

FIRST REGULAR SESSION

# HOUSE BILL NO. 629

## 102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PERKINS.

1409H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To repeal sections 333.041 and 333.042, RSMo, and to enact in lieu thereof two new sections relating to the licensing of persons performing certain funeral-related services.

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

Section A. Sections 333.041 and 333.042, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 333.041 and 333.042, 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 at least eighteen years of  
3 age, and possesses a high school diploma, a general equivalency diploma, or equivalent  
4 thereof, as determined, at its discretion, by the board.~~

5 ~~2. Every person desiring to enter the profession of embalming dead human bodies  
6 within the state of Missouri and who is enrolled in a program accredited by the American  
7 Board of Funeral Service Education, any successor organization, or other accrediting entity as  
8 approved by the board shall register with the board as a practicum student upon the form  
9 provided by the board. After such registration, a student may assist, under the direct  
10 supervision of Missouri licensed embalmers and funeral directors, in Missouri licensed  
11 funeral establishments, while serving his or her practicum. The form for registration as a  
12 practicum student shall be accompanied by a fee in an amount established by the board.~~

13 ~~3.]~~ Each applicant for a **student** license to practice embalming shall **submit an**  
14 **application to the state board of embalmers and funeral directors, pay all application**  
15 **fees, and** furnish evidence to establish to the satisfaction of the board that he or she:

16 (1) Is at least eighteen years of age, and possesses a high school diploma, a general  
17 equivalency diploma, or equivalent thereof, as determined, at its discretion, by the board; **and**

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.

18           (2) **Is currently enrolled in a funeral service education program or** has completed  
19 a funeral service education program accredited by the American Board of Funeral Service  
20 Education, any successor organization, or other accrediting entity as approved by the board.  
21 ~~[If an applicant does not complete all requirements for licensure within five years from the~~  
22 ~~date of his or her completion of an accredited program, his or her registration as an apprentice~~  
23 ~~embalmer shall be automatically cancelled. The applicant shall be required to file a new~~  
24 ~~application and pay applicable fees. No previous apprenticeship shall be considered for the~~  
25 ~~new application;~~

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

36           (4) ~~Has been employed full time in funeral service in a licensed funeral establishment~~  
37 ~~and has personally embalmed at least twenty five dead human bodies under the personal~~  
38 ~~supervision of an embalmer who holds a current and valid Missouri embalmer's license~~  
39 ~~during an apprenticeship of not less than twelve consecutive months. "Personal supervision"~~  
40 ~~means that the licensed embalmer shall be physically present during the entire embalming~~  
41 ~~process in the first six months of the apprenticeship period and physically present at the~~  
42 ~~beginning of the embalming process and available for consultation and personal inspection~~  
43 ~~within a period of not more than one hour in the remaining six months of the apprenticeship~~  
44 ~~period. All transcripts and other records filed with the board shall become a part of the board~~  
45 ~~files.]~~

46           **2. After a student's application has been approved by the board, student**  
47 **licensees who are enrolled in a funeral service education program may assist, under the**  
48 **direct supervision of an embalmer licensed under this chapter, in an establishment**  
49 **licensed for embalming under this chapter. Student licensees shall not assist when not**  
50 **under such supervision.**

51           **3. In order to be eligible for full licensure, a student licensee shall, after**  
52 **completing a funeral service education program accredited by the American Board of**  
53 **Funeral Service Education or any successor organization or any other accrediting entity**  
54 **as approved by the board:**

55           **(1) Demonstrate that he or she has completed a qualifying apprenticeship of no**  
 56 **less than six months and has personally embalmed at least twenty-five dead human**  
 57 **bodies under the direct supervision of an embalmer who is licensed under this chapter;**  
 58 **and**

59           **(2) Pass the National Board or State Board Science examination and the**  
 60 **Missouri law examination.**

61           4. If the applicant does not complete the application process within the five years  
 62 after his or her completion of an approved program, then he or she must file a new application  
 63 and no fees paid previously shall apply toward the license fee.

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

67           6. **(1)** Upon establishment of his or her qualifications as specified by this section [~~or~~  
 68 ~~section 333.042~~], the board shall issue to the applicant a license to practice funeral [~~directing~~  
 69 ~~or~~] embalming[~~, as the case may require,~~] and shall register the applicant as a [~~duly licensed~~  
 70 ~~funeral director or a~~] duly licensed embalmer. Any person having the qualifications required  
 71 by this section and section 333.042 may be granted both a license to practice funeral directing  
 72 and to practice embalming.

