

FIRST REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 48

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RELFORD.

Pre-filed December 1, 2000, and 1000 copies ordered printed.

Read 1st time January 3, 2001.

Read 2nd time January 4, 2001, and referred to the Committee on Professional Registration and Licensing, January 29, 2001.

Reported from the Committee on Professional Registration and Licensing, February 15, 2001, with recommendation that the bill Do Pass by Consent.

Perfectured by Consent February 26, 2001.

ANNE C. WALKER, Chief Clerk

0391L.01P

AN ACT

To repeal sections 333.041, 333.042, 333.061 and 333.081, RSMo 2000, relating to embalmers and funeral directors, and to enact in lieu thereof four new sections relating to the same subject.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 333.041, 333.042, 333.061 and 333.081, RSMo 2000, are repealed
2 and four new sections enacted in lieu thereof, to be known as sections 333.041, 333.042, 333.061
3 and 333.081, to read as follows:

333.041. 1. Each applicant for a license to practice funeral directing shall furnish
2 evidence to establish to the satisfaction of the board that he **or she** is:

3 (1) At least eighteen years of age, and possesses a high school diploma or equivalent
4 thereof;

5 (2) Either a citizen or a bona fide resident of the state of Missouri or entitled to a license
6 [under] **pursuant to** section 333.051, or a resident in a county contiguous and adjacent to the
7 state of Missouri who is employed by a funeral establishment located within the state of
8 Missouri, to practice funeral directing upon the grant of a license to do so; and

9 (3) A person of good moral character.

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

10 2. Every person desiring to enter the profession of embalming dead human bodies within
11 the state of Missouri and who is [entering] **enrolled in** an accredited institution of mortuary
12 science education shall register with the board as a **practicum** student upon the form provided
13 by the board. After such registration, a student may assist, under the direct supervision of
14 Missouri licensed embalmers and funeral directors, in Missouri licensed funeral establishments,
15 while serving his **or her** practicum for the accredited institution of mortuary science education.
16 The [forms] **form** for registration as a [student and as a] practicum student shall be accompanied
17 by a fee in an amount established by the board.

18 3. Each applicant for a license to practice embalming shall furnish evidence to establish
19 to the satisfaction of the board that he **or she**:

20 (1) Is at least eighteen years of age, and possesses a high school diploma or equivalent
21 thereof;

22 (2) Is either a citizen or bona fide resident of the state of Missouri or entitled to a license
23 [under] **pursuant to** section 333.051, or a resident in a county contiguous and adjacent to the
24 state of Missouri who is employed by a funeral establishment located within the state of
25 Missouri, to practice embalming upon the grant of a license to do so;

26 (3) Is a person of good moral character;

27 (4) Has graduated from an institute of mortuary science education accredited by the
28 American Board of Funeral Service Education, or any successor organization recognized by the
29 United States Department of Education, for funeral service education. If an applicant does not
30 appear for the final examination before the board within five years from the date of his **or her**
31 graduation from an accredited institution of mortuary science education, his **or her** registration
32 as a student embalmer shall be automatically canceled;

33 (5) Upon due examination administered by the board, is possessed of a knowledge of the
34 subjects of embalming, anatomy, pathology, bacteriology, mortuary administration, chemistry,
35 restorative art, together with statutes, rules and regulations governing the care, custody, shelter
36 and disposition of dead human bodies and the transportation thereof or has passed the national
37 board examination of the Conference of Funeral Service Examining Boards. If any applicant
38 fails to pass the state examination, he **or she** may retake the examination at the next regular
39 examination meeting. The applicant shall notify the board office of his **or her** desire to retake
40 the examination at least thirty days prior to the date of the examination. Each time the
41 examination is retaken, the applicant shall pay a new examination fee in an amount established
42 by the board;

43 (6) Has been employed full time in funeral service in a licensed funeral establishment
44 and has personally embalmed at least twenty-five dead human bodies under the personal
45 supervision of an embalmer who holds a current and valid Missouri embalmer's license or an

46 embalmer who holds a current and valid embalmer's license in a state with which the Missouri
47 board has entered into a reciprocity agreement during an apprenticeship of not less than twelve
48 consecutive months. "Personal supervision" means that the licensed embalmer shall be
49 physically present during the entire embalming process in the first six months of the
50 apprenticeship period and physically present at the beginning of the embalming process and
51 available for consultation and personal inspection within a period of not more than one hour in
52 the remaining six months of the apprenticeship period. All transcripts and other records filed
53 with the board shall become a part of the board files.

