

SECOND REGULAR SESSION

HOUSE BILL NO. 1491

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PORTER.

3830H.011

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Section A. Sections 333.041, 333.042, 333.061, 333.081, and 333.315, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 333.041, 333.042, 333.061, 333.081, and 333.315, to read as follows: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.
21 ~~[If an applicant does not complete all requirements for licensure within five years from the~~
22 ~~date of his or her completion of an accredited program, his or her registration as an apprentice~~
23 ~~embalmer shall be automatically cancelled. The applicant shall be required to file a new~~
24 ~~application and pay applicable fees. No previous apprenticeship shall be considered for the~~
25 ~~new application;~~

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

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

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

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

52 **2. After a student's application has been approved by the board, student**
53 **licensees who are enrolled in a funeral service education program may assist, under the**
54 **direct supervision of an embalmer or funeral director licensed under this chapter, in an**
55 **establishment licensed for embalming under this chapter. Student licensees shall not**
56 **assist when not under such supervision.**

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

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

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

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

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

88 **embalmer and funeral director's license from signing the death certificate as the funeral**
89 **director in charge if otherwise required to do so.**

333.042. 1. Every person desiring to engage in the practice of funeral directing
2 as 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, 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) Will work 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 who will perform his or her supervision and the location where the applicant
12 will practice.

13 2. An applicant for a provisional funeral director license under subsection 1 of
14 this section shall have twenty-four months to complete the requirements for licensure
15 under this section. If the applicant fails to complete the requirements within such
16 period, the application for licensure shall be cancelled. If the application is cancelled,
17 the applicant shall be required to file a new application and pay applicable fees. No
18 previous 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
21 current application [and examination] fees[. Except as otherwise provided in section 41.950,
22 applicants not entitled to a license pursuant to section 333.051 or 324.009 shall serve an
23 apprenticeship for at least twelve consecutive months in a funeral establishment licensed for
24 the care and preparation for burial and transportation of the human dead in this state or in
25 another state which has established standards for admission to practice funeral directing equal
26 to, or more stringent than, the requirements for admission to practice funeral directing in this
27 state. The applicant shall devote at least fifteen hours per week to his or her duties as an
28 apprentice under the supervision of a Missouri licensed funeral director. Such applicant shall
29 submit proof to the board, on forms provided by the board, that the applicant has arranged and
30 conducted ten funeral services during the applicant's apprenticeship under the supervision of a
31 Missouri licensed funeral director. Upon completion of the apprenticeship, the applicant shall
32 appear before the board to be tested on the applicant's legal and practical knowledge of
33 funeral directing, funeral home licensing, preneed funeral contracts and the care, custody,
34 shelter, disposition and transportation of dead human bodies. Upon acceptance of the
35 application and fees by the board, an applicant shall have twenty-four months to successfully

36 ~~complete the requirements for licensure found in this section or the application for licensure~~
37 ~~shall be cancelled.~~

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

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

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

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

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

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

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

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

69

70 **For purposes of this subsection, a qualifying apprenticeship is one in which the**
71 **applicant devoted at least fifteen hours per week to his or her duties as an apprentice**
72 **under the personal supervision of a funeral director licensed under this chapter in a**

73 **funeral establishment licensed for the care and preparation for burial and**
74 **transportation of the human dead under this chapter. "Personal supervision" means**
75 **that the licensed funeral director shall be physically present during any arrangement**
76 **conferences, but such person shall not be required to be present in the building when the**
77 **apprentice performs any other functions relating to the practice of funeral directing. In**
78 **order for an apprenticeship to qualify under this subsection, applicants shall arrange**
79 **and conduct at least ten funeral services under the supervision of a funeral director**
80 **licensed under this chapter and present proof of such performance to the board on**
81 **forms provided by the board.**

82 **4. Every person desiring to obtain a funeral director limited license in this state**
83 **shall make application with the state board of embalmers and funeral directors, pay the**
84 **current application fees, and furnish evidence to establish to the satisfaction of the**
85 **board that he or she:**

