

FIRST REGULAR SESSION

HOUSE BILL NO. 1349

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PORTER.

2579H.021

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 333.041, 333.042, 333.061, 333.081, and 333.315, RSMo, and to enact in lieu thereof five 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Section A. Sections 333.041, 333.042, 333.061, 333.081, and 333.315, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 333.041, 333.042, 333.061, 333.081, and 333.315, to read as follows: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 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.~~

2. ~~Every person desiring to enter the profession of embalming dead human bodies within the state of Missouri and who is enrolled in a program accredited 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 registration, a student may assist, under the direct supervision of Missouri licensed embalmers and funeral directors, in Missouri licensed funeral establishments, while serving his or her practicum. The form for registration as a practicum student shall be accompanied by a fee in an amount established by the board.~~

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

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.

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**

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. [If
21 an applicant does not complete all requirements for licensure within five years from the date of
22 his or her completion of an accredited program, his or her registration as an apprentice embalmer
23 shall be automatically cancelled. The applicant shall be required to file a new application and
24 pay applicable fees. No previous apprenticeship shall be considered for the new application;

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

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

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

47 ~~————5. Examinations required by this section and section 333.042 shall be held at least twice
48 a year at times and places fixed by the board. The board shall by rule and regulation prescribe
49 the standard for successful completion of the examinations.]~~

50 **2. After a student's application has been approved by the board, student licensees**
51 **who are enrolled in a funeral service education program may assist, under the direct**

52 supervision of an embalmer or funeral director licensed under this chapter, in an
53 establishment licensed for embalming under this chapter. Student licensees shall not assist
54 when not under such supervision.

55 **3. In order to be eligible for full licensure under subsection 6 of this section, a**
56 **student licensee shall, after completing a funeral service education program accredited by**
57 **the American Board of Funeral Service Education, any successor organization, or other**
58 **accrediting entity as approved by the board, demonstrate that he or she has completed an**
59 **apprenticeship of no less than six months and has personally embalmed at least twenty-five**
60 **dead human bodies under the personal supervision of an embalmer who is licensed under**
61 **this chapter.**

62 **4. In order to be eligible for full licensure under subsection 6 of this section, a**
63 **student licensee shall pass the National Board or State Board Arts examination, National**
64 **Board Science examination, and the Missouri law examination.**

65 **5. A student licensee shall have five years to complete the requirements for full**
66 **licensure under subsection 6 of this section. If the student fails to complete the**
67 **requirements within such period, the student's application for licensure shall be cancelled.**
68 **If the application is cancelled, the student shall be required to file a new application and**
69 **pay applicable fees. No previous apprenticeship shall be considered for the new**
70 **application. If the student licensee completes the requirements of this section within five**
71 **years, the student licensee may apply for an embalmer license by completing the**
72 **appropriate application.**

73 **6. Upon establishment of his or her qualifications as specified by this section or section**
74 **333.042, the board shall issue to the applicant a license to practice funeral directing or**
75 **embalming, as the case may require, and shall register the applicant as a duly licensed funeral**
76 **director or a duly licensed embalmer. Any person having the qualifications required by this**
77 **section and section 333.042 may be granted both a license to practice funeral directing and to**
78 **practice embalming.**

79 **7. The board shall, upon request, waive any requirement of this chapter and issue a**
80 **temporary funeral director's license, valid for six months, to the surviving spouse or next of kin**
81 **or the personal representative of a licensed funeral director, or to the spouse, next of kin,**
82 **employee or conservator of a licensed funeral director disabled because of sickness, mental**
83 **incapacity or injury. No student licensee or embalmer licensed under this chapter shall be**
84 **required to sign a death certificate as the embalmer of the body for any body that they**
85 **have embalmed. This provision does not relieve a person who holds both an embalmer and**
86 **funeral director's license from signing the death certificate as the funeral director in charge**
87 **if otherwise required to do so.**

333.042. 1. Every person desiring to engage in the practice of funeral directing as
2 an apprentice in this state shall obtain a provisional funeral director license from the
3 board. To apply for a provisional license, the applicant shall make application with the
4 state board of embalmers and funeral directors and pay the current application fees and
5 furnish evidence to establish to the satisfaction of the board that he or she:

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

7 (2) Is working as an apprentice funeral director under personal supervision of a
8 funeral director licensed under this chapter.