54 4. If the applicant does not appear for oral examination within the five years after his **or**
55 **her** graduation from an accredited institution of mortuary science education, then he **or she** must
56 file a new application and no fees paid previously shall apply toward the license fee.

57 5. Examinations required by this section and section 333.042 shall be held at least twice
58 a year at times and places fixed by the board. The board shall by rule and regulation prescribe
59 the standard for successful completion of the examinations.

60 6. Upon establishment of his **or her** qualifications as specified by this section or section
61 333.042, the board shall issue to the applicant a license to practice funeral directing or
62 embalming, as the case may require, and shall register the applicant as a duly licensed funeral
63 director or a duly licensed embalmer. Any person having the qualifications required by this
64 section and section 333.042 may be granted both a license to practice funeral directing and to
65 practice embalming.

66 7. The board shall, upon request, waive any requirement of this chapter and issue a
67 temporary funeral director's license, valid for six months, to the surviving spouse or next of kin
68 or the personal representative of a licensed funeral director, or to the spouse, next of kin,
69 employee or conservator of a licensed funeral director disabled because of sickness, mental
70 incapacity or injury.

333.042. 1. Every person desiring to enter the profession of funeral directing in this state
2 shall make application with the state board of embalmers and funeral directors and pay the
3 current application and examination fees. Applicants not entitled to a license **[under] pursuant**
4 **to** section 333.051 shall serve an apprenticeship for at least twelve months in a funeral
5 establishment licensed for the care and preparation for burial and transportation of the human
6 dead in this state or in another state which has established standards for admission to practice
7 funeral directing equal to, or more stringent than, the requirements for admission to practice
8 funeral directing in this state. The applicant shall devote at least fifteen hours per week to his
9 **or her** duties as an apprentice under the supervision of a Missouri licensed funeral director.
10 Such applicant shall submit proof to the board, on forms provided by the board, that the applicant
11 has arranged and conducted ten funeral services during the applicant's apprenticeship under the

12 supervision of a Missouri licensed funeral director. Upon completion of the apprenticeship, the
13 applicant shall appear before the board to be tested on the applicant's legal and practical
14 knowledge of funeral directing, funeral home licensing, preneed funeral contracts and the care,
15 custody, shelter, disposition and transportation of dead human bodies. Upon acceptance of the
16 application and fees by the board, an applicant shall have twenty-four months to successfully
17 complete the requirements for licensure found in this section or the application for licensure shall
18 be canceled.

19 2. If a person applies for a limited license to work only in a funeral establishment which
20 is licensed only for cremation, including transportation of dead human bodies to and from the
21 funeral establishment, he **or she** shall **make application, pay the current application and**
22 **examination fee and** successfully complete the [written] **Missouri law** examination [pursuant
23 to subsection 1 of this section; however, he is]. **He or she shall be** exempt from the [six-month
24 internship, six-month] **twelve-month** apprenticeship and the practical examination before the
25 board. If a person has a limited license issued pursuant to this subsection, he **or she** may obtain
26 a full funeral director's license if he **or she** fulfills the [internship,] apprenticeship and [practical
27 knowledge test requirements of subsection 1 of this section] **successfully completes the funeral**
28 **director practical examination.**

29 3. If an individual is a Missouri licensed embalmer or has graduated from an institute
30 of mortuary science education accredited by the American Board of Funeral Service Education
31 or any successor organization recognized by the United States Department of Education for
32 Funeral Service Education, or has successfully completed a course of study in funeral directing
33 offered by a college accredited by a recognized national, regional or state accrediting body and
34 approved by the state board of embalmers and funeral directors, and desires to enter the
35 profession of funeral directing in this state, the individual shall comply with all the requirements
36 for licensure as a funeral director pursuant to subsection 1 of section 333.041 and subsection 1
37 of this section; however, the individual is exempt from the twelve-month apprenticeship required
38 by subsection 1 of this section.

