

By: Representative Williams-Barnes

To: Public Health and Human
Services

HOUSE BILL NO. 843

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.



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

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

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

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

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

(e) Is of good moral character.

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

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

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

(c) Has successfully completed twelve (12) months or more of academic and professional instruction from an institution accredited by the United States Department of Education for funeral service education and have a certificate of completion 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.



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



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



Mississippi, (d) makes application to the board for the license during the period from July 1, 2020, through July 31, 2020, and (e) pays all applicable fees for application and licensure. The board shall furnish persons seeking licensure under this subsection an application form upon request. The applicant's previous experience and current employment at a licensed funeral establishment in Mississippi must be documented in writing by the owner, management or licensee in charge of the funeral establishment and included with the application to the board.

(* * *13) 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.

SECTION 2. This act shall take effect and be in force from and after July 1, 2020.

