

FIRST REGULAR SESSION

HOUSE BILL NO. 834

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FARNAN.

1474H.011

JOSEPH ENGLER, 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Section A. Sections 333.041 and 333.042, RSMo, are repealed and two new sections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 **of education** accredited by the
7 American Board of Funeral Service Education, any successor organization, or other
8 accrediting entity as approved by the board shall register with the board as a practicum
9 student upon the form ~~[provided]~~ **approved** by the board. ~~[After such registration, a student
10 may assist, under the direct supervision of Missouri licensed embalmers and funeral directors,
11 in Missouri licensed funeral establishments, while serving his or her practicum.]~~ The form
12 for registration as a practicum student shall be accompanied by a fee in an amount established
13 by the board. **After a student's registration has been approved by the board, a practicum
14 student registrant may assist, under the direct supervision of an embalmer licensed
15 under this chapter, in an establishment licensed under this chapter. Practicum student
16 registrants shall not assist when not under such supervision. Each practicum student**

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.

17 **registrant is authorized to work only at the location or locations registered with the**
18 **board and under only those supervisors registered with the board.**

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

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

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

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

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

50 **4.] 2. Except as otherwise provided in this section, an applicant not entitled to an**
51 **embalmer's license under section 333.051 or 324.009 shall make application for such**
52 **license. Each applicant for an initial license to practice embalming shall furnish**
53 **evidence to establish to the satisfaction of the board that he or she:**

- 54 **(1) Is eighteen years of age or older;**
- 55 **(2) Possesses a high school diploma, a general equivalency diploma, or**
56 **equivalent thereof, as determined, at its discretion, by the board;**
- 57 **(3) Has completed a funeral service education program accredited by the**
58 **American Board of Funeral Service Education, any successor organization, or other**
59 **accrediting entity as approved by the board;**
- 60 **(4) Received passing scores on the National Board Examination-Sciences and the**
61 **Missouri law examination administered by the International Conference of Funeral**
62 **Service Examining Boards, any successor organization, or other organization approved**
63 **by the board; and**
- 64 **(5) Has been employed in a qualifying embalmer's apprentice program as**
65 **defined by the board for no less than six months and has personally embalmed at least**
66 **twenty-five dead human bodies under the supervision of an embalmer who is licensed**
67 **under this chapter. The first twelve of the embalmings shall be conducted under the**
68 **direct supervision of the licensed embalmer. For purposes of this subdivision, a**
69 **"qualifying embalmer's apprentice program" is a program in which the apprentice**
70 **completed the minimum number of hours required by the board and, as attested to by**
71 **the supervising licensed embalmer, obtained the minimal required skills to practice**
72 **embalming. For purposes of this subdivision, "direct supervision" shall mean**
73 **supervision in which the licensed embalmer is physically present with the apprentice**
74 **embalmer and the dead human body at the beginning of the embalming process and**
75 **available for consultation within one hour for the remainder of the embalming process.**
76 **The licensed embalmer shall inspect all bodies embalmed by the apprentice embalmer.**
- 77 **3. Upon written request to the board, any person licensed under this section**
78 **may, at his or her election, at any time, sit for the National Board Examination-Arts**
79 **administered by the International Conference of Funeral Service Examining Boards,**
80 **any successor organization, or other organization approved by the board if such person**
81 **has not previously passed such examination.**
- 82 **4. If the applicant does not complete the application process within the five years**
83 **after his or her completion of an approved program, then he or she must file a new application**
84 **and no fees paid previously shall apply toward the license fee.**
- 85 ~~5. [Examinations required by this section and section 333.042 shall be held at least~~
86 ~~twice a year at times and places fixed by the board. The board shall by rule and regulation~~
87 ~~prescribe the standard for successful completion of the examinations.~~
- 88 ~~6. Upon establishment of his or her qualifications as specified by this section or~~
89 ~~section 333.042, the board shall issue to the applicant a license to practice funeral directing or~~
90 ~~embalming, as the case may require, and shall register the applicant as a duly licensed funeral~~

91 ~~director or a duly licensed embalmer.]~~ Any person having the qualifications required by this
92 section and section 333.042 may be granted both a license to practice funeral directing and to
93 practice embalming.