333.061. 1. No funeral establishment shall be operated in this state unless the owner or
2 operator thereof has a license issued by the board.

3 2. A license for the operation of a funeral establishment shall be issued by the board, if
4 the board finds:

5 (1) That the establishment is under the general management and the supervision of a duly
6 licensed funeral director;

7 (2) That all embalming performed therein is performed by or under the direct supervision
8 of a duly licensed embalmer;

9 (3) That any place in the funeral establishment where embalming is conducted contains

10 a preparation room with a sanitary floor, walls and ceiling, and adequate sanitary drainage and
11 disposal facilities including running water, and complies with the sanitary standard prescribed
12 by the department of health for the prevention of the spread of contagious, infectious or
13 communicable diseases;

14 (4) Each funeral establishment shall have available in the preparation or embalming
15 room a register book or log which shall be available at all times in full view for the board's
16 inspector and the name of each body embalmed, place, if other than at the establishment, the date
17 and time that the embalming took place, the name and signature of the embalmer and [his] **the**
18 **embalmer's** license number shall be noted in the book; and

19 (5) The establishment complies with all applicable state, county or municipal zoning
20 ordinances and regulations.

21 3. The board shall grant or deny each application for a license [under] **pursuant to** this
22 section within thirty days after it is filed[, and no prosecution of any person who has filed an
23 application for such license for violation of this section shall be maintained unless it is shown
24 that his application was duly denied by the board and that he was duly notified thereof]. **The**
25 **applicant may request in writing up to two thirty-day extensions of the application,**
26 **provided the request for an extension is received by the board prior to the expiration of the**
27 **thirty-day application or extension period.**

28 4. Licenses shall be issued [under] **pursuant to** this section upon application and the
29 payment of a funeral establishment fee and shall be renewed at the end of the licensing period
30 on the establishment's renewal date.

31 5. The board may refuse to renew or may suspend or revoke any license issued [under]
32 **pursuant to** this section if it finds, after hearing, that the funeral establishment does not meet
33 any of the requirements set forth in this section as conditions for the issuance of a license, or for
34 the violation by the owner of the funeral establishment of any of the provisions of section
35 333.121. No new license shall be issued to the owner of a funeral establishment or to any
36 corporation controlled by such owner for three years after the revocation of the license of the
37 owner or of a corporation controlled by the owner. Before any action is taken [under] **pursuant**
38 **to** this subsection the procedure for notice and hearing as prescribed by section 333.121 shall be
39 followed.

333.081. 1. Each license issued to a funeral director or embalmer [under] **pursuant to**
2 this chapter shall expire unless renewed on or before the renewal date. The board may, however,
3 provide for the renewal of licenses held by individuals who are not actively engaged in practice
4 and who are over sixty-five years of age without fee. The board shall renew any such license
5 upon due application for renewal and upon the payment of the renewal fee, except that no license
6 shall expire during the period when the holder thereof is actively engaged in the military service

7 of the United States. Any licensee exempted from the renewal of his **or her** license because of
8 military service shall, before beginning practice in this state after leaving military service, apply
9 for and pay the renewal fee for the current licensing period.

10 2. When renewing a funeral director's or embalmer's license the licensee shall specify
11 the address of the funeral establishment at which he **or she** is practicing or proposes to practice
12 and shall notify the board of any termination of his **or her** connection therewith. The licensee
13 shall notify the board of any new employment or connection with a funeral establishment of a
14 permanent nature. If the licensee is not employed at or connected with a funeral establishment
15 he shall notify the board of his **or her** permanent address.

16 3. [The board shall not renew any license more than ninety days after the renewal date
17 but shall notify the licensee that his license has expired.] The holder of an expired license shall
18 be issued a new license by the board within two years of the renewal date after he **or she** has paid
19 delinquent renewal fees. Any license not renewed within two years shall be void.

20 4. Failure of the licensee to receive the renewal notice shall not relieve the licensee of
21 the duty to pay the renewal fee and renew his **or her** license.