73           **(2) Any person licensed under this subsection may, at his or her election, at any**  
 74 **time, sit for the National Board or State Board Arts examination for the purpose of**  
 75 **potential reciprocity with any other state that may require such examination.**

76           7. [~~The board shall, upon request, waive any requirement of this chapter and issue a~~  
 77 ~~temporary funeral director's license, valid for six months, to the surviving spouse or next of~~  
 78 ~~kin or the personal representative of a licensed funeral director, or to the spouse, next of kin,~~  
 79 ~~employee or conservator of a licensed funeral director disabled because of sickness, mental~~  
 80 ~~incapacity or injury]~~ **For purposes of this section, the following terms mean:**

81           **(1) "Direct supervision", supervision in which the licensed embalmer is**  
 82 **physically present with the apprentice and the dead human body at the beginning of the**  
 83 **embalming and within the same building in which the embalming is taking place for the**  
 84 **entire embalming;**

85           **(2) "Qualifying apprenticeship", an apprenticeship in which the applicant**  
 86 **devotes at least thirty hours each week to his or her duties as an apprentice under the**  
 87 **direct supervision of an embalmer licensed under this chapter in a funeral**  
 88 **establishment licensed to embalm dead human bodies.**

333.042. 1. [~~Every person desiring to enter the profession of funeral directing in this~~  
 2 ~~state shall make application with the state board of embalmers and funeral directors and pay~~  
 3 ~~the current application and examination fees. Except as otherwise provided in section 41.950,~~

4 ~~applicants not entitled to a license pursuant to section 333.051 or 324.009 shall serve an~~  
5 ~~apprenticeship for at least twelve consecutive months in a funeral establishment licensed for~~  
6 ~~the care and preparation for burial and transportation of the human dead in this state or in~~  
7 ~~another state which has established standards for admission to practice funeral directing equal~~  
8 ~~to, or more stringent than, the requirements for admission to practice funeral directing in this~~  
9 ~~state. The applicant shall devote at least fifteen hours per week to his or her duties as an~~  
10 ~~apprentice under the supervision of a Missouri licensed funeral director. Such applicant shall~~  
11 ~~submit proof to the board, on forms provided by the board, that the applicant has arranged and~~  
12 ~~conducted ten funeral services during the applicant's apprenticeship under the supervision of a~~  
13 ~~Missouri licensed funeral director. Upon completion of the apprenticeship, the applicant shall~~  
14 ~~appear before the board to be tested on the applicant's legal and practical knowledge of~~  
15 ~~funeral directing, funeral home licensing, preneed funeral contracts and the care, custody,~~  
16 ~~shelter, disposition and transportation of dead human bodies. Upon acceptance of the~~  
17 ~~application and fees by the board, an applicant shall have twenty four months to successfully~~  
18 ~~complete the requirements for licensure found in this section or the application for licensure~~  
19 ~~shall be cancelled.~~

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

29       3. ~~If an individual is a Missouri licensed embalmer or has completed a program~~  
30 ~~accredited by the American Board of Funeral Service Education, any successor organization,~~  
31 ~~or other accrediting entity as approved by the board or has successfully completed a course of~~  
32 ~~study in funeral directing offered by an institution accredited by a recognized national,~~  
33 ~~regional or state accrediting body and approved by the state board of embalmers and funeral~~  
34 ~~directors, and desires to enter the profession of funeral directing in this state, the individual~~  
35 ~~shall comply with all the requirements for licensure as a funeral director pursuant to~~  
36 ~~subsection 1 of section 333.041 and subsection 1 of this section; however, the individual is~~  
37 ~~exempt from the twelve month apprenticeship required by subsection 1 of this section] Every~~  
38 **person desiring to engage in the practice of funeral directing as an apprentice in this**  
39 **state shall obtain a provisional funeral director license from the board. To apply for a**  
40 **provisional license, the applicant shall submit an application to the state board of**

41 embalmers and funeral directors, pay the current application fees, and furnish evidence  
42 to establish to the satisfaction of the board that he or she:

43 (1) Is at least eighteen years of age; and

44 (2) Will work as an apprentice funeral director under personal supervision of a  
45 funeral director licensed under this chapter. The applicant shall provide to the board  
46 the name and license number of the funeral director who will perform his or her  
47 supervision and the location where the applicant will practice.

