

By: Representative Banks

To: Public Health and Human Services

HOUSE BILL NO. 64

1 AN ACT TO AMEND SECTION 73-11-49, MISSISSIPPI CODE OF 1972,  
2 TO PROHIBIT THE STATE BOARD OF FUNERAL SERVICE FROM ADOPTING RULES  
3 OR REGULATIONS REGULATING THE SIZE OF A FUNERAL HOME OR A FUNERAL  
4 HOME CHAPEL; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 73-11-49, Mississippi Code of 1972, is  
7 amended as follows:

8 73-11-49. (1) The board is authorized to select from its  
9 own membership a chairman, vice chairman and secretary-treasurer.  
10 Election of officers shall be held at the first regularly  
11 scheduled meeting of the fiscal year.

12 (2) All members of the board shall be reimbursed for their  
13 necessary traveling expenses and mileage incident to their  
14 attendance upon the business of the board, as provided in Section  
15 25-3-41, and shall receive a per diem as provided in Section  
16 25-3-69 for every day actually spent upon the business of the  
17 board, not to exceed twenty (20) days per year unless authorized  
18 by a majority vote of the board.



19           (3) All monies received by the board shall be paid into a  
20 special fund in the State Treasury to the credit of the board and  
21 shall be used by the board for paying the traveling and necessary  
22 expenses and per diem of the members of the board while on board  
23 business, and for paying other expenses necessary for the  
24 operation of the board in carrying out and involving the  
25 provisions of this chapter.

26           (4) The board shall employ an administrator of the board,  
27 who shall have complete supervision and be held responsible for  
28 the direction of the office of the board, shall have supervision  
29 over field inspections and enforcement of the provisions of this  
30 chapter, shall have such other duties as may be assigned by the  
31 board, shall be responsible and answerable to the board. The  
32 board may employ such other clerical assistants and employees as  
33 may be necessary to carry out the provisions of this chapter, and  
34 the terms and conditions of such employment shall be determined by  
35 the board in accordance with applicable state law and rules and  
36 regulations of the State Personnel Board.

37           (5) Except as otherwise authorized in Section 7-5-39, the  
38 board, when it shall deem necessary, shall be represented by an  
39 assistant attorney general duly appointed by the Attorney General  
40 of this state, and may also request and receive the assistance of  
41 other state agencies and county and district attorneys, all of  
42 whom are authorized to provide the assistance requested.



43 (6) The board shall have subpoena power in enforcing the  
44 provisions of this chapter.

45 (7) The board shall adopt and promulgate rules and  
46 regulations consistent with law concerning, but not limited to,  
47 trainees, apprentices and preceptors, practitioners of funeral  
48 service, funeral directors, embalmers and funeral establishments  
49 and branches. These rules and regulations shall not become  
50 effective unless promulgated and adopted in accordance with the  
51 provisions of the Mississippi Administrative Procedures Law  
52 (Section 25-43-1.101 et seq.).

53 (8) The board may designate the administrator to perform  
54 inspections under this chapter, may employ an individual to  
55 perform such inspections or may contract with any other individual  
56 or entity to perform such inspections. Any individual or entity  
57 that performs such inspections shall have the right of entry into  
58 any place in which the business or practice of funeral service  
59 and/or funeral directing is carried on or advertised as being  
60 carried on, for the purpose of inspection, for the investigation  
61 of complaints coming before the board and for such other matters  
62 as the board may direct.

63 (9) The board shall not adopt any rule or regulation  
64 regarding any of the following matters:

65 (a) Requiring dead bodies to be embalmed except as  
66 required by rule or otherwise by the State Department of Health;  
67 or



68                   (b) Regulating the size of a funeral home or a funeral  
69 home chapel.

70                   **SECTION 2.** This act shall take effect and be in force from  
71 and after July 1, 2019.

