

By: Representative Middleton

To: Public Health and Human Services

HOUSE BILL NO. 1432

1 AN ACT TO AMEND SECTION 73-11-51, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT THE STATE BOARD OF FUNERAL SERVICE, IN LIEU OF  
3 CERTAIN OTHER LICENSURE REQUIREMENTS, SHALL ISSUE A LICENSE FOR  
4 THE PRACTICE OF FUNERAL DIRECTING TO ANY PERSON WHO HAS NOT LESS  
5 THAN TWENTY YEARS' EXPERIENCE AS AN EMPLOYEE AT A LICENSED FUNERAL  
6 ESTABLISHMENT IN MISSISSIPPI, IS PRESENTLY EMPLOYED AT A LICENSED  
7 FUNERAL ESTABLISHMENT IN MISSISSIPPI AND MAKES APPLICATION TO THE  
8 BOARD FOR THE LICENSE DURING THE PERIOD FROM JULY 1, 2006, THROUGH  
9 JULY 31, 2006; AND FOR RELATED PURPOSES.

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

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

13 73-11-51. (1) Except as otherwise provided herein, no  
14 person shall engage in the business or practice of funeral  
15 service, including embalming, and/or funeral directing or hold  
16 himself out as transacting or practicing or being entitled to  
17 transact or practice funeral service, including embalming, and/or  
18 funeral directing in this state unless duly licensed under the  
19 provisions of this chapter.

20 (2) The board is authorized and empowered to examine  
21 applicants for licenses for the practice of funeral service and  
22 funeral directing and shall issue the proper license to those  
23 persons who successfully pass the applicable examination and  
24 otherwise comply with the provisions of this chapter.

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

- 27 (a) Be at least eighteen (18) years of age;
- 28 (b) Have a high school diploma or the equivalent  
29 thereof;

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

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

36           (e) Be of good moral character.

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

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

40           (b) Have a high school diploma or the equivalent  
41 thereof;

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

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

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

56           (f) Be of good moral character.

57           (5) All applications for examination and license for the  
58 practice of funeral service or funeral directing shall be upon  
59 forms furnished by the board and shall be accompanied by an  
60 examination fee, a licensing fee and a nonrefundable application  
61 fee in amounts fixed by the board in accordance with Section  
62 73-11-56. The fee for an initial license, however, may be

63 prorated in proportion to the period of time from the date of  
64 issuance to the date of biennial license renewal prescribed in  
65 subsection (8) of this section. All applications for examination  
66 shall be filed with the board office at least sixty (60) days  
67 before the date of examination. A candidate shall be deemed to  
68 have abandoned the application for examination if he does not  
69 appear on the scheduled date of examination unless such failure to  
70 appear has been approved by the board.

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

88 (7) Any person holding a valid, unrevoked and unexpired  
89 nonreciprocal license in another state or territory having  
90 requirements greater than or equal to those of this state as  
91 determined by the board may apply for a license to practice in  
92 this state by filing with the board a certified statement from the  
93 secretary of the licensing board of the state or territory in  
94 which the applicant holds his license certifying to his  
95 qualifications and good standing with that board by having

96 successfully passed a written and/or oral examination on the  
97 Mississippi Funeral Service licensing law and rules and  
98 regulations as prepared or approved by the board, and by paying a  
99 nonrefundable application fee set by the board under Section  
100 73-11-56. If the board finds that the applicant has fulfilled  
101 substantially similar requirements, the board shall grant such  
102 license upon receipt of a fee in an amount equal to the renewal  
103 fee set by the board for a license for the practice of funeral  
104 service or funeral directing, as the case may be, in this state.  
105 The board may issue a temporary funeral service or funeral  
106 directing work permit before a license is granted, before the next  
107 regular meeting of the board, if the applicant for a reciprocal  
108 license has complied with all requirements, rules and regulations  
109 of the board. The temporary permit will expire at the next  
110 regular meeting of the board.

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

123 (b) If the renewal fee is not paid on or postmarked by  
124 the due date, the license of such person shall by operation of law  
125 automatically expire and become void without further action of the  
126 board. The board may reinstate such license if application for  
127 licensure is made within a period of five (5) years, upon payment  
128 of the renewal fee for the current year, all renewal fees in

129 arrears, and a reinstatement fee. After a period of five (5)  
130 years, the licensee must make application, pay the current renewal  
131 fee, all fees in arrears, and pass a written and/or oral  
132 examination as prepared or approved by the board.

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

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

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

157 (12) Any funeral service technology or mortuary science  
158 program accredited by the American Board of Funeral Service  
159 Education in the State of Mississippi, as well as students  
160 enrolled in such a program, shall be exempt from licensing under  
161 this chapter when embalming or otherwise preparing a deceased

162 human body for disposition as part of a student practicum  
163 experience, when the student is directly supervised by an  
164 instructor or preceptor who holds a current funeral service  
165 license. This exemption shall apply to practicum experiences  
166 performed at an accredited institution of funeral service  
167 technology or mortuary science program or at a duly licensed  
168 funeral establishment or commercial mortuary service. Nothing in  
169 this subsection shall be construed to allow any funeral service  
170 technology or mortuary science program, or those students enrolled  
171 in such a program, to engage in practicum experiences for  
172 remuneration.

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

176 (14) Notwithstanding any provision of this chapter to the  
177 contrary, the board shall issue a license for the practice of  
178 funeral directing to any person who has not less than twenty (20)  
179 years' experience as an employee at a licensed funeral  
180 establishment in Mississippi, is presently employed at a licensed  
181 funeral establishment in Mississippi and makes application to the  
182 board for the license during the period from July 1, 2006, through  
183 July 31, 2006.

184 **SECTION 2.** This act shall take effect and be in force from  
185 and after July 1, 2006.