9
10 The applicant shall provide to the board the name and license number of the funeral
11 director performing his or her supervision and the location where the applicant will
12 practice.

13 2. An applicant for a provisional funeral director license under subsection 1 of this
14 section shall have twenty-four months to complete the requirements for licensure under
15 this section. If the applicant fails to complete the requirements within such period, the
16 student's application for licensure shall be cancelled. If the application is cancelled, the
17 applicant shall be required to file a new application and pay applicable fees. No previous
18 apprenticeship shall be considered for the new application.

19 3. Every person desiring to enter the profession of funeral directing in this state shall
20 make application with the state board of embalmers and funeral directors, [and] pay the current
21 application [and examination] fees, [~~Except as otherwise provided in section 41.950, applicants~~
22 ~~not entitled to a license pursuant to section 333.051 or 324.009 shall serve an apprenticeship for~~
23 ~~at least twelve consecutive months in a funeral establishment licensed for the care and~~
24 ~~preparation for burial and transportation of the human dead in this state or in another state which~~
25 ~~has established standards for admission to practice funeral directing equal to, or more stringent~~
26 ~~than, the requirements for admission to practice funeral directing in this state. The applicant~~
27 ~~shall devote at least fifteen hours per week to his or her duties as an apprentice under the~~
28 ~~supervision of a Missouri licensed funeral director. Such applicant shall submit proof to the~~
29 ~~board, on forms provided by the board, that the applicant has arranged and conducted ten funeral~~
30 ~~services during the applicant's apprenticeship under the supervision of a Missouri licensed~~
31 ~~funeral director. Upon completion of the apprenticeship, the applicant shall appear before the~~
32 ~~board to be tested on the applicant's legal and practical knowledge of funeral directing, funeral~~
33 ~~home licensing, preneed funeral contracts and the care, custody, shelter, disposition and~~
34 ~~transportation of dead human bodies. Upon acceptance of the application and fees by the board,~~
35 ~~an applicant shall have twenty-four months to successfully complete the requirements for~~
36 ~~licensure found in this section or the application for licensure shall be cancelled.~~

37 ~~2. If a person applies for a limited license to work only in a funeral establishment which~~
38 ~~is licensed only for cremation, including transportation of dead human bodies to and from the~~
39 ~~funeral establishment, he or she shall make application, pay the current application and~~
40 ~~examination fee and successfully complete the Missouri law examination. He or she shall be~~
41 ~~exempt from the twelve-month apprenticeship required by subsection 1 of this section and the~~
42 ~~practical examination before the board. If a person has a limited license issued pursuant to this~~
43 ~~subsection, he or she may obtain a full funeral director's license if he or she fulfills the~~
44 ~~apprenticeship and successfully completes the funeral director practical examination.~~

45 ~~3. If an individual is a Missouri licensed embalmer or has completed a program~~
46 ~~accredited by the American Board of Funeral Service Education, any successor organization, or~~
47 ~~other accrediting entity as approved by the board or has successfully completed a course of study~~
48 ~~in funeral directing offered by an institution accredited by a recognized national, regional or state~~
49 ~~accrediting body and approved by the state board of embalmers and funeral directors, and desires~~
50 ~~to enter the profession of funeral directing in this state, the individual shall comply with all the~~
51 ~~requirements for licensure as a funeral director pursuant to subsection 1 of section 333.041 and~~
52 ~~subsection 1 of this section; however, the individual is exempt from the twelve-month~~
53 ~~apprenticeship required by subsection 1 of this section] and furnish evidence to establish to~~
54 ~~the satisfaction of the board that he or she:~~

