

FIRST REGULAR SESSION

SENATE BILL NO. 340

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WASSON.

Read 1st time February 24, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

1674S.021

AN ACT

To repeal sections 333.041, 333.042, 333.051, 333.061, and 333.091, RSMo, and to enact in lieu thereof five new sections relating to licensing by the board of embalmers and funeral directors.

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

Section A. Sections 333.041, 333.042, 333.051, 333.061, and 333.091, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 333.041, 333.042, 333.051, 333.061, and 333.091, to read as follows:

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

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

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

(3)] A person of good moral character.

2. Every person desiring to enter the profession of embalming dead human bodies within the state of Missouri and who is enrolled in [an] **a program accredited [institution of mortuary science education] by the American Board of Funeral Service Education, any successor organization, or other accrediting entity as approved by the board**, shall register with the board as a practicum student upon the form provided by the board. After such

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

18 registration, a student may assist, under the direct supervision of Missouri
19 licensed embalmers and funeral directors, in Missouri licensed funeral
20 establishments, while serving his or her practicum [for the accredited institution
21 of mortuary science education]. The form for registration as a practicum student
22 shall be accompanied by a fee in an amount established by the board.

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

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

28 (2) [Is either a citizen or bona fide resident of the state of Missouri or
29 entitled to a license pursuant to section 333.051, or a resident in a county
30 contiguous and adjacent to the state of Missouri who is employed by a funeral
31 establishment located within the state of Missouri, to practice embalming upon
32 the grant of a license to do so;

33 (3)] Is a person of good moral character;

34 [(4)] (3) Has [graduated from an institute of mortuary science education]
35 **completed a funeral service education program** accredited by the American
36 Board of Funeral Service Education, [or] any successor organization [recognized
37 by the United States Department of Education, for funeral service education], **or**
38 **other accrediting entity as approved by the board.** If an applicant does
39 not [appear for the final examination before the board] **complete all**
40 **requirements for licensure** within five years from the date of his or her
41 [graduation from] **completion of** an accredited [institution of mortuary science
42 education] **program**, his or her registration as [a student] **an apprentice**
43 **embalmer shall be automatically canceled. The applicant shall be required**
44 **to file a new application and pay applicable fees. No previous**
45 **apprenticeship shall be considered for the new application;**

46 [(5)] (4) Upon due examination administered by the board, is possessed
47 of a knowledge of the subjects of embalming, anatomy, pathology, bacteriology,
48 mortuary administration, chemistry, restorative art, together with statutes, rules
49 and regulations governing the care, custody, shelter and disposition of dead
50 human bodies and the transportation thereof or has passed the national board
51 examination of the Conference of Funeral Service Examining Boards. If any
52 applicant fails to pass the state examination, he or she may retake the
53 examination at the next regular examination meeting. The applicant shall notify

54 the board office of his or her desire to retake the examination at least thirty days
55 prior to the date of the examination. Each time the examination is retaken, the
56 applicant shall pay a new examination fee in an amount established by the board;

57 ~~[(6)]~~ **(5)** Has been employed full time in funeral service in a licensed
58 funeral establishment and has personally embalmed at least twenty-five dead
59 human bodies under the personal supervision of an embalmer who holds a
60 current and valid Missouri embalmer's license or an embalmer who holds a
61 current and valid embalmer's license in a state with which the Missouri board
62 has entered into a reciprocity agreement during an apprenticeship of not less
63 than twelve consecutive months. "Personal supervision" means that the licensed
64 embalmer shall be physically present during the entire embalming process in the
65 first six months of the apprenticeship period and physically present at the
66 beginning of the embalming process and available for consultation and personal
67 inspection within a period of not more than one hour in the remaining six months
68 of the apprenticeship period. All transcripts and other records filed with the
69 board shall become a part of the board files.

70 4. If the applicant does not ~~[appear for oral examination]~~ **complete the**
71 **application process** within the five years after his or her ~~[graduation from an~~
72 ~~accredited institution of mortuary science education]~~ **completion of an**
73 **approved program**, then he or she must file a new application and no fees paid
74 previously shall apply toward the license fee.

