

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 282
100TH GENERAL ASSEMBLY

1541H.03C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 193.145, 193.265, 194.119, 194.225, 302.171, and 333.011, RSMo, and to enact in lieu thereof seven new sections relating to the disposition of human remains.

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

Section A. Sections 193.145, 193.265, 194.119, 194.225, 302.171, and 333.011, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 193.145, 193.265, 194.119, 194.225, 302.171, 333.011, and 333.072, to read as follows:

193.145. 1. A certificate of death for each death which occurs in this state shall be filed with the local registrar, or as otherwise directed by the state registrar, within five days after death and shall be registered if such certificate has been completed and filed pursuant to this section. All data providers in the death registration process, including, but not limited to, the state registrar, local registrars, the state medical examiner, county medical examiners, coroners, funeral directors or persons acting as such, embalmers, sheriffs, attending physicians and resident physicians, physician assistants, assistant physicians, advanced practice registered nurses, and the chief medical officers of licensed health care facilities, and other public or private institutions providing medical care, treatment, or confinement to persons, shall be required to use and utilize any electronic death registration system required and adopted under subsection 1 of section 193.265 within six months of the system being certified by the director of the department of health and senior services, or the director's designee, to be operational and available to all data providers in the death registration process. However, should the person or entity that certifies the cause of death not be part of, or does not use, the electronic death registration system, the funeral director or person acting as such may enter the required personal data into the electronic death registration system and then complete the filing by presenting the signed cause of death certification to the local registrar, in which case the local registrar shall issue death certificates

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.

18 as set out in subsection 2 of section 193.265. ~~[Nothing in this section shall prevent the state~~
19 ~~registrar from adopting pilot programs or voluntary electronic death registration programs until~~
20 ~~such time as the system can be certified; however, no such pilot or voluntary electronic death~~
21 ~~registration program shall prevent the filing of a death certificate with the local registrar or the~~
22 ~~ability to obtain certified copies of death certificates under subsection 2 of section 193.265 until~~
23 ~~six months after such certification that the system is operational.]~~

24 2. If the place of death is unknown but the dead body is found in this state, the certificate
25 of death shall be completed and filed pursuant to the provisions of this section. The place where
26 the body is found shall be shown as the place of death. The date of death shall be the date on
27 which the remains were found.

28 3. When death occurs in a moving conveyance in the United States and the body is first
29 removed from the conveyance in this state, the death shall be registered in this state and the place
30 where the body is first removed shall be considered the place of death. When a death occurs on
31 a moving conveyance while in international waters or air space or in a foreign country or its air
32 space and the body is first removed from the conveyance in this state, the death shall be
33 registered in this state but the certificate shall show the actual place of death if such place may
34 be determined.

35 4. The funeral director or person in charge of final disposition of the dead body shall file
36 the certificate of death. The funeral director or person in charge of the final disposition of the
37 dead body shall obtain or verify and enter into the electronic death registration system:

38 (1) The personal data from the next of kin or the best qualified person or source
39 available;

40 (2) The medical certification **and attestation** from the person responsible for such
41 certification **and attestation** if designated to do so under subsection 5 of this section; and

42 (3) Any other information or data that may be required to be placed on a death certificate
43 or entered into the electronic death certificate system including, but not limited to, the name and
44 license number of the embalmer.

45 5. The medical certification shall be completed, attested to its accuracy either by
46 signature or an electronic process approved by the department, and returned to the funeral
47 director or person in charge of final disposition within seventy-two hours after death by the
48 physician, physician assistant, assistant physician, advanced practice registered nurse in charge
49 of the patient's care for the illness or condition which resulted in death. In the absence of the
50 physician, physician assistant, assistant physician, advanced practice registered nurse or with the
51 physician's, physician assistant's, assistant physician's, or advanced practice registered nurse's
52 approval the certificate may be completed and attested to its accuracy either by signature or an
53 approved electronic process by the physician's associate physician, the chief medical officer of

