

FIRST REGULAR SESSION

SENATE BILL NO. 351

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR TRENT.

0130S.01H

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 the licensure of persons performing funeral-related services.

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Section A. Sections 333.041 and 333.042, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 333.041 and 333.042, to read as follows: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

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

19 a fee in an amount established by the board. **After the**
20 **board has approved a practicum student's application, a**
21 **practicum student licensee may assist, under the direct**
22 **supervision of an embalmer licensed pursuant to this**
23 **chapter, in a funeral establishment licensed pursuant to**
24 **this chapter. Practicum student licensees shall not assist**
25 **when not under such supervision. Each practicum student**
26 **licensee is only authorized to work at those locations and**
27 **under those supervisors that are registered with the board.**

28 [3.] 2. Except as otherwise provided, an applicant not
29 entitled to an embalmer's license pursuant to section
30 324.009 or 333.051, shall make an application for such
31 license. Each applicant for [a] an initial license to
32 practice embalming shall furnish evidence to establish to
33 the satisfaction of the board that he or she:

34 (1) Is at least eighteen years of age[, and];

35 (2) Possesses a high school diploma, a general
36 equivalency diploma, or equivalent thereof, as determined,
37 at its discretion, by the board;

38 [(2)] (3) Has completed a funeral service education
39 program accredited by the American Board of Funeral Service
40 Education, any successor organization, or other accrediting
41 entity as approved by the board[. If an applicant does not
42 complete all requirements for licensure within five years
43 from the date of his or her completion of an accredited
44 program, his or her registration as an apprentice embalmer
45 shall be automatically cancelled. The applicant shall be
46 required to file a new application and pay applicable fees.
47 No previous apprenticeship shall be considered for the new
48 application;

49 (3) Upon due examination administered by the board, is
50 possessed of a knowledge of the subjects of embalming,

51 anatomy, pathology, bacteriology, mortuary administration,
52 chemistry, restorative art, together with statutes, rules
53 and regulations governing the care, custody, shelter and
54 disposition of dead human bodies and the transportation
55 thereof or has passed the national board examination of the
56 Conference of Funeral Service Examining Boards. If any
57 applicant fails to pass the state examination, he or she may
58 retake the examination at the next regular examination
59 meeting. The applicant shall notify the board office of his
60 or her desire to retake the examination at least thirty days
61 prior to the date of the examination. Each time the
62 examination is retaken, the applicant shall pay a new
63 examination fee in an amount established by the board];

64 (4) **Received a passing score on the National Board**
65 **Examination Sciences and the Missouri Law Examination**
66 **administered by the International Conference of Funeral**
67 **Service Examining Boards, any successor organization or**
68 **other organization approved by the board. Upon written**
69 **request to the board, any person licensed under this section**
70 **may, at his or her election, at any time, sit for the**
71 **National Board Examination Arts administered by the**
72 **International Conference of Funeral Service Examining**
73 **Boards, any successor organization, or other organization**
74 **approved by the board if said person has not previously**
75 **passed such examination; and**

76 (5) Has been employed [full time in funeral service in
77 a licensed funeral establishment] **in a qualifying embalmer**
78 **apprentice program as determined by the board for no less**
79 **than six months** and has personally embalmed at least twenty-
80 five dead human bodies under the [personal] **direct**
81 supervision of an embalmer who [holds a current and valid
82 Missouri embalmer's license during an apprenticeship of not

83 less than twelve consecutive months. "Personal supervision"
84 means that the licensed embalmer shall be physically present
85 during the entire embalming process in the first six months
86 of the apprenticeship period and physically present at the
87 beginning of the embalming process and available for
88 consultation and personal inspection within a period of not
89 more than one hour in the remaining six months of the
90 apprenticeship period. All transcripts and other records
91 filed with the board shall become a part of the board files.]
92 **is licensed under this chapter. The first twelve bodies**
93 **embalmed shall be conducted under the direct supervision of**
94 **the licensed embalmer.**

95 [4.] 3. If the applicant does not complete the
96 application process within the five years after his or her
97 completion of an approved program, then he or she must file
98 a new application and no fees paid previously shall apply
99 toward the license fee.