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

79 6. Upon establishment of his or her qualifications as specified by this
80 section or section 333.042, the board shall issue to the applicant a license to
81 practice funeral directing or embalming, as the case may require, and shall
82 register the applicant as a duly licensed funeral director or a duly licensed
83 embalmer. Any person having the qualifications required by this section and
84 section 333.042 may be granted both a license to practice funeral directing and
85 to practice embalming.

86 7. The board shall, upon request, waive any requirement of this chapter
87 and issue a temporary funeral director's license, valid for six months, to the
88 surviving spouse or next of kin or the personal representative of a licensed
89 funeral director, or to the spouse, next of kin, employee or conservator of a

90 licensed funeral director disabled because of sickness, mental incapacity or injury.

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

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

32 3. If an individual is a Missouri licensed embalmer or has [graduated
33 from an institute of mortuary science education] **completed a program**
34 accredited by the American Board of Funeral Service Education [or], any
35 successor organization [recognized by the United States Department of Education

36 for funeral service education], **or other accrediting entity as approved by**
37 **the board** or has successfully completed a course of study in funeral directing
38 offered by [a college] **an institution** accredited by a recognized national, regional
39 or state accrediting body and approved by the state board of embalmers and
40 funeral directors, and desires to enter the profession of funeral directing in this
41 state, the individual shall comply with all the requirements for licensure as a
42 funeral director pursuant to subsection 1 of section 333.041 and subsection 1 of
43 this section; however, the individual is exempt from the twelve-month
44 apprenticeship required by subsection 1 of this section.

333.051. 1. Any [nonresident] individual holding a valid, unrevoked and
2 unexpired license as a funeral director or embalmer in the state of his **or her**
3 residence may be granted a license to practice funeral directing or embalming in
4 this state on application to the board and on providing the board with such
5 evidence as to his **or her** qualifications as is required by the board. [No license
6 shall be granted to a nonresident applicant except one who resides in a county
7 contiguous and adjacent to the state of Missouri and who is regularly engaged in
8 the practice of funeral directing or embalming, as defined by this chapter, at
9 funeral establishments within this state or in an establishment located in a
10 county contiguous and adjacent to the state of Missouri, unless the law of the
11 state of the applicant's residence authorizes the granting of licenses to practice
12 funeral directing in such state to persons licensed as funeral directors under the
13 law of the state of Missouri.]

14 2. Any individual holding a valid, unrevoked and unexpired license as an
15 embalmer or funeral director in another state having requirements substantially
16 similar to those existing in this state [who is or intends to become a resident of
17 this state] may apply for a license to practice in this state by filing with the board
18 a certified statement from the examining board of the state or territory in which
19 the applicant holds his **or her** license showing the grade rating upon which [his]
20 **the** license was granted, together with a recommendation, and the board shall
21 grant the applicant a license upon his **or her** successful completion of an
22 examination over Missouri laws as required in section 333.041 or section 333.042
23 if the board finds that the applicant's qualifications meet the requirements for
24 funeral directors or embalmers in this state at the time the applicant was
25 originally licensed in the other state.

26 3. A person holding a valid, unrevoked and unexpired license to practice
27 funeral directing or embalming in another state or territory with requirements

28 less than those of this state may, after five consecutive years of active experience
29 as a licensed funeral director or embalmer in that state, apply for a license to
30 practice in this state after passing a test to prove his **or her** proficiency,
31 including but not limited to a knowledge of the laws and regulations of this state
32 as to funeral directing and embalming.

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

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

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

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

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

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

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

23 3. The board shall grant or deny each application for a license pursuant
24 to this section within thirty days after it is filed. The applicant may request in
25 writing up to two thirty-day extensions of the application, provided the request
26 for an extension is received by the board prior to the expiration of the thirty-day
27 application or extension period.

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

31 5. The board may refuse to renew or may suspend or revoke any license

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

333.091. [Each establishment, funeral director or embalmer receiving a
2 license under this chapter shall have recorded in the office of the local registrar
3 of vital statistics of the registration district in which the licensee practices.] All
4 licenses or registrations, or duplicates thereof, issued pursuant to this chapter
5 shall be displayed at each place of business.

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Bill

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