54 the institution in which death occurred, or the physician who performed an autopsy upon the
55 decedent, provided such individual has access to the medical history of the case, views the
56 deceased at or after death and death is due to natural causes. The person authorized to complete
57 the medical certification may, in writing, designate any other person to enter the medical
58 certification information **and attestation** into the electronic death registration system if the
59 person authorized to complete the medical certificate has physically or by electronic process
60 signed a statement stating the cause of death. Any persons completing the medical certification
61 or entering data **and attestation** into the electronic death registration system shall be immune
62 from civil liability for such certification **and attestation** completion, data entry, or determination
63 of the cause of death, absent gross negligence or willful misconduct. The state registrar may
64 approve alternate methods of obtaining and processing the medical certification and filing the
65 death certificate. The Social Security number of any individual who has died shall be placed in
66 the records relating to the death and recorded on the death certificate.

67 6. When death occurs from natural causes more than thirty-six hours after the decedent
68 was last treated by a physician, physician assistant, assistant physician, advanced practice
69 registered nurse, the case shall be referred to the county medical examiner or coroner or
70 physician or local registrar for investigation to determine and certify the cause of death. If the
71 death is determined to be of a natural cause, the medical examiner or coroner or local registrar
72 shall refer the certificate of death to the attending physician, physician assistant, assistant
73 physician, advanced practice registered nurse for such certification. If the attending physician,
74 physician assistant, assistant physician, advanced practice registered nurse refuses or is otherwise
75 unavailable, the medical examiner or coroner or local registrar shall attest to the accuracy of the
76 certificate of death either by signature or an approved electronic process within thirty-six hours.

77 7. If the circumstances suggest that the death was caused by other than natural causes,
78 the medical examiner or coroner shall determine the cause of death and shall complete and attest
79 to the accuracy either by signature or an approved electronic process the medical certification
80 within seventy-two hours after taking charge of the case.

81 8. If the cause of death cannot be determined within seventy-two hours after death, the
82 attending medical examiner, coroner, attending physician, physician assistant, assistant
83 physician, advanced practice registered nurse, or local registrar shall give the funeral director,
84 or person in charge of final disposition of the dead body, notice of the reason for the delay, and
85 final disposition of the body shall not be made until authorized by the medical examiner, coroner,
86 attending physician, physician assistant, assistant physician, advanced practice registered nurse,
87 or local registrar.

88 9. When a death is presumed to have occurred within this state but the body cannot be
89 located, a death certificate may be prepared by the state registrar upon receipt of an order of a

90 court of competent jurisdiction which shall include the finding of facts required to complete the
91 death certificate. Such a death certificate shall be marked "Presumptive", show on its face the
92 date of registration, and identify the court and the date of decree.

93 10. ~~(1)~~ The department of health and senior services shall notify all physicians,
94 physician assistants, assistant physicians, and advanced practice registered nurses licensed under
95 chapters 334 and 335 of the requirements regarding the use of the electronic vital records system
96 provided for in this section.

97 ~~[(2) On or before August 30, 2015, the department of health and senior services, division~~
98 ~~of community and public health shall create a working group comprised of representation from~~
99 ~~the Missouri electronic vital records system users and recipients of death certificates used for~~
100 ~~professional purposes to evaluate the Missouri electronic vital records system, develop~~
101 ~~recommendations to improve the efficiency and usability of the system, and to report such~~
102 ~~findings and recommendations to the general assembly no later than January 1, 2016.]~~

