

FIRST REGULAR SESSION

# HOUSE BILL NO. 1267

## 94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MEADOWS.

Read 1st time March 29, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2773L.01I

### AN ACT

To repeal section 333.061, RSMo, and to enact in lieu thereof one new section relating to funeral establishments.

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

Section A. Section 333.061, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 333.061, to read as follows:

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

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

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

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

(3) That any place in the funeral establishment where embalming is conducted contains a preparation room with a sanitary floor, walls and ceiling, and adequate sanitary drainage and disposal facilities including running water, and complies with the sanitary standard prescribed by the department of health and senior services for the prevention of the spread of contagious, infectious or communicable diseases;

(4) Each funeral establishment shall have available in the preparation or embalming room a register book or log which shall be available at all times in full view for the board's

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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 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; **and**

21 **(6) The funeral establishment has secured a surety bond in the amount of two times**  
22 **the annual revenues reported to the department of revenue.**

23 **3. The bond required under subdivision (6) of subsection 2 of this section shall be**  
24 **issued in the name of the person or business entity authorized to conduct business in**  
25 **Missouri as a funeral establishment and shall cover the same length of time as the renewal.**  
26 **Cancellation of such bond could result in a suspended or revoked funeral establishment**  
27 **license. No funeral establishment license shall be issued or renewed without such legal**  
28 **bonding recognition covering the funeral establishment and all its employees. Such bond**  
29 **shall be in force and available to the state board or its inspectors at all times. Such bond**  
30 **shall be held for one succeeding year by a former owner when a funeral establishment is**  
31 **sold or ceases business or is replaced with such bond by the new owner with no lapse in**  
32 **coverage for the sole protection of consumers.**

33 [3.] **4.** The board shall grant or deny each application for a license pursuant to this  
34 section within thirty days after it is filed. The applicant may request in writing up to two  
35 thirty-day extensions of the application, provided the request for an extension is received by the  
36 board prior to the expiration of the thirty-day application or extension period.

37 [4.] **5.** Licenses shall be issued pursuant to this section upon application and the payment  
38 of a funeral establishment fee and shall be renewed at the end of the licensing period on the  
39 establishment's renewal date.

40 [5.] **6.** The board may refuse to renew or may suspend or revoke any license issued  
41 pursuant to this section if it finds, after hearing, that the funeral establishment does not meet any  
42 of the requirements set forth in this section as conditions for the issuance of a license, or for the  
43 violation by the owner of the funeral establishment of any of the provisions of section 333.121.  
44 No new license shall be issued to the owner of a funeral establishment or to any corporation  
45 controlled by such owner for three years after the revocation of the license of the owner or of a  
46 corporation controlled by the owner. Before any action is taken pursuant to this subsection the  
47 procedure for notice and hearing as prescribed by section 333.121 shall be followed.

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