94 ~~[7. The board shall, upon request, waive any requirement of this chapter and issue a~~
95 ~~temporary funeral director's license, valid for six months, to the surviving spouse or next of~~
96 ~~kin or the personal representative of a licensed funeral director, or to the spouse, next of kin,~~
97 ~~employee or conservator of a licensed funeral director disabled because of sickness, mental~~
98 ~~incapacity or injury.]~~

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.]~~
38 **Except as otherwise provided in this section, an applicant for a funeral director license**
39 **not entitled to a license under section 333.051 or 324.009 shall make application for an**
40 **initial license to practice funeral directing and shall furnish evidence to establish to the**
41 **satisfaction of the board that he or she:**

42 **(1) Is eighteen years of age or older;**

43 **(2) Possesses a high school diploma, a general equivalency diploma, or**
44 **equivalent thereof, as determined, at its discretion, by the board; and**

45 **(3) Has either:**

46 **(a) Completed a funeral service education program accredited by the American**
47 **Board of Funeral Service Education, any successor organization, or other accrediting**
48 **entity as approved by the board and received passing scores on the National Board**
49 **Examination-Arts and the Missouri law examination. The board may accept, in lieu of a**
50 **passing score on the National Board Examination-Arts, a passing score on an**
51 **administration of the Missouri arts examination that occurred before the**
52 **International Conference of Funeral Service Examining Boards ended all**
53 **administrations of the Missouri arts examination on January 1, 2023; or**

54 **(b) Made application for a funeral director provisional license and successfully**
55 **either:**

56 **a. Within twenty-four months of receipt of the provisional license:**

57 **(i) Completed a twelve-month qualifying funeral director apprentice program as**
58 **determined by the board during which the applicant arranged and conducted ten**
59 **funeral services. Such program shall be under the personal supervision of a funeral**
60 **director licensed under this chapter and in a Missouri funeral establishment licensed for**
61 **the care and preparation for burial and transportation of the human dead in this state;**
62 **and**

63 **(ii) Received passing scores on the National Board Examination-Arts and the**
64 **Missouri law examination. The board may accept, in lieu of a passing score on the**
65 **National Board Examination-Arts, a passing score on an administration of the Missouri**

66 arts examination that occurred before the International Conference of Funeral Service
67 Examining Boards ended all administrations of the Missouri arts examination on
68 January 1, 2023; or

69 b. Within thirty-six months of receipt of the provisional license:

70 (i) Completed an eighteen-month qualifying funeral director apprentice
71 program as determined by the board during which the applicant arranged and
72 conducted twenty-five funeral services. Such program shall be under the personal
73 supervision of a funeral director licensed under this chapter and in a Missouri funeral
74 establishment licensed for the care and preparation for burial and transportation of the
75 human dead in this state; and

76 (ii) Received a passing score on the Missouri law examination.

77 2. Any person holding a provisional license shall be eligible, upon written
78 request to the board, to sit for the National Board Examination-Arts and the Missouri
79 law examination at any time during the period in which his or her provisional license is
80 effective.

81 3. Any licensed funeral director who has not previously sat for the National
82 Board Examination-Arts may, at his or her election and upon written request to the
83 board, sit for the examination.

84 4. A person may apply for a limited license to work only in a funeral
85 establishment licensed for cremation. A person holding a limited funeral director
86 license may perform duties related to cremation. To qualify for a limited funeral
87 director license, an applicant shall be eighteen years of age or older and shall make
88 application with the board, pay applicable fees, and successfully complete the Missouri
89 law examination. Completion of a qualifying funeral director apprentice program shall
90 not be required to obtain a limited funeral director license.

91 5. The board shall, at its discretion and upon written request, waive individual
92 funeral director licensure requirements for up to six months if there is an absence of a
93 funeral director in charge due to the death or disability of the licensed funeral director
94 and there is no other licensed funeral director available to discharge the director's
95 duties. A waiver under this subsection shall allow the spouse, next of kin, personal
96 representative, or conservator of the absent director to conduct business until a licensed
97 funeral director can be obtained or business arrangements are made to close or sell the
98 establishment. The waiver shall not allow for any services to be provided for which
99 formal funeral service education is required.

100 6. As used in this section, the following terms mean:

101 (1) "Personal supervision", supervision in which the licensed funeral director
102 shall be physically present during any arrangement conferences and present for the first

103 **five funeral services conducted by the apprentice. The supervising licensed funeral**
104 **director shall not be required to be present when the apprentice performs any other**
105 **functions relating to the practice of funeral directing but shall be available within one**
106 **hour for consultation;**

107 **(2) "Qualifying funeral director apprentice program", a program that meets the**
108 **minimum hour requirements for funeral directing tasks as set by the board and in**
109 **which the supervising funeral director has attested that the apprentice has obtained the**
110 **minimal required skills to practice funeral directing.**

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