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

57 **(2) Has successfully completed:**

58 **(a) A program accredited by the American Board of Funeral Service Education,**
59 **any successor organization, or other accrediting entity as approved by the board;**

60 **(b) A course of study in funeral directing offered by an institution accredited by a**
61 **recognized national, regional, or state accrediting body and approved by the state board**
62 **of embalmers or funeral directors; or**

63 **(c) A qualifying apprenticeship for at least twelve months; and**

64 **(3) Has passed the National Board or State Board Arts examination and the**
65 **Missouri law examination.**

66

67 **For purposes of this subsection, a qualifying apprenticeship means one in which the**
68 **applicant devoted at least fifteen hours per week to his or her duties as an apprentice under**
69 **the personal supervision of a funeral director licensed under this chapter in a funeral**
70 **establishment licensed for the care and preparation for burial and transportation of the**
71 **human dead under this chapter. Personal supervision means that the licensed funeral**
72 **director shall be physically present during any arrangement conferences, but such person**

73 shall not be required to be present in the building when the apprentice performs any other
74 functions relating to the practice of funeral directing. In order for an apprenticeship to
75 qualify under this subsection, applicants shall arrange and conduct at least ten funeral
76 services under the supervision of a funeral director licensed under this chapter and present
77 proof of such performance to the board on forms provided by the board.

78 4. Every person desiring to obtain a funeral director limited license in this state
79 shall make application with the state board of embalmers and funeral directors and pay
80 the current application fees and furnish evidence to establish to the satisfaction of the
81 board that he or she:

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

83 (2) Has successfully completed the Missouri law examination.

84 5. A person holding a funeral director limited license shall not be authorized to
85 practice funeral directing in the state, except as follows:

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

88 (2) He or she may perform cremations and duties relating to cremations.

89 6. If a person has a funeral director limited license issued under this section, he or
90 she may obtain a full funeral director's license by fulfilling the apprenticeship
91 requirements of subsection 3 of this section or by successfully completing a program
92 accredited by the American Board of Funeral Service Education, any successor
93 organization, or other accrediting entity as approved by the board and successfully
94 completing the National Board or State Board Arts examination.

333.061. 1. No funeral establishment shall be operated in this state unless the owner or
2 operator thereof has a **funeral establishment** 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 a register book or log which shall be available
15 at all times for the board's inspector and that shall contain:

16 (a) The name of each body that has been in the establishment;

17 (b) The date the body arrived at the establishment;

18 (c) If applicable, the place of embalming, if known; and

19 (d) If the body was embalmed at the establishment, the date and time that the embalming
20 took place, and the name, signature, and license number of the embalmer; and

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

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

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

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

38 **6. Beginning November 1, 2021, each funeral establishment licensed by the board**
39 **under this section to make funeral arrangements shall also be a licensed provider for**
40 **preneed funeral contracts under section 333.315 unless a licensee provides written**
41 **notification to the board that the licensee does not want to be a provider for preneed**
42 **funeral contracts. No separate application or renewal of the preneed provider license shall**
43 **be necessary so long as the funeral establishment license is current and active and that, as**
44 **part of the application or renewal of the funeral establishment license, the licensee provides**
45 **the name and address of the custodian of records responsible for maintaining the books**
46 **and records of the licensee relating to preneed contracts and the names and addresses of**
47 **each seller authorized by the licensee to sell preneed contracts in which the licensee is**
48 **designated or obligated as the provider. A licensee that has notified the board that it does**
49 **not want to be a provider for preneed funeral contracts may rescind that notification in a**

50 **writing to the board that includes the custodian of records responsible for maintaining the**
51 **books and records of the licensee relating to preneed contracts and the names and**
52 **addresses of each seller authorized by the licensee to sell preneed contracts in which the**
53 **licensee is designated or obligated as the provider.**

333.081. 1. Each license issued to a funeral director, ~~or~~ embalmer, **or funeral**
2 **establishment** pursuant to this chapter shall expire unless renewed on or before the renewal date.
3 The board may, however, provide for the renewal of licenses held by individuals who are not
4 actively engaged in practice and who are over sixty-five years of age without fee. The board
5 shall renew any such license upon due application for renewal and upon the payment of the
6 renewal fee, except that no license shall expire during the period when the holder thereof is
7 actively engaged in the military service of the United States. Any licensee exempted from the
8 renewal of his or her license because of military service shall, before beginning practice in this
9 state after leaving military service, apply for and pay the renewal fee for the current licensing
10 period.