193.265. 1. For the issuance of a certification or copy of a death record, the applicant
2 shall pay a fee of thirteen dollars for the first certification or copy and a fee of ten dollars for each
3 additional copy ordered at that time. For the issuance of a certification or copy of a birth,
4 marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars. No fee
5 shall be required or collected for a certification of birth, death, or marriage if the request for
6 certification is made by the children's division, the division of youth services, a guardian ad
7 litem, or a juvenile officer on behalf of a child or person under twenty-one years of age who has
8 come under the jurisdiction of the juvenile court under section 211.031. All fees shall be
9 deposited to the state department of revenue. Beginning August 28, 2004, for each vital records
10 fee collected, the director of revenue shall credit four dollars to the general revenue fund, five
11 dollars to the children's trust fund, one dollar shall be credited to the endowed care cemetery
12 audit fund, and three dollars for the first copy of death records and five dollars for birth,
13 marriage, divorce, and fetal death records shall be credited to the Missouri public services health
14 fund established in section 192.900. Money in the endowed care cemetery audit fund shall be
15 available by appropriation to the division of professional registration to pay its expenses in
16 administering sections 214.270 to 214.410. All interest earned on money deposited in the
17 endowed care cemetery audit fund shall be credited to the endowed care cemetery fund.
18 Notwithstanding the provisions of section 33.080 to the contrary, money placed in the endowed
19 care cemetery audit fund shall not be transferred and placed to the credit of general revenue until
20 the amount in the fund at the end of the biennium exceeds three times the amount of the
21 appropriation from the endowed care cemetery audit fund for the preceding fiscal year. The
22 money deposited in the public health services fund under this section shall be deposited in a
23 separate account in the fund, and moneys in such account, upon appropriation, shall be used to

24 automate and improve the state vital records system, and develop and maintain an electronic
25 birth and death registration system. For any search of the files and records, when no record is
26 found, the state shall be entitled to a fee equal to the amount for a certification of a vital record
27 for a five-year search to be paid by the applicant. For the processing of each legitimation,
28 adoption, court order or recording after the registrant's twelfth birthday, the state shall be entitled
29 to a fee equal to the amount for a certification of a vital record. Except whenever a certified copy
30 or copies of a vital record is required to perfect any claim of any person on relief, or any
31 dependent of any person who was on relief for any claim upon the government of the state or
32 United States, the state registrar shall, upon request, furnish a certified copy or so many certified
33 copies as are necessary, without any fee or compensation therefor.

34 2. For the issuance of a certification of a death record by the local registrar, the applicant
35 shall pay a fee of thirteen dollars for the first certification or copy and a fee of ten dollars for each
36 additional copy ordered at that time. For the issuance of a certification or copy of a birth,
37 marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars; except
38 that, in any county with a charter form of government and with more than six hundred thousand
39 but fewer than seven hundred thousand inhabitants, a donation of one dollar may be collected
40 by the local registrar over and above any fees required by law when a certification or copy of any
41 marriage license or birth certificate is provided, with such donations collected to be forwarded
42 monthly by the local registrar to the county treasurer of such county and the donations so
43 forwarded to be deposited by the county treasurer into the housing resource commission fund to
44 assist homeless families and provide financial assistance to organizations addressing
45 homelessness in such county. The local registrar shall include a check-off box on the application
46 form for such copies. All fees, other than the donations collected in any county with a charter
47 form of government and with more than six hundred thousand but fewer than seven hundred
48 thousand inhabitants for marriage licenses and birth certificates, shall be deposited to the official
49 city or county health agency. A certified copy of a death record by the local registrar can only
50 be issued within twenty-four hours of receipt of the record by the local registrar.
51 Computer-generated certifications of death records may be issued by the local registrar after
52 twenty-four hours of receipt of the records. **In the event that it is determined by the state**
53 **registrar that any required information from any data provider was missing or incomplete**
54 **on records or documentation that were filed with or submitted to the local registrar and**
55 **then sent to the state registrar, the state registrar shall return the records or**
56 **documentation to the local registrar so that the data provider, funeral director, or person**
57 **in charge of the final disposition may provide the missing or incomplete information.**
58 **Nothing in this subsection removes any requirement in any statute or regulation as to when**
59 **an affidavit or court order is necessary to amend a death certificate that has been issued.**

60 The fees paid to the official county health agency shall be retained by the local agency for local
61 public health purposes.