48 2. An applicant for a provisional funeral director license under subsection 1 of  
49 this section shall have twenty-four months to complete the requirements for licensure  
50 under this section. If the applicant fails to complete the requirements within such  
51 period, the application for licensure shall be cancelled. If the application is cancelled,  
52 the applicant shall be required to file a new application and pay applicable fees. No  
53 previous apprenticeship shall be considered for the new application.

54 3. Every person desiring to enter the profession of funeral directing in this state  
55 shall submit an application to the state board of embalmers and funeral directors, pay  
56 the current application fees, and furnish evidence to establish to the satisfaction of the  
57 board that he or she:

58 (1) Is at least eighteen years of age and possesses a high school diploma, a  
59 general equivalency diploma, or equivalent thereof, as determined, at its discretion, by  
60 the board;

61 (2) Has passed the Missouri law examination; and

62 (3) Has:

63 (a) Passed the National Board or State Board Arts examination and successfully  
64 completed a program accredited by the American Board of Funeral Service Education  
65 or any successor organization or any other accrediting entity as approved by the board;

66 (b) Passed the National Board or State Board Arts examination and successfully  
67 completed a course of study in funeral directing offered by an institution accredited by a  
68 recognized national, regional, or state accrediting body and approved by the state board  
69 of embalmers and funeral directors;

70 (c) Passed the National Board or State Board Arts examination and successfully  
71 completed a qualifying apprenticeship for at least twelve months, during which the  
72 applicant establishes to the satisfaction of the board that he or she conducted and  
73 arranged at least ten funerals; or

74 (d) Successfully completed a qualifying apprenticeship for at least twelve  
75 months, during which the applicant establishes to the satisfaction of the board that he or  
76 she has conducted and arranged at least twenty-five funerals.

77           **4. (1) Upon establishment of his or her qualifications as specified by this section,**  
78 **the board shall issue to the applicant a license to practice funeral directing and shall**  
79 **register the applicant as a duly licensed funeral director. Any person having the**  
80 **qualifications required by this section and section 333.041 may be granted both a license**  
81 **to practice funeral directing and to practice embalming.**

82           **(2) Any person licensed under this subsection without passing the National**  
83 **Board or State Board Arts examination may, at his or her election, at any time, sit for**  
84 **the National Board or State Board Arts examination for the purpose of potential**  
85 **reciprocity with any other state that may require such examination.**

86           **5. Every person desiring to obtain a funeral director limited license in this state**  
87 **shall submit an application to the state board of embalmers and funeral directors, pay**  
88 **the current application fees, and furnish evidence to establish to the satisfaction of the**  
89 **board that he or she:**

90           **(1) Is at least eighteen years of age; and**

91           **(2) Has successfully completed the Missouri law examination.**

92           **6. A person holding a funeral director limited license shall not be authorized to**  
93 **practice funeral directing in the state, except as follows:**

94           **(1) He or she may work in a funeral establishment licensed only for cremation,**  
95 **including transportation of dead human bodies to and from the funeral establishment;**  
96 **and**

97           **(2) He or she may perform cremations and duties relating to cremation.**

98           **7. If a person has a funeral director limited license issued under this section, he**  
99 **or she may obtain a full funeral director's license by fulfilling the apprenticeship**  
100 **requirements of paragraph (d) of subdivision (3) of subsection 3 of this section or by**  
101 **successfully completing a program accredited by the American Board of Funeral**  
102 **Service Education or any successor organization or any other accrediting entity as**  
103 **approved by the board.**

104           **8. The board shall, upon request, waive any requirement of this chapter and**  
105 **issue a temporary funeral director's license, valid for six months, to the surviving spouse**  
106 **or next of kin or the personal representative of a licensed funeral director, or to the**  
107 **spouse, next of kin, employee, or conservator of a licensed funeral director disabled**  
108 **because of sickness, mental incapacity, or injury.**

109           **9. For purposes of this section, the following terms mean:**

110           **(1) "Personal supervision", supervision in which a licensed funeral director shall**  
111 **be physically present during any arrangement conferences but shall not be required to**  
112 **be physically present at the location where the apprentice performs any other functions**  
113 **relating to the practice of funeral directing;**

114           **(2) "Qualifying apprenticeship", an apprenticeship in which the applicant**  
115 **devotes at least fifteen hours each week to his or her duties as an apprentice under the**  
116 **personal supervision of a funeral director licensed under this chapter in a funeral**  
117 **establishment licensed for the care and preparation for burial and transportation of the**  
118 **human dead.**

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