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

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

111 4. Any person having the qualifications required by
112 this section and section 333.042 may be granted both a
113 license to practice funeral directing and to practice
114 embalming.

115 [7. The board shall, upon request, waive any
116 requirement of this chapter and issue a temporary funeral
117 director's license, valid for six months, to the surviving
118 spouse or next of kin or the personal representative of a
119 licensed funeral director, or to the spouse, next of kin,
120 employee or conservator of a licensed funeral director
121 disabled because of sickness, mental incapacity or injury.]

122 **5. For purposes of this section, the following terms**
123 **mean:**

124 (1) "Direct supervision", the licensed embalmer is
125 physically present with the apprentice embalmer and the dead
126 human body at the beginning of the embalming process and
127 available for consultation within one hour for the remainder
128 of the embalming process and the licensed embalmer has
129 inspected all bodies embalmed by the apprentice embalmer;

130 (2) "Qualifying embalmer apprentice program", a
131 program that meets the minimum hour requirements as set by
132 the board where the supervising licensed embalmer has
133 attested that the apprentice embalmer has obtained the
134 minimal required skills for the practice of embalming.

333.042. 1. [Every person desiring to enter the
2 profession of funeral directing in this state shall make
3 application with the state board of embalmers and funeral
4 directors and pay the current application and examination
5 fees.] Except as otherwise provided [in section 41.950,
6 applicants], **an applicant for a funeral director license** not
7 entitled to a license pursuant to section **324.009** or 333.051
8 [or 324.009 shall serve an apprenticeship for at least
9 twelve consecutive months] **shall make an application for an**
10 **initial license to practice funeral directing and shall**
11 **furnish evidence to establish to the satisfaction of the**
12 **board that he or she:**

- 13 (1) Is at least eighteen years of age;
- 14 (2) Possesses a high school diploma, a general
15 equivalency diploma, or equivalent thereof, as determined,
16 at its discretion, by the board; and
- 17 (3) Has either:
- 18 (a) Completed a funeral service education program
19 accredited by the American Board of Funeral Service
20 Education, any successor organization, or other accrediting
21 entity as approved by the board and received a passing score
22 on the National Board Examination Arts and the Missouri Law
23 Examination. Since the Missouri Arts Examination is no
24 longer administered by the International Conference of
25 Funeral Service Examining Boards as of January 1, 2023, a
26 previous passing score may be accepted in lieu of a passing
27 score on the National Board Examination Arts; or
- 28 (b) Made an application for a funeral director
29 provisional license, completed a qualifying funeral director
30 apprentice program as determined by the board, and
31 successfully satisfies either of the following subparagraphs:
- 32 a. Within twenty-four months:
- 33 (i) Completes a twelve-month apprentice program under
34 the personal supervision of a funeral director licensed
35 under this chapter, in a Missouri funeral establishment
36 licensed for the care and preparation for burial and
37 transportation [of the human dead in this state or in
38 another state which has established standards for admission
39 to practice funeral directing equal to, or more stringent
40 than, the requirements for admission to practice funeral
41 directing in this state. The applicant shall devote at
42 least fifteen hours per week to his or her duties as an
43 apprentice under the supervision of a Missouri licensed
44 funeral director. Such applicant shall submit proof to the

45 board, on forms provided by the board, that the applicant
46 has arranged and conducted], **which includes arranging and**
47 **conducting** ten funeral services [during the applicant's
48 apprenticeship under the supervision of a Missouri licensed
49 funeral director. Upon completion of the apprenticeship,
50 the applicant shall appear before the board to be tested on
51 the applicant's legal and practical knowledge of funeral
52 directing, funeral home licensing, preneed funeral contracts
53 and the care, custody, shelter, disposition and
54 transportation of dead human bodies. Upon acceptance of the
55 application and fees by the board, an applicant shall have
56 twenty-four months to successfully complete the requirements
57 for licensure found in this section or the application for
58 licensure shall be cancelled.]; and

59 (ii) **Receives a passing score on the National Board**
60 **Examination Arts and the Missouri Law Examination. Since**
61 **the Missouri Arts Examination is no longer administered by**
62 **the International Conference of Funeral Service Examining**
63 **Boards as of January 1, 2023, a previous passing score may**
64 **be accepted in lieu of a passing score on the National Board**
65 **Examination Arts; or**

