  
43 States Department of Education for funeral service education;

44           (d) Have served as a resident trainee for not less than  
45 twelve (12) months, either before or after graduation from an  
46 accredited institution mentioned above, under the supervision of a  
47 person licensed for the practice of funeral service in this state  
48 and in an establishment licensed in this state;

49           (e) Have successfully passed the National Conference of  
50 Funeral Examiners examination as approved by the board; and

51           (f) Be of good moral character.

52           (5) All applications for examination and license for the  
53 practice of funeral service or funeral directing shall be upon  
54 forms furnished by the board and shall be accompanied by an  
55 examination fee, a licensing fee and a nonrefundable application  
56 fee in amounts fixed by the board in accordance with Section  
57 73-11-56. The fee for an initial license, however, may be  
58 prorated in proportion to the period of time from the date of  
59 issuance to the date of biennial license renewal prescribed in  
60 subsection (8) of this section. All applications for examination  
61 shall be filed with the board office at least sixty (60) days

62 before the date of examination. A candidate shall be deemed to  
63 have abandoned the application for examination if he does not  
64 appear on the scheduled date of examination unless such failure to  
65 appear has been approved by the board.

66 (6) The practice of funeral service or funeral directing  
67 must be engaged in at a licensed funeral establishment, at least  
68 one (1) of which is listed as the licensee's place of business;  
69 and no person, partnership, corporation, association or other  
70 organization shall open or maintain a funeral establishment at  
71 which to engage in or conduct or hold himself or itself out as  
72 engaging in the practice of funeral service or funeral directing  
73 until such establishment has complied with the licensing  
74 requirements of this chapter. A license for the practice of  
75 funeral service or funeral directing shall be used only at  
76 licensed funeral establishments; however, this provision shall not  
77 prevent a person licensed for the practice of funeral service or  
78 funeral directing from conducting a funeral service at a church, a  
79 residence, public hall, lodge room or cemetery chapel, if such  
80 person maintains a fixed licensed funeral establishment of his own  
81 or is in the employ of or an agent of a licensed funeral  
82 establishment.

83 (7) Any person holding a valid, unrevoked and unexpired  
84 nonreciprocal license in another state or territory having  
85 requirements greater than or equal to those of this state as  
86 determined by the board may apply for a license to practice in  
87 this state by filing with the board a certified statement from the  
88 secretary of the licensing board of the state or territory in  
89 which the applicant holds his license certifying to his  
90 qualifications and good standing with that board by having  
91 successfully passed a written and/or oral examination on the  
92 Mississippi Funeral Service licensing law and rules and  
93 regulations as prepared or approved by the board, and by paying a  
94 nonrefundable application fee set by the board under Section

95 73-11-56. If the board finds that the applicant has fulfilled  
96 substantially similar requirements, the board shall grant such  
97 license upon receipt of a fee in an amount equal to the renewal  
98 fee set by the board for a license for the practice of funeral  
99 service or funeral directing, as the case may be, in this state.  
100 The board may issue a temporary funeral service or funeral  
101 directing work permit before a license is granted, before the next  
102 regular meeting of the board, if the applicant for a reciprocal  
103 license has complied with all requirements, rules and regulations  
104 of the board. The temporary permit will expire at the next  
105 regular meeting of the board.

106 (8) (a) Any person holding a license for the practice of  
107 funeral service or funeral directing may have the same renewed for  
108 a period of two (2) years by making and filing with the board an  
109 application on or before the due date. Payment of the renewal fee  
110 shall be in an amount set by the board in accordance with Section  
111 73-11-56. The board shall mail the notice of renewal and the due  
112 date for the payment of the renewal fee to the last known address  
113 of each licensee at least thirty (30) days before that date. It  
114 is the responsibility of the licensee to notify the board in  
115 writing of any change of address. An application will be  
116 considered late if the application and proper fees are not in the  
117 board's office or postmarked by the due date.

118 (b) If the renewal fee is not paid on or postmarked by  
119 the due date, the license of such person shall by operation of law  
120 automatically expire and become void without further action of the  
121 board. The board may reinstate such license if application for  
122 licensure is made within a period of five (5) years, upon payment  
123 of the renewal fee for the current year, all renewal fees in  
124 arrears, and a reinstatement fee. After a period of five (5)  
125 years, the licensee must make application, pay the current renewal  
126 fee, all fees in arrears, and pass a written and/or oral  
127 examination as prepared or approved by the board.

128           (9) No license shall be assignable or valid for any person  
129 other than the original licensee.

