

By: Senator(s) McCaughn

To: Public Health and Welfare

SENATE BILL NO. 2874

1 AN ACT TO AMEND SECTION 73-11-51, MISSISSIPPI CODE OF 1972,  
 2 TO PROVIDE THAT THE BOARD OF FUNERAL SERVICE SHALL PROMULGATE  
 3 REGULATIONS THAT ESTABLISH MANDATORY CONTINUING EDUCATION  
 4 REQUIREMENTS FOR FUNERAL SERVICE AND FUNERAL DIRECTING LICENSEES;  
 5 TO SET THE CONTINUING EDUCATION HOUR REQUIREMENT FOR SUCH  
 6 LICENSEES; TO REQUIRE PROVIDERS OF CONTINUING EDUCATION COURSES TO  
 7 APPLY TO THE BOARD FOR APPROVAL TO OFFER COURSES FOR CREDIT TOWARD  
 8 THE REQUIREMENT IN THIS ACT; TO AUTHORIZE THE BOARD TO CHARGE A  
 9 FEE TO COVER THE COST OF MONITORING SUCH PROVIDERS; AND FOR  
 10 RELATED PURPOSES.

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

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

14 73-11-51. (1) No person shall engage in the business or  
 15 practice of funeral service, including embalming, and/or funeral  
 16 directing or hold himself out as transacting or practicing or  
 17 being entitled to transact or practice funeral service, including  
 18 embalming, and/or funeral directing in this state unless duly  
 19 licensed under the 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 furnish satisfactory evidence to  
27 the board that he or she:

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

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

31 (c) Has served as a resident trainee for not less than  
32 twelve (12) months under the supervision of a person licensed for  
33 the practice of funeral service or funeral directing in this  
34 state;

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

37 (e) Is of good moral character.

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

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

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

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



48 from an institution accredited by the American Board of Funeral  
49 Service Education or any other successor recognized by the United  
50 States Department of Education for funeral service education;

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

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

59 (f) Is of good moral character.

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



72 appear on the scheduled date of examination unless such failure to  
73 appear has been approved by the board.

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

91 (7) Any person holding a valid, unrevoked and unexpired  
92 nonreciprocal license in another state or territory having  
93 requirements greater than or equal to those of this state as  
94 determined by the board may apply for a license to practice in  
95 this state by filing with the board a certified statement from the  
96 secretary of the licensing board of the state or territory in



97 which the applicant holds his license certifying to his  
98 qualifications and good standing with that board. He/she must  
99 also successfully pass a written and/or oral examination on the  
100 Mississippi Funeral Service licensing law and rules and  
101 regulations as prepared or approved by the board, and must pay a  
102 nonrefundable application fee set by the board. If the board  
103 finds that the applicant has fulfilled aforesaid requirements and  
104 has fulfilled substantially similar requirements of those required  
105 for a Mississippi licensee, the board shall grant such license  
106 upon receipt of a fee in an amount equal to the renewal fee set by  
107 the board for a license for the practice of funeral service or  
108 funeral directing, as the case may be, in this state. The board  
109 may issue a temporary funeral service or funeral directing work  
110 permit before a license is granted, before the next regular  
111 meeting of the board, if the applicant for a reciprocal license  
112 has complied with all requirements, rules and regulations of the  
113 board. The temporary permit will expire at the next regular  
114 meeting of the board. The issuance of a license or temporary  
115 permit by reciprocity to a military-trained applicant, military  
116 spouse or person who establishes residence in this state shall be  
117 subject to the provisions of Section 73-50-1 or 73-50-2, as  
118 applicable.

119 (8) (a) Except as provided in Section 33-1-39, any person  
120 holding a license for the practice of funeral service or funeral  
121 directing may have the same renewed for a period of two (2) years



122 by making and filing with the board an application on or before  
123 the due date. Payment of the renewal fee shall be in an amount  
124 set by the board in accordance with Section 73-11-56. The board  
125 shall mail the notice of renewal and the due date for the payment  
126 of the renewal fee to the last-known address of each licensee at  
127 least thirty (30) days before that date. It is the responsibility  
128 of the licensee to notify the board in writing of any change of  
129 address. An application will be considered late if the  
130 application and proper fees are not in the board's office or  
131 postmarked by the due date. Failure of a license holder to  
132 receive the notice of renewal shall not exempt or excuse a license  
133 holder from the requirement of renewing the license on or before  
134 the license expiration date.

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

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



147           (10) The board may, in its discretion, if there is a major  
148 disaster or emergency where human death is likely to occur,  
149 temporarily authorize the practice of funeral directing and  
150 funeral service by persons licensed to practice in another state  
151 but not licensed to practice in this state. Only persons licensed  
152 in this state, however, may sign death certificates.

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

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



172       (13) The Board of Funeral Service shall establish, by  
173 regulation, mandatory continuing education requirements for  
174 funeral service and funeral directing licensees in this state,  
175 including the following:

176           (a) Each person licensed under this chapter, whether or  
177 not residing within the state, shall complete four (4) hours of  
178 continuing education annually and eight (8) hours within each  
179 bi-annual renewal period, except during the initial biennial  
180 renewal period; and

181           (b) The board shall promulgate regulations that  
182 establish standards and recordkeeping requirements for continuing  
183 education providers. A provider of continuing education courses  
184 shall apply to the board for approval to offer continuing  
185 education courses for credit toward this requirement on a form  
186 developed by the board. Any such provider shall pay a fee  
187 covering the cost of approval and for monitoring of the provider  
188 by the board. Institutions, associations and individuals  
189 providing continuing education shall maintain records of  
190 attendance, including sign-in sheets, for a period of three (3)  
191 years.

192       The provisions of this section shall not apply to persons who  
193 are older than sixty-five (65) years of age.

194       **SECTION 2.** This act shall take effect and be in force from  
195 and after July 1, 2024.