66 b. On or after September 1, 2025, and within thirty-
67 six months:

68 (i) **Completes an eighteen-month apprentice program**
69 **under the personal supervision of a funeral director**
70 **licensed under this chapter, in a Missouri funeral**
71 **establishment licensed for the care and preparation for**
72 **burial and transportation, which includes arranging and**
73 **conducting twenty-five funeral services; and**

74 (ii) **Receives a passing score on the Missouri Law**
75 **Examination.**

76 2. Successful candidates obtaining licensure through
77 apprenticeship as prescribed by subparagraph b. of paragraph
78 (b) of subdivision (3) of subsection 1 of this section shall
79 participate in a program of learning to build professional
80 competency. The program of learning shall comply with the
81 rules adopted by the board.

82 3. A person holding a provisional license shall be
83 eligible, upon written request to the board, to sit for the
84 National Board Examination Arts and the Missouri Law
85 Examination at any time during the effective dates of his or
86 her provisional license.

87 4. Any licensed funeral director who has not
88 previously sat for the National Board Examination Arts may,
89 at his or her election and upon written request to the
90 board, request to sit for such examination.

91 5. [If] A person [applies] may apply for a limited
92 license to work only in a funeral establishment [which is]
93 licensed [only] for cremation, including transportation of
94 dead human bodies to and from the funeral establishment[, he
95 or she]. A person holding a limited funeral director
96 license may perform the duties related to cremation,
97 including transportation of dead human bodies to and from
98 the funeral establishment. A person seeking a limited
99 funeral director license shall make application with the
100 board, pay [the current application and examination fee and]
101 applicable fees, successfully complete the Missouri Law
102 Examination, and be at least eighteen years of age. [He or
103 she] A person seeking a limited funeral director license
104 shall be exempt from [the twelve-month] an apprenticeship
105 [required by subsection 1 of this section and the practical
106 examination before the board. If a person has a limited
107 license issued pursuant to this subsection, he or she may

108 obtain a full funeral director's license if he or she
109 fulfills the apprenticeship and successfully completes the
110 funeral director practical examination] **program.**

111 [3. If an individual is a Missouri licensed embalmer
112 or has completed a program accredited by the American Board
113 of Funeral Service Education, any successor organization, or
114 other accrediting entity as approved by the board or has
115 successfully completed a course of study in funeral
116 directing offered by an institution accredited by a
117 recognized national, regional or state accrediting body and
118 approved by the state board of embalmers and funeral
119 directors, and desires to enter the profession of funeral
120 directing in this state, the individual shall comply with
121 all the requirements for licensure as a funeral director
122 pursuant to subsection 1 of section 333.041 and subsection 1
123 of this section; however, the individual is exempt from the
124 twelve-month apprenticeship required by subsection 1 of this
125 section.]

126 6. The board may, at its discretion and upon written
127 request, waive the funeral director licensure requirements
128 for up to six months if there is an absence of a funeral
129 director in charge due to the death or disability of the
130 licensed funeral director for whom there is no alternative.
131 The waiver of the licensure requirements may allow for a
132 spouse, next of kin, personal representative, or conservator
133 to conduct business until a licensed funeral director can be
134 obtained or business arrangements are made to close or sell
135 the funeral establishment. The waiver shall not allow any
136 services to be provided for which a formal funeral service
137 education program is required.

138 7. For purposes of this section, the following terms
139 mean:

140 (1) "Personal supervision", the licensed funeral
141 director is physically present during any arrangement
142 conferences and is present for the first five funeral
143 services conducted by the apprentice funeral director,
144 however such person shall not be required to be present when
145 the apprentice funeral director performs any other functions
146 relating to the practice of funeral directing, but shall be
147 available within one hour for consultation;

148 (2) "Qualifying funeral director apprentice program",
149 a program that meets the minimum hour requirements and
150 related funeral directing tasks as set by the board where
151 the supervising licensed funeral director has attested that
152 the apprentice funeral director has obtained the minimal
153 required skills for the practice of funeral directing.

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