

FIRST REGULAR SESSION

SENATE BILL NO. 348

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR TRENT.

1299S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 333.041 and 333.042, RSMo, and to enact in lieu thereof two new sections relating to funeral directors and embalmers.

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

Section A. Sections 333.041 and 333.042, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 333.041 and 333.042, to read as follows: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

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 registration as a practicum student shall be accompanied by
19 a fee in an amount established by the board.

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

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

29 (2) **Is currently enrolled in a funeral service**
30 **education program or** has completed a funeral service
31 education program accredited by the American Board of
32 Funeral Service Education, any successor organization, or
33 other accrediting entity as approved by the board. **[If an**
34 **applicant does not complete all requirements for licensure**
35 **within five years from the date of his or her completion of**
36 **an accredited program, his or her registration as an**
37 **apprentice embalmer shall be automatically cancelled. The**
38 **applicant shall be required to file a new application and**
39 **pay applicable fees. No previous apprenticeship shall be**
40 **considered for the new application;**

41 (3) Upon due examination administered by the board, is
42 possessed of a knowledge of the subjects of embalming,
43 anatomy, pathology, bacteriology, mortuary administration,
44 chemistry, restorative art, together with statutes, rules
45 and regulations governing the care, custody, shelter and
46 disposition of dead human bodies and the transportation
47 thereof or has passed the national board examination of the
48 Conference of Funeral Service Examining Boards. If any
49 applicant fails to pass the state examination, he or she may

50 retake the examination at the next regular examination
51 meeting. The applicant shall notify the board office of his
52 or her desire to retake the examination at least thirty days
53 prior to the date of the examination. Each time the
54 examination is retaken, the applicant shall pay a new
55 examination fee in an amount established by the board;

56 (4) Has been employed full time in funeral service in
57 a licensed funeral establishment and has personally embalmed
58 at least twenty-five dead human bodies under the personal
59 supervision of an embalmer who holds a current and valid
60 Missouri embalmer's license during an apprenticeship of not
61 less than twelve consecutive months. "Personal supervision"
62 means that the licensed embalmer shall be physically present
63 during the entire embalming process in the first six months
64 of the apprenticeship period and physically present at the
65 beginning of the embalming process and available for
66 consultation and personal inspection within a period of not
67 more than one hour in the remaining six months of the
68 apprenticeship period. All transcripts and other records
69 filed with the board shall become a part of the board files.]

70 **2. After a student's application has been approved by**
71 **the board, student licensees who are enrolled in a funeral**
72 **service education program may assist, under the direct**
73 **supervision of an embalmer licensed under this chapter, in**
74 **an establishment licensed for embalming under this chapter.**
75 **Student licensees shall not assist when not under such**
76 **supervision.**

77 **3. In order to be eligible for full licensure, a**
78 **student licensee shall, after completing a funeral service**
79 **education program accredited by the American Board of**
80 **Funeral Service Education, any successor organization, or**
81 **other accrediting entity as approved by the board,**

82 demonstrate that he or she has completed a qualifying
83 apprenticeship of no less than six months, has personally
84 embalmed at least twenty-five dead human bodies under the
85 personal supervision of an embalmer who is licensed under
86 this chapter, and has passed the National Board or State
87 Board Science examination and the Missouri law examination.
88 Persons licensed under this subsection may, at their
89 election and at any time, sit for the National Board or
90 State Board Arts examination for the purpose of potential
91 reciprocity with any other state that may require such
92 examination.

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

98 5. Examinations required by this section and section
99 333.042 shall be held at least twice a year at times and
100 places fixed by the board. The board shall by rule and
101 regulation prescribe the standard for successful completion
102 of the examinations.

103 6. Upon establishment of his or her qualifications as
104 specified by this section or section 333.042, the board
105 shall issue to the applicant a license to practice funeral
106 [directing or] embalming[, as the case may require,] and
107 shall register the applicant as a duly licensed [funeral
108 director or a duly licensed] embalmer. Any person having
109 the qualifications required by this section and section
110 333.042 may be granted both a license to practice funeral
111 directing and to practice embalming.

112 7. [The board shall, upon request, waive any
113 requirement of this chapter and issue a temporary funeral

114 director's license, valid for six months, to the surviving
115 spouse or next of kin or the personal representative of a
116 licensed funeral director, or to the spouse, next of kin,
117 employee or conservator of a licensed funeral director
118 disabled because of sickness, mental incapacity or injury]
119 For purposes of this section, a qualifying apprenticeship is
120 one in which the applicant devoted at least thirty hours per
121 week to his or her duties as an apprentice under the direct
122 supervision of an embalmer licensed under this chapter in a
123 funeral establishment licensed to embalm dead human bodies.
124 "Direction supervision" means that the licensed embalmer is
125 physically present with the apprentice and the dead human
126 body at the beginning of the embalming and within the same
127 building where the embalming is taking place for the entire
128 embalming.

