

SECOND REGULAR SESSION

HOUSE BILL NO. 1663

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BEHNEN.

Read 1st time February 2, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4806L.011

AN ACT

To repeal sections 333.041, 333.042, and 333.061, RSMo, and to enact in lieu thereof three new sections relating to licensing 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Section A. Sections 333.041, 333.042, and 333.061, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 333.041, 333.042, and 333.061, to read as follows: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 or equivalent thereof;

(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 accredited institution of mortuary science education shall register with the board as a practicum student upon the form provided by the board. After such registration, a student may assist, under the direct supervision of Missouri licensed embalmers and funeral directors, in Missouri licensed funeral establishments, while

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.

15 serving his or her practicum for the accredited institution of mortuary science education. The
16 form for registration as a practicum student shall be accompanied by a fee in an amount
17 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 pursuant to section 333.051, or a resident in a county contiguous and adjacent to the state of
24 Missouri who is employed by a funeral establishment located within the state of Missouri, to
25 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
55 or her graduation from an accredited institution of mortuary science education, then he or she
56 must 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.] 5. Upon establishment of his or her qualifications as specified by this section or
61 section 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.] 6. The board shall, upon request, waive any requirement of this chapter and issue
67 a 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 pursuant to section
4 333.051 shall serve an apprenticeship for at least twelve months in a funeral establishment
5 licensed for the care and preparation for burial and transportation of the human dead in this state
6 or in another state which has established standards for admission to practice funeral directing
7 equal to, or more stringent than, the requirements for admission to practice funeral directing in
8 this state. The applicant shall devote at least fifteen hours per week to his or her duties as an
9 apprentice under the supervision of a Missouri licensed funeral director. Such applicant shall
10 submit proof to the board, on forms provided by the board, that the applicant has arranged and
11 conducted ten funeral services during the applicant's apprenticeship under the supervision of a
12 Missouri licensed funeral director. Upon completion of the apprenticeship, the applicant shall
13 appear before the board to be tested on the applicant's legal and practical knowledge of funeral
14 directing, funeral home licensing, preneed funeral contracts and the care, custody, shelter,
15 disposition and transportation of dead human bodies. Upon acceptance of the application and

16 fees by the board, an applicant shall have twenty-four months to successfully complete the
17 requirements for licensure found in this section or the application for licensure shall be canceled.

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

26 3.] If an individual is a Missouri licensed embalmer or has graduated from an institute
27 of mortuary science education accredited by the American Board of Funeral Service Education
28 or any successor organization recognized by the United States Department of Education for
29 funeral service education, or has successfully completed a course of study in funeral directing
30 offered by a college accredited by a recognized national, regional or state accrediting body and
31 approved by the state board of embalmers and funeral directors, and desires to enter the
32 profession of funeral directing in this state, the individual shall comply with all the requirements
33 for licensure as a funeral director pursuant to subsection 1 of section 333.041 and subsection 1
34 of this section; however, the individual is exempt from the twelve-month apprenticeship required
35 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 and senior services for the prevention of the spread of contagious,
13 infectious or 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 log shall contain** the name of each body embalmed, place, if other than

17 at the establishment, the date and time that the embalming took place, the name and signature
18 of the embalmer and the 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 pursuant to this section
22 within thirty days after it is filed. The applicant may request in writing up to two thirty-day
23 extensions of the application, provided the request for an extension is received by the board prior
24 to the expiration of the thirty-day application or extension period.

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

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

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