

SENATE AMENDMENT NO. _____

Offered by _____ Of _____

Amend SCS/HCS/House Bill No. 447, Page 1, Section Title, Line 3,

2 by striking the word "coroners" and inserting in lieu thereof the
3 following: "the disposition of dead bodies"; and

4 Further amend said bill, page 18, section 193.265, line 74
5 by inserting after all of said line the following:

6 "333.011. 1. As used in this chapter, unless the context
7 requires otherwise, the following terms have the meanings
8 indicated:

9 (1) "Board", the state board of embalmers and funeral
10 directors created by this chapter;

11 (2) "Embalmer", any individual licensed to engage in the
12 practice of embalming;

13 (3) "Funeral director", any individual licensed to engage
14 in the practice of funeral directing;

15 (4) "Funeral establishment", a building, place, crematory,
16 or premises devoted to or used in the care and preparation for
17 burial or transportation of the human dead and includes every
18 building, place or premises maintained for that purpose or held
19 out to the public by advertising or otherwise to be used for that
20 purpose;

21 (5) "Funeral merchandise", caskets, grave vaults,
22 receptacles, and other personal property incidental to the final
23 disposition of a dead human body, including grave markers,
24 monuments, tombstones, and urns;

1 (6) "Outdoor cremation", the cremation of a dead human body
2 that occurs outdoors in a licensed or permitted outdoor human
3 cremation facility;

4 (7) "Outdoor human cremation facility", a licensed or
5 permitted location that includes an outdoor funeral pyre with the
6 ability to utilize a heating process to reduce a dead human body
7 to bone fragments through heat and evaporation;

8 (8) "Person", any individual, partnership, corporation,
9 cooperative, association, or other entity;

10 [(7)] (9) "Practice of embalming", the work of preserving,
11 disinfecting and preparing by arterial embalming, including the
12 chemical preparation of a dead human body for disposition.
13 Practice of embalming includes all activities leading up to and
14 including arterial and cavity embalming, including but not
15 limited to raising of vessels and suturing of incisions of dead
16 human bodies for funeral services, transportation, burial or
17 cremation, or the holding of oneself out as being engaged in such
18 work;

19 [(8)] (10) "Practice of funeral directing", engaging by an
20 individual in the business of preparing, otherwise than by
21 embalming, for the burial, disposal or transportation out of this
22 state of, and the directing and supervising of the burial or
23 disposal of, dead human bodies or engaging in the general
24 control, supervision or management of the operations of a funeral
25 establishment;

26 [(9)] (11) "Preneed agent", any person authorized to sell a
27 preneed contract for or on behalf of a seller;

28 [(10)] (12) "Provider", the person designated or obligated
29 to provide the final disposition, funeral, or burial services or

1 facilities, or funeral merchandise described in a preneed
2 contract;

3 ~~[(11)]~~ (13) "Seller", the person who executes a preneed
4 contract with a purchaser and who is obligated under such preneed
5 contract to remit payment to the provider.

6 2. All terms defined in sections 436.400 to 436.520 shall
7 be deemed to have the same meaning when used in this chapter.

8 333.072. 1. An outdoor cremation facility shall comply
9 with all local, state, and federal laws to ensure public health
10 and safety.

11 2. Any licensed funeral establishment may include an
12 outdoor cremation facility provided such facility complies with
13 the provisions of this chapter and any regulations related to
14 funeral establishments.

15 3. For each outdoor cremation, the funeral establishment
16 shall apply to the board for a permit to perform an outdoor
17 cremation at an outdoor human cremation facility. The board
18 shall create an application form, which shall include:

19 (1) The name and address of the licensed funeral
20 establishment;

21 (2) The name, license number, and signature of the funeral
22 director that will be conducting the cremation;

23 (3) The name of the deceased;

24 (4) The date of death of the deceased;

25 (5) The name, address, and signature of the person
26 exercising the right of sepulcher over the body of the deceased
27 consenting to the outdoor cremation, or a written and signed
28 authorization for outdoor cremation signed by the deceased prior
29 to death;

1 (6) The address and written consent of the property owner
2 or the person with the right of possession of the property where
3 the outdoor cremation is to be performed;

4 (7) The date range, not to exceed one week, in which the
5 outdoor cremation will take place;

6 (8) Evidence that the intended outdoor human cremation
7 facility has the capacity to complete the cremation of a dead
8 human body;

9 (2) A fee established by the board by rule; and

10 (3) Evidence of compliance with local, state, and federal
11 laws related to public health and safety for the location of the
12 facility.

13 4. The application for a permit shall be completed and
14 filed at least three days prior to the date of the outdoor
15 cremation.

16 5. The funeral establishment shall provide written notice
17 to the applicable local law enforcement agency at least twenty-
18 four hours in advance of any outdoor cremation. Such notice
19 shall include the date, location, and approximate time of the
20 outdoor cremation, the name and contact information of the
21 funeral director performing the outdoor cremation, and a copy of
22 the permit from the board to perform the outdoor cremation. The
23 funeral establishment must maintain a copy of such written notice
24 in its records.

25 6. The board may inspect any location proposed for an
26 outdoor cremation facility to ensure compliance with the
27 provisions of chapters 333 and 436 and their accompanying
28 regulations.

29 7. A licensed funeral director, or his or her designee,

1 shall be present to supervise any cremation conducted at an
2 outdoor cremation facility.

3 9. The board is hereby authorized to promulgate rules and
4 regulations for establishing and regulating outdoor human
5 cremation facilities. Any rule or portion of a rule, as that
6 term is defined in section 536.010 that is created under the
7 authority delegated in this section shall become effective only
8 if it complies with and is subject to all of the provisions of
9 chapter 536, and, if applicable, section 536.028. This section
10 and chapter 536 are nonseverable and if any of the powers vested
11 with the general assembly pursuant to chapter 536, to review, to
12 delay the effective date, or to disapprove and annul a rule are
13 subsequently held unconstitutional, then the grant of rulemaking
14 authority and any rule proposed or adopted after August 28, 2019,
15 shall be invalid and void."; and

16 Further amend the title and enacting clause accordingly.