

By: Representatives Williams-Barnes,
Crawford

To: Public Health and Human
Services

HOUSE BILL NO. 770

1 AN ACT TO AMEND SECTION 73-11-51, MISSISSIPPI CODE OF 1972,
2 TO DIRECT THE STATE BOARD OF FUNERAL SERVICE TO ISSUE A LICENSE
3 FOR THE PRACTICE OF FUNERAL DIRECTING TO PERSONS WHO MEET CERTAIN
4 CRITERIA AND WHO MAKE APPLICATION WITHIN A THIRTY-DAY PERIOD; AND
5 FOR 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 furnish satisfactory evidence to
22 the board that he or she:

23 (a) Is at least eighteen (18) years of age;

24 (b) Has a high school diploma or the equivalent
25 thereof;

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

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

32 (e) Is of good moral character.

33 (4) To be licensed for the practice of funeral service under
34 this chapter, a person must furnish satisfactory evidence to the
35 board that he or she:

36 (a) Is at least eighteen (18) years of age;

37 (b) Has a high school diploma or the equivalent
38 thereof;

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



44 Service Education or any other successor recognized by the United
45 States Department of Education for funeral service education;

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

51 (e) Has successfully passed the National Conference of
52 Funeral Examiners examination and/or such other examination as
53 approved by the board; and

54 (f) Is of good moral character.

55 (5) All applications for examination and license for the
56 practice of funeral service or funeral directing shall be upon
57 forms furnished by the board and shall be accompanied by an
58 examination fee, a licensing fee and a nonrefundable application
59 fee in amounts fixed by the board in accordance with Section
60 73-11-56. The fee for an initial license, however, may be
61 prorated in proportion to the period of time from the date of
62 issuance to the date of biennial license renewal prescribed in
63 subsection (8) of this section. All applications for examination
64 shall be filed with the board office at least sixty (60) days
65 before the date of examination. A candidate shall be deemed to
66 have abandoned the application for examination if he does not
67 appear on the scheduled date of examination unless such failure to
68 appear has been approved by the board.



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

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



94 also successfully pass a written and/or oral examination on the
95 Mississippi Funeral Service licensing law and rules and
96 regulations as prepared or approved by the board, and must pay a
97 nonrefundable application fee set by the board. If the board
98 finds that the applicant has fulfilled aforesaid requirements and
99 has fulfilled substantially similar requirements of those required
100 for a Mississippi licensee, the board shall grant such license
101 upon receipt of a fee in an amount equal to the renewal fee set by
102 the board for a license for the practice of funeral service or
103 funeral directing, as the case may be, in this state. The board
104 may issue a temporary funeral service or funeral directing work
105 permit before a license is granted, before the next regular
106 meeting of the board, if the applicant for a reciprocal license
107 has complied with all requirements, rules and regulations of the
108 board. The temporary permit will expire at the next regular
109 meeting of the board. The issuance of a license or temporary
110 permit by reciprocity to a military-trained applicant or military
111 spouse shall be subject to the provisions of Section 73-50-1.

112 (8) (a) Except as provided in Section 33-1-39, any person
113 holding a license for the practice of funeral service or funeral
114 directing may have the same renewed for a period of two (2) years
115 by making and filing with the board an application on or before
116 the due date. Payment of the renewal fee shall be in an amount
117 set by the board in accordance with Section 73-11-56. The board
118 shall mail the notice of renewal and the due date for the payment



119 of the renewal fee to the last-known address of each licensee at
120 least thirty (30) days before that date. It is the responsibility
121 of the licensee to notify the board in writing of any change of
122 address. An application will be considered late if the
123 application and proper fees are not in the board's office or
124 postmarked by the due date. Failure of a license holder to
125 receive the notice of renewal shall not exempt or excuse a license
126 holder from the requirement of renewing the license on or before
127 the license expiration date.

128 (b) If the renewal fee is not paid on or postmarked by
129 the due date, the license of such person shall by operation of law
130 automatically expire and become void without further action of the
131 board. The board may reinstate such license if application for
132 licensure is made within a period of five (5) years, upon payment
133 of the renewal fee for the current year, all renewal fees in
134 arrears, and a reinstatement fee. After a period of five (5)
135 years, the licensee must make application, pay the current renewal
136 fee, all fees in arrears, and pass a written and/or oral
137 examination as prepared or approved by the board.

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

140 (10) The board may, in its discretion, if there is a major
141 disaster or emergency where human death is likely to occur,
142 temporarily authorize the practice of funeral directing and
143 funeral service by persons licensed to practice in another state



144 but not licensed to practice in this state. Only persons licensed
145 in this state, however, may sign death certificates.

146 (11) Any funeral service technology or mortuary science
147 program accredited by the American Board of Funeral Service
148 Education in the State of Mississippi, as well as students
149 enrolled in such a program, shall be exempt from licensing under
150 this chapter when embalming or otherwise preparing a deceased
151 human body for disposition as part of a student practicum
152 experience, when the student is directly supervised by an
153 instructor or preceptor who holds a current funeral service
154 license. This exemption shall apply to practicum experiences
155 performed at an accredited institution of funeral service
156 technology or mortuary science program or at a duly licensed
157 funeral establishment or commercial mortuary service. Nothing in
158 this subsection shall be construed to allow any funeral service
159 technology or mortuary science program, or those students enrolled
160 in such a program, to engage in practicum experiences for
161 remuneration.

162 (12) Notwithstanding any provision of this chapter, the
163 board shall issue a license for the practice of funeral directing
164 to any person who (a) is fifty (50) years of age or older, (b) has
165 experience as an employee at a licensed funeral establishment in
166 Mississippi for not less than five (5) consecutive years
167 immediately preceding the date of the application for the license,
168 (c) is presently employed at a licensed funeral establishment in



169 Mississippi, (d) makes application to the board for the license
170 during the period from July 1, 2018, through July 31, 2018, and
171 (e) pays all applicable fees for application and licensure. The
172 board shall furnish persons seeking licensure under this
173 subsection an application form upon request. The applicant's
174 previous experience and current employment at a licensed funeral
175 establishment in Mississippi must be documented in writing by the
176 owner, management or licensee in charge of the funeral
177 establishment and included with the application to the board.

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

181 **SECTION 2.** This act shall take effect and be in force from
182 and after July 1, 2018.

