

By: Senator(s) Gollott

To: Business and Financial
Institutions

SENATE BILL NO. 2286

1 AN ACT TO AMEND SECTION 73-11-51, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE THE STATE BOARD OF FUNERAL SERVICE TO ESTABLISH
3 CRITERIA FOR CONTINUING EDUCATION; AND FOR RELATED PURPOSES.

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

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

7 73-11-51. (1) No person shall engage in the business or
8 practice of funeral service, including embalming, and/or funeral
9 directing or hold himself out as transacting or practicing or
10 being entitled to transact or practice funeral service, including
11 embalming, and/or funeral directing in this state unless duly
12 licensed under the provisions of this chapter.

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



18 (3) To be licensed for the practice of funeral directing
19 under this chapter, a person must furnish satisfactory evidence to
20 the board that he or she:

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

22 (b) Has a high school diploma or the equivalent
23 thereof;

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

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

30 (e) Is of good moral character.

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

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

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

37 (c) Has 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



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

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

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

(f) Is of good moral character.

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



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

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



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

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



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

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

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

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



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

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

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

(13) The board is authorized to establish criteria for continuing education.

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