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

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

10 (2) Will work as an apprentice funeral director under
11 personal supervision of a funeral director licensed under
12 this chapter. The applicant shall provide to the board the
13 name and license number of the funeral director performing
14 his or her supervision and the location where the applicant
15 will practice.

16 2. An applicant for a provisional funeral director
17 license under subsection 1 of this section shall have twenty-

18 four months to complete the requirements for licensure under
19 this section. If the applicant fails to complete the
20 requirements within such period, the application for
21 licensure shall be cancelled. If the application is
22 cancelled, the applicant shall be required to file a new
23 application and pay applicable fees. No previous
24 apprenticeship shall be considered for the new application.

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

50 human bodies. Upon acceptance of the application and fees
51 by the board, an applicant shall have twenty-four months to
52 successfully complete the requirements for licensure found
53 in this section or the application for licensure shall be
54 cancelled.

55 2. If a person applies for a limited license to work
56 only in a funeral establishment which is licensed only for
57 cremation, including transportation of dead human bodies to
58 and from the funeral establishment, he or she shall make
59 application, pay the current application and examination fee
60 and successfully complete the Missouri law examination. He
61 or she shall be exempt from the twelve-month apprenticeship
62 required by subsection 1 of this section and the practical
63 examination before the board. If a person has a limited
64 license issued pursuant to this subsection, he or she may
65 obtain a full funeral director's license if he or she
66 fulfills the apprenticeship and successfully completes the
67 funeral director practical examination.

68 3. If an individual is a Missouri licensed embalmer or
69 has completed a program accredited by the American Board of
70 Funeral Service Education, any successor organization, or
71 other accrediting entity as approved by the board or has
72 successfully completed a course of study in funeral
73 directing offered by an institution accredited by a
74 recognized national, regional or state accrediting body and
75 approved by the state board of embalmers and funeral
76 directors, and desires to enter the profession of funeral
77 directing in this state, the individual shall comply with
78 all the requirements for licensure as a funeral director
79 pursuant to subsection 1 of section 333.041 and subsection 1
80 of this section; however, the individual is exempt from the
81 twelve-month apprenticeship required by subsection 1 of this

82 section.], and furnish evidence to establish to the
83 satisfaction of the board that he or she:

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

88 (2) Has successfully completed:

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

92 (b) A course of study in funeral directing offered by
93 an institution accredited by a recognized national,
94 regional, or state accrediting body and approved by the
95 state board of embalmers or funeral directors; or

96 (c) A qualifying apprenticeship for at least twelve
97 months during which the applicant establishes to the
98 satisfaction of the board that he or she has conducted and
99 arranged at least ten funerals; and

100 (3) Has passed the National Board or State Board Arts
101 examination and the Missouri law examination. In lieu of
102 passing the National Board or State Board Arts examination,
103 the applicant may complete a qualifying apprenticeship for
104 at least twelve months, during which the applicant
105 establishes to the satisfaction of the board that he or she
106 has conducted and arranged at least twenty-five funerals.
107 Persons licensed under this subdivision may, at their
108 election and at any time, sit for the National Board or
109 State Board Arts examination for the purpose of potential
110 reciprocity with any other state that may require such
111 examination.

112 4. Upon establishment of his or her qualifications as
113 specified by this section or section 333.041, the board

114 shall issue to the applicant a license to practice funeral
115 directing and shall register the applicant as a duly
116 licensed funeral director. Any person having the
117 qualifications required by this section and section 333.041
118 may be granted both a license to practice funeral directing
119 and to practice embalming.

120 5. Every person desiring to obtain a funeral director
121 limited license in this state shall make application with
122 the state board of embalmers and funeral directors, pay the
123 current application fees, and furnish evidence to establish
124 to the satisfaction of the board that he or she:

- 125 (1) Is at least eighteen years of age; and
126 (2) Has successfully completed the Missouri law
127 examination.

128 6. A person holding a funeral director limited license
129 shall not be authorized to practice funeral directing in the
130 state, except as follows:

- 131 (1) He or she may work in a funeral establishment
132 licensed only for cremation, including transportation of
133 dead human bodies to and from the funeral establishment; and
134 (2) He or she may perform cremations and duties
135 relating to cremations.

136 7. If a person has a funeral director limited license
137 issued under this section, he or she may obtain a full
138 funeral director's license by fulfilling the apprenticeship
139 requirements of subsection 3 of this section or by
140 successfully completing a program accredited by the American
141 Board of Funeral Service Education, any successor
142 organization, or other accrediting entity as approved by the
143 board.

144 8. For purposes of this section, a "qualifying
145 apprenticeship" means one in which the applicant devoted at

146 least fifteen hours per week to his or her duties as an
147 apprentice under the personal supervision of a funeral
148 director licensed under this chapter in a funeral
149 establishment licensed for the care and preparation for
150 burial and transportation of the human dead under this
151 chapter. "Personal supervision" means that the licensed
152 funeral director shall be physically present during any
153 arrangement conferences, but such person shall not be
154 required to be present in the building when the apprentice
155 performs any other functions relating to the practice of
156 funeral directing.

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