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

87 **(2) Has successfully completed the Missouri law examination.**

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

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

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

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

333.061. 1. No funeral establishment shall be operated in this state unless the owner
2 or 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,
4 if the board finds:

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

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

9 (3) That any place in the funeral establishment where embalming is conducted
10 contains a preparation room with a sanitary floor, walls and ceiling, and adequate sanitary

11 drainage and disposal facilities including running water, and complies with the sanitary
12 standard prescribed by the department of health and senior services for the prevention of the
13 spread of contagious, infectious or communicable diseases;

14 (4) Each funeral establishment shall have a register book or log which shall be
15 available 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
20 embalming 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
26 prior 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
28 of 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
31 pursuant to this section if it finds, after hearing, that the funeral establishment does not meet
32 any of the requirements set forth in this section as conditions for the issuance of a license, or
33 for the violation by the owner of the funeral establishment of any of the provisions of section
34 333.121. No new license shall be issued to the owner of a funeral establishment or to any
35 corporation controlled by such owner for three years after the revocation of the license of the
36 owner or of a corporation controlled by the owner. Before any action is taken pursuant to this
37 subsection the procedure for notice and hearing as prescribed by section 333.121 shall be
38 followed.

39 **6. Beginning November 1, 2022, each funeral establishment licensed by the**
40 **board under this section to make funeral arrangements shall also be a licensed provider**
41 **for preneed funeral contracts under section 333.315 unless a licensee provides written**
42 **notification to the board that the licensee does not want to be a provider for preneed**
43 **funeral contracts. No separate application or renewal of the preneed provider license**
44 **shall be necessary so long as the funeral establishment license is current and active and**
45 **that, as part of the application or renewal of the funeral establishment license, the**
46 **licensee provides the name and address of the custodian of records responsible for**
47 **maintaining the books and records of the licensee relating to preneed contracts and the**

48 **names and addresses of each seller authorized by the licensee to sell preneed contracts in**
49 **which the licensee is designated or obligated as the provider. A licensee that has notified**
50 **the board that it does not want to be a provider for preneed funeral contracts may**
51 **rescind that notification in a writing to the board that includes the custodian of records**
52 **responsible for maintaining the books and records of the licensee relating to preneed**
53 **contracts and the names and addresses of each seller authorized by the licensee to sell**
54 **preneed contracts in which the licensee is designated or obligated as the provider.**

333.081. 1. Each license issued to a funeral director [øf], embalmer, or funeral
2 **establishment** pursuant to this chapter shall expire unless renewed on or before the renewal
3 date. The board may, however, provide for the renewal of licenses held by individuals who
4 are not actively engaged in practice and who are over sixty-five years of age without fee. The
5 board shall renew any such license upon due application for renewal and upon the payment of
6 the renewal fee, except that no license shall expire during the period when the holder thereof
7 is actively engaged in the military service of the United States. Any licensee exempted from
8 the renewal of his or her license because of military service shall, before beginning practice in
9 this state after leaving military service, apply for and pay the renewal fee for the current
10 licensing 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
13 practice and shall notify the board of any termination of his or her connection therewith. The
14 licensee shall notify the board of any new employment or connection with a funeral
15 establishment of a permanent nature. If the licensee is not employed at or connected with a
16 funeral establishment 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
18 two years of the renewal date after he or she has paid delinquent renewal fees. Any license
19 not 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
4 section shall exempt any person from meeting the licensure requirements for a funeral
5 establishment as 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
8 in an amount established by the board by rule;

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

11 (3) Identify the name and address of a custodian of records responsible for
12 maintaining 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
17 contain information concerning preneed contracts sold for or on behalf of a seller or in which
18 the 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 333.061 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
26 pursuant to section 324.001. A license which has not been renewed prior to the renewal date
27 shall expire. 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
30 renewal fee shall be required for any funeral establishment whose Missouri license is current
31 and active;

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

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

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

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

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

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

44 4. A license which has not been renewed as provided by this section shall expire. A
45 licensee who fails to apply for renewal may apply for reinstatement within two years of the

46 renewal date by satisfying the requirements of subsection 3 of this section and paying a
47 delinquent fee as established by the board by rule.

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

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