

FIRST REGULAR SESSION

HOUSE BILL NO. 668

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES MEADOWS (Sponsor), BRANDOM, LICHTENEGGER, ZERR,
WELLS, KRATKY, SIFTON, FALLERT, HODGES, HARRIS, SCHIEFFER,
SHIVELY AND LONG (Co-sponsors).

1686L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 333.041, 333.042, 333.061, and 333.091, RSMo, and to enact in lieu thereof
four new sections relating to funeral directors.

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

Section A. Sections 333.041, 333.042, 333.061, and 333.091, RSMo, are repealed and
2 four new sections enacted in lieu thereof, to be known as sections 333.041, 333.042, 333.061,
3 and 333.091, 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:

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

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

9 (3)] A person of good moral character.

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

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

19 3. Each applicant for a license to practice embalming shall furnish evidence to establish
20 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 by the board in its discretion**;

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

27 (3) Is a person of good moral character;

28 [(4)] (3) Has [graduated from an institute of mortuary science education] **completed a**
29 **funeral service education program** accredited by the American Board of Funeral Service
30 Education, or any successor organization [recognized by the United States Department of
31 Education, for funeral service education] **or other accrediting entity as approved by the**
32 **board**. If an applicant does not appear for the final examination before the board within five
33 years from the date of his or her [graduation] **completion** from an accredited [institution of
34 mortuary science education] **program**, his or her registration as [a student] **an apprentice**
35 **embalmer shall be automatically canceled. The applicant shall be required to file a new**
36 **application and pay applicable fees. No previous apprenticeship shall be considered for**
37 **the new application**;

38 [(5)] (4) Upon due examination administered by the board, is possessed of a knowledge
39 of the subjects of embalming, anatomy, pathology, bacteriology, mortuary administration,
40 chemistry, restorative art, together with statutes, rules and regulations governing the care,
41 custody, shelter and disposition of dead human bodies and the transportation thereof or has
42 passed the national board examination of the Conference of Funeral Service Examining Boards.
43 If any applicant fails to pass the state examination, he or she may retake the examination at the
44 next regular examination meeting. The applicant shall notify the board office of his or her desire
45 to retake the examination at least thirty days prior to the date of the examination. Each time the
46 examination is retaken, the applicant shall pay a new examination fee in an amount established
47 by the board;

48 [(6)] (5) Has been employed full time in funeral service in a licensed funeral
49 establishment and has personally embalmed at least twenty-five dead human bodies under the
50 personal supervision of an embalmer who holds a current and valid Missouri embalmer's license

51 or an embalmer who holds a current and valid embalmer's license in a state with which the
52 Missouri board has entered into a reciprocity agreement during an apprenticeship of not less than
53 twelve consecutive months. "Personal supervision" means that the licensed embalmer shall be
54 physically present during the entire embalming process in the first six months of the
55 apprenticeship period and physically present at the beginning of the embalming process and
56 available for consultation and personal inspection within a period of not more than one hour in
57 the remaining six months of the apprenticeship period. All transcripts and other records filed
58 with the board shall become a part of the board files.

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

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

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

72 7. The board shall, upon request, waive any requirement of this chapter and issue a
73 temporary funeral director's license, valid for six months, to the surviving spouse or next of kin
74 or the personal representative of a licensed funeral director, or to the spouse, next of kin,
75 employee or conservator of a licensed funeral director disabled because of sickness, mental
76 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 **consecutive** months in a funeral
5 establishment licensed for the care and preparation for burial and transportation of the human
6 dead in this state or in another state which has established standards for admission to practice
7 funeral directing equal to, or more stringent than, the requirements for admission to practice
8 funeral directing in this state. The applicant shall devote at least fifteen hours per week to his
9 or her duties as an apprentice under the supervision of a Missouri licensed funeral director. Such
10 applicant shall submit proof to the board, on forms provided by the board, that the applicant has

11 arranged and conducted ten funeral services during the applicant's apprenticeship under the
12 supervision of a Missouri licensed funeral director. Upon completion of the apprenticeship, the
13 applicant shall appear before the board to be tested on the applicant's legal and practical
14 knowledge of funeral directing, funeral home licensing, preneed funeral contracts and the care,
15 custody, shelter, disposition and transportation of dead human bodies. Upon acceptance of the
16 application and fees by the board, an applicant shall have twenty-four months to successfully
17 complete the requirements for licensure found in this section or the application for licensure shall
18 be canceled.

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

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

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.

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