130           (10) The board may, in its discretion, if there is a major  
131 disaster or emergency where human death is likely to occur,  
132 temporarily authorize the practice of funeral directing and  
133 funeral service by persons licensed to practice in another state  
134 but not licensed to practice in this state, provided that such  
135 services are only rendered by members of disaster mortuary teams  
136 authorized by federal or appropriate local authorities to provide  
137 such services. Only persons licensed in this state, however, may  
138 sign death certificates.

139           (11) A person who is licensed for the practice of funeral  
140 service by another state is authorized to make a removal of a  
141 deceased person, embalm a deceased person or conduct a funeral or  
142 burial service in this state, and a funeral director who is  
143 licensed by another state is authorized to conduct a funeral or  
144 burial service in this state, in the same manner and to the same  
145 extent as provided by the laws of that state to persons licensed  
146 by the State of Mississippi for the practice of funeral service or  
147 for the practice of funeral directing. The board is authorized to  
148 enter into written agreements with those states detailing the  
149 manner and extent to which persons licensed by the State of  
150 Mississippi may practice funeral service or directing in that  
151 state.

152           (12) Any funeral service technology or mortuary science  
153 program accredited by the American Board of Funeral Service  
154 Education in the State of Mississippi, as well as students  
155 enrolled in such a program, shall be exempt from licensing under  
156 this chapter when embalming or otherwise preparing a deceased  
157 human body for disposition as part of a student practicum  
158 experience, when the student is directly supervised by an  
159 instructor or preceptor who holds a current funeral service  
160 license. This exemption shall apply to practicum experiences

161 performed at an accredited institution of funeral service  
162 technology or mortuary science program or at a duly licensed  
163 funeral establishment or commercial mortuary service. Nothing in  
164 this subsection shall be construed to allow any funeral service  
165 technology or mortuary science program, or those students enrolled  
166 in such a program, to engage in practicum experiences for  
167 remuneration.

168 (13) Each application or filing made under this section  
169 shall include the social security number(s) of the applicant in  
170 accordance with Section 93-11-64.

171 (14) All sellers of preneed funeral services shall register  
172 with the board and pay a registration fee of Twenty-five Dollars  
173 (\$25.00) every two (2) years to be eligible to conduct business in  
174 the State of Mississippi. Any person, firm, corporation or other  
175 entity who does not register and pay the registration fee shall be  
176 guilty of a misdemeanor and, upon conviction, shall be fined One  
177 Thousand Dollars (\$1,000.00). All registered sellers of preneed  
178 funeral services must have a contract with a licensed funeral  
179 establishment at a specified price in order to provide such  
180 services, and copies of such contracts shall be provided to the  
181 board. For the purposes of this subsection, "preneed funeral  
182 services" means a contract or agreement for the arrangement for  
183 the disposition of dead human bodies, including, but not limited  
184 to, the sale of caskets, vaults, clothing, urns and any necessary  
185 services related thereto.

186 **SECTION 2.** Section 75-63-65, Mississippi Code of 1972, is  
187 amended as follows:

188 75-63-65. (1) Any establishment or organization which  
189 engages in the business of selling preneed merchandise and/or  
190 services shall register with the Secretary of State and shall pay  
191 a registration fee. A separate registration is required for each  
192 separate corporation or business entity. The establishment or  
193 organization shall pay to the Secretary of State for the

194 registration of the main establishment or organization a fee of  
195 Two Hundred Fifty Dollars (\$250.00).

196 (2) Any person who engages in the business of selling  
197 preneed contracts shall register with the Secretary of State.

198 (3) The Secretary of State shall establish regulations to  
199 register each establishment or organization selling preneed  
200 merchandise or services. No establishment or organization shall  
201 be registered to sell preneed merchandise or services that the  
202 establishment or organization cannot lawfully provide at the time  
203 of a person's death. The Secretary of State shall also maintain a  
204 record of all individuals who are registered to sell preneed  
205 merchandise or services through the registered establishment.

206 (4) The Secretary of State shall establish regulations to  
207 register each person selling preneed contracts, including the  
208 establishment through which the seller will be selling. No person  
209 shall be registered to sell preneed contracts without indicating  
210 the establishment for which he or she is selling.

211 (5) The Secretary of State shall develop and furnish the  
212 forms necessary for the registration of establishments and  
213 individuals selling preneed contracts.

214 (6) In addition to the requirements herein, all sellers of  
215 preneed funeral services shall register with the State Board of  
216 Funeral Service of the State of Mississippi as required in Section  
217 1 of this act.

218 **SECTION 3.** This act shall take effect and be in force from  
219 and after July 1, 2006.