

By: Representative Banks

To: Insurance

HOUSE BILL NO. 1336

1 AN ACT TO AMEND SECTION 73-11-51, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE THE REGISTRATION OF SELLERS OF PRENEED FUNERAL  
3 SERVICES; 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 pursuant to 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 (a) be at least eighteen (18)  
20 years of age; (b) have a high school diploma or the equivalent  
21 thereof; (c) have served as a resident trainee for not less than  
22 twenty-four (24) months under the supervision of a person licensed  
23 for the practice of funeral service or funeral directing in this  
24 state; (d) have successfully passed a written and/or oral  
25 examination as prepared or approved by the board; (e) be of good  
26 moral character; and (f) have completed at least three (3) hours  
27 of continuing education units in areas related to the federal



28 Occupational Safety and Health Act (OSHA) standards. An  
29 individual who has reached the age of sixty (60) and has been  
30 licensed for at least fifteen (15) years may be exempted from this  
31 requirement.

32 (4) To be licensed for the practice of funeral service under  
33 this chapter, a person must (a) be at least eighteen (18) years of  
34 age; (b) have a high school diploma or the equivalent thereof; (c)  
35 have satisfactorily completed twelve (12) months or more of  
36 academic and professional instruction from an institution  
37 accredited by the American Board of Funeral Service Education or  
38 any other successor recognized by the United States Department of  
39 Education for funeral service education; (d) have served as a  
40 resident trainee for not less than twelve (12) months, either  
41 prior to or after graduation from an accredited institution  
42 mentioned above, under the supervision of a person licensed for  
43 the practice of funeral service in this state or having the prior  
44 equivalent license of this state; (e) have successfully passed a  
45 written and/or oral examination as prepared or approved by the  
46 board; (f) be of good moral character; and (g) have completed at  
47 least three (3) hours of continuing education units in areas  
48 related to the federal Occupational Safety and Health Act (OSHA)  
49 standards. An individual who has reached the age of sixty (60)  
50 and has been licensed for at least fifteen (15) years may be  
51 exempted from this requirement.

52 (5) All applications for examination and license for the  
53 practice of funeral service or funeral directing shall be upon  
54 forms furnished by the board and shall be accompanied by an  
55 examination fee, a licensing fee and a nonrefundable application  
56 fee in amounts fixed by the board in accordance with Section  
57 73-11-56. The fee for an initial license, however, may be  
58 prorated in proportion to the period of time from the date of  
59 issuance to the date of biennial license renewal prescribed in  
60 subsection (8) of this section. All applications for examination



61 shall be filed with the board office at least sixty (60) days  
62 prior to date of examination. A candidate shall be deemed to have  
63 abandoned the application for examination if he does not appear on  
64 the scheduled date of examination unless such failure to appear  
65 has been approved by the board.

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

83 (7) Any person holding a valid, unrevoked and unexpired  
84 license in another state or territory having requirements  
85 substantially similar to those of this state may apply for a  
86 license to practice in this state by filing with the board a  
87 certified statement from the secretary of the licensing board of  
88 the state or territory in which the applicant holds his license  
89 certifying to his qualifications and good standing with that board  
90 by having successfully passed a written and/or oral examination on  
91 the Mississippi Funeral Service licensing law and rules and  
92 regulations as prepared or approved by the board, and by paying a  
93 nonrefundable application fee set by the board pursuant to Section



94 73-11-56. If the board finds that the applicant has fulfilled  
95 substantially similar requirements, the board shall grant such  
96 license upon receipt of a fee in an amount equal to the renewal  
97 fee set by the board for a license for the practice of funeral  
98 service or funeral directing, as the case may be, in this state.  
99 The board may issue a temporary funeral service or funeral  
100 directing work permit before a license is granted, prior to the  
101 next regular meeting of the board, if the applicant for a  
102 reciprocal license has complied with all requirements, rules and  
103 regulations of the board. The temporary permit will expire at the  
104 next regular meeting of the board.

105 (8) (a) Any person holding a license for the practice of  
106 funeral service or funeral directing may have the same renewed for  
107 a period of two (2) years by making and filing with the board an  
108 application therefor within thirty (30) days preceding the  
109 expiration of his license on forms provided by the board and upon  
110 payment of a renewal fee in an amount set by the board in  
111 accordance with Section 73-11-56. The board shall mail a notice  
112 of the due date for payment of the renewal fee to the last known  
113 address of each licensee at least thirty (30) days prior to such  
114 date.