11 2. When renewing a funeral director's or embalmer's license the licensee shall specify
12 the address of the funeral establishment at which he or she is practicing or proposes to practice
13 and shall notify the board of any termination of his or her connection therewith. The licensee
14 shall notify the board of any new employment or connection with a funeral establishment of a
15 permanent nature. If the licensee is not employed at or connected with a funeral establishment
16 he shall notify the board of his or her permanent address.

17 3. The holder of an expired license shall be issued a new license by the board within two
18 years of the renewal date after he or she has paid delinquent renewal fees. Any license not
19 renewed within two years shall be void.

20 4. Failure of the licensee to receive the renewal notice shall not relieve the licensee of
21 the duty to pay the renewal fee and renew his or her license.

333.315. 1. No person shall be designated as a provider or agree to perform the
2 obligations of a provider under a preneed contract unless, at the time of such agreement or
3 designation, such person is licensed as a preneed provider by the board. Nothing in this section
4 shall exempt any person from meeting the licensure requirements for a funeral establishment as
5 provided in this chapter.

6 2. An applicant for a preneed provider license shall:

7 (1) File an application on a form established by the board and pay an application fee in
8 an amount established by the board by rule;

9 (2) Be authorized and registered with the Missouri secretary of state to conduct business
10 in Missouri;

11 (3) Identify the name and address of a custodian of records responsible for maintaining
12 the books and records of the provider relating to preneed contracts;

13 (4) Identify the name and address of each seller authorized by the provider to sell
14 preneed contracts in which the provider is designated or obligated as the provider;

15 (5) File with the state board a written consent authorizing the state board to inspect or
16 order an investigation, examination, or audit of the provider's books and records which contain
17 information concerning preneed contracts sold for or on behalf of a seller or in which the
18 applicant is named as a provider; and

19 (6) If the applicant is a corporation, each officer, director, manager, or controlling
20 shareholder shall be eligible for licensure if they were applying for licensure as an individual.

21

22 **Funeral establishments licensed under section 333.031 shall be exempt from the**
23 **requirements of this subsection.**

24 3. Each preneed provider shall apply to renew his or her license on or before October
25 thirty-first of each year or a date established by the division of professional registration pursuant
26 to section 324.001. A license which has not been renewed prior to the renewal date shall expire.
27 Applicants for renewal shall:

28 (1) File an application for renewal on a form established by the board by rule;

29 (2) Pay a renewal fee in an amount established by the board by rule, however no renewal
30 fee shall be required for any funeral establishment whose Missouri license is current and active;

31 (3) Be authorized and registered with the Missouri secretary of state to conduct business
32 in Missouri;

33 (4) File an annual report with the state board which shall contain:

34 (a) The name and address of a custodian of records responsible for maintaining the books
35 and records of the provider relating to preneed contracts;

36 (b) The business name or names used by the provider and all addresses from which it
37 engages in the practice of its business;

38 (c) The name and address of each seller with whom it has entered into a written
39 agreement since last filing an annual report with the board authorizing the seller to designate or
40 obligate the licensee as the provider in a preneed contract; and

41 (d) Any information required by any other applicable statute or regulation enacted
42 pursuant to state or federal law.

43 4. A license which has not been renewed as provided by this section shall expire. A
44 licensee who fails to apply for renewal may apply for reinstatement within two years of the
45 renewal date by satisfying the requirements of subsection 3 of this section and paying a
46 delinquent fee as established by the board by rule.

47 **5. A preneed provider license held by a licensed funeral establishment shall**
48 **automatically renew with the renewal of the funeral establishment license.**

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