

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.