115 (b) If the renewal fee is not paid on or before the  
116 date that it is due, a late fee, as prescribed by Section  
117 73-11-56, in addition to the regular renewal fee, shall be  
118 required. A period of thirty (30) days shall be allowed after the  
119 expiration of a license, during which time the license may be  
120 renewed on the payment of the renewal fee plus the applicable late  
121 fee. If a person fails to renew his license during the aforesaid  
122 thirty-day period, the license of such person shall by operation  
123 of law automatically expire and become void without further action  
124 of the board. The board may reinstate such license if application  
125 for licensure is made within a period of five (5) years, upon  
126 payment of the renewal fee for the current year, all fees in



127 arrears, late fees and a reinstatement fee as set by the board.  
128 After such five-year period, the license may be reinstated only by  
129 payment of the renewal fee for the current year, all renewal fees  
130 in arrears, late fees plus a reinstatement fee and by the licensee  
131 successfully passing a written and/or oral examination as prepared  
132 or approved by the board.

133 (c) The expiration date of each license issued or  
134 renewed shall be established by rules and regulations of the  
135 board. Subject to the provisions of this subsection, each license  
136 shall be renewable on a biennial basis upon filing of a renewal  
137 application and upon payment of the renewal fee established  
138 pursuant to Section 73-11-56. To provide for a system of biennial  
139 renewal of licenses, the board may provide by rules and  
140 regulations that licenses issued or renewed for the first time  
141 after July 1, 1994, may expire less than two (2) years from the  
142 date of issuance or renewal. In each case in which a license is  
143 issued or renewed for a period of time less than two (2) years,  
144 the board shall prorate to the nearest whole month the license or  
145 renewal fee established pursuant to Section 73-11-56. The  
146 provisions of this paragraph (c) shall not apply to the resident  
147 trainee certificate or period of resident traineeship under  
148 Section 73-11-53.

149 (9) Any person holding on July 1, 1984, a license to  
150 practice embalming shall be entitled to a license for either of  
151 the named licenses upon meeting the same terms and conditions as  
152 are herein provided for the renewal of licenses of those who may  
153 be licensed after July 1, 1984. Any person in this state engaged  
154 in the practice of funeral directing on July 1, 1984, either as an  
155 owner of a funeral establishment or an employee thereof, who has  
156 had experience as a funeral director for at least two (2) years  
157 within the five (5) years immediately preceding July 1, 1984,  
158 shall be entitled to a license for funeral directing upon meeting  
159 the same terms and conditions as are herein provided for the



160 renewal of licenses for the practice of funeral directing.  
161 However, from and after July 1, 1991, the board shall issue  
162 licenses only as provided for under the provisions of subsections  
163 (3) and (4) of this section.

164 (10) The board may, in its discretion, in the event of a  
165 major disaster or emergency where human death is likely to occur,  
166 temporarily authorize the practice of funeral directing and  
167 funeral service by persons licensed to practice in another state  
168 but not licensed to practice in this state, provided that such  
169 services are only rendered by members of disaster mortuary teams  
170 authorized by federal or appropriate local authorities to provide  
171 such services. Only persons licensed in this state, however, may  
172 sign death certificates.

173 (11) On an individual basis, a person who is licensed for  
174 the practice of funeral service by another state is authorized to  
175 make a removal of a deceased person, embalm a deceased person or  
176 conduct a funeral or burial service in this state, and a funeral  
177 director who is licensed by another state is authorized to conduct  
178 a funeral or burial service in this state, in the same manner and  
179 to the same extent as provided by the laws of that state to  
180 persons licensed by the State of Mississippi for the practice of  
181 funeral service or for the practice of funeral directing.

182 (12) Any funeral service technology or mortuary science  
183 program accredited by the American Board of Funeral Service  
184 Education in the State of Mississippi, as well as students  
185 enrolled in such a program, shall be exempt from licensing under  
186 this chapter when embalming or otherwise preparing a deceased  
187 human body for disposition as part of a student practicum  
188 experience, when the student is directly supervised by an  
189 instructor or preceptor who holds a current funeral service  
190 license. This exemption shall apply to practicum experiences  
191 performed at an accredited institution of funeral service  
192 technology or mortuary science program or at a duly licensed



193 funeral establishment or commercial mortuary service. Nothing in  
194 this subsection shall be construed to allow any funeral service  
195 technology or mortuary science program, or those students enrolled  
196 in such a program, to engage in practicum experiences for  
197 remuneration.

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

201 (14) All sellers of preneed funeral services shall register  
202 with the board and pay a registration fee of Twenty-five Dollars  
203 (\$25.00) every two (2) years to be eligible to conduct business in  
204 the State of Mississippi. Any person, firm, corporation or other  
205 entity who does not register and pay the registration fee shall be  
206 guilty of a misdemeanor and, upon conviction, shall be fined One  
207 Thousand Dollars (\$1,000.00). All registered sellers of preneed  
208 funeral services must have a contract with a licensed funeral  
209 establishment at a specified price in order to provide such  
210 services and copies of such contracts shall be provided to the  
211 board. For the purposes of this subsection, "preneed funeral  
212 services" means a contract or agreement for the arrangement for  
213 the disposition of dead human bodies, including, but not limited  
214 to, the sale of caskets, vaults, clothing, urns and any necessary  
215 services related thereto.

216 **SECTION 2.** This act shall take effect and be in force from  
217 and after July 1, 2002.