194.119. 1. As used in this section, the term "right of sepulcher" means the right to
2 choose and control the burial, cremation, or other final disposition of a dead human body.

3 2. For purposes of this chapter and chapters 193, 333, and 436, and in all cases relating
4 to the custody, control, and disposition of deceased human remains, including the common law
5 right of sepulcher, where not otherwise defined, the term "next-of-kin" means the following
6 persons in the priority listed if such person is eighteen years of age or older, is mentally
7 competent, and is willing to assume responsibility for the costs of disposition:

8 (1) An attorney in fact designated in a durable power of attorney wherein the deceased
9 specifically granted the right of sepulcher over his or her body to such attorney in fact;

10 (2) For a decedent who was on active duty in the United States military at the time of
11 death, the person designated by such decedent in the written instrument known as the United
12 States Department of Defense Form 93, Record of Emergency Data, in accordance with [~~P.L.~~
13 ~~109-163, Section 564,~~] 10 U.S.C. Section 1482;

14 (3) The surviving spouse, **unless an action for the dissolution of the marriage has**
15 **been filed and is pending in a court of competent jurisdiction;**

16 (4) Any surviving child of the deceased. If a surviving child is less than eighteen years
17 of age and has a legal or natural guardian, such child shall not be disqualified on the basis of the
18 child's age and such child's legal or natural guardian, if any, shall be entitled to serve in the place
19 of the child unless such child's legal or natural guardian was subject to an action in dissolution
20 from the deceased. In such event the person or persons who may serve as next-of-kin shall serve
21 in the order provided in subdivisions (5) to (9) of this subsection;

22 (5) (a) Any surviving parent of the deceased; or

23 (b) If the deceased is a minor, a surviving parent who has custody of the minor; or

24 (c) If the deceased is a minor and the deceased's parents have joint custody, the parent
25 whose residence is the minor child's residence for purposes of mailing and education;

26 (6) Any surviving sibling of the deceased;

27 (7) The next nearest surviving relative of the deceased by consanguinity or affinity;

28 (8) Any person or friend who assumes financial responsibility for the disposition of the
29 deceased's remains if no next-of-kin assumes such responsibility;

30 (9) The county coroner or medical examiner; provided however that such assumption
31 of responsibility shall not make the coroner, medical examiner, the county, or the state
32 financially responsible for the cost of disposition.

33 3. The next-of-kin of the deceased shall be entitled to control the final disposition of the
34 remains of any dead human being consistent with all applicable laws, including all applicable

35 health codes. **The next-of-kin may delegate the control of the final disposition of the**
36 **remains of any dead human being to an agent through either a specific or general grant of**
37 **power in accordance with section 404.710 if, at the time of delegation, the next-of-kin was**
38 **eighteen years of age or older and mentally competent and the principal or agent is taking**
39 **financial responsibility for the disposition.**

40 4. A funeral director or establishment is entitled to rely on and act according to the
41 lawful instructions of any person claiming to be the next-of-kin of the deceased; provided
42 however, in any civil cause of action against a funeral director or establishment licensed pursuant
43 to this chapter for actions taken regarding the funeral arrangements for a deceased person in the
44 director's or establishment's care, the relative fault, if any, of such funeral director or
45 establishment may be reduced if such actions are taken in reliance upon a person's claim to be
46 the deceased person's next-of-kin.

47 5. Any person who desires to exercise the right of sepulcher and who has knowledge of
48 an individual or individuals with a superior right to control disposition shall notify such
49 individual or individuals prior to making final arrangements.

50 6. If an individual with a superior claim is [~~personally served with written notice from~~]
51 **notified in person or by written notice with delivery confirmation to such person's last**
52 **known address** by a person with an inferior claim that such person desires to exercise the right
53 of sepulcher and the individual so served does not object within forty-eight hours of [~~receipt~~]
54 **such notice**, such individual shall be deemed to have waived such right. An individual with a
55 superior right may also waive such right at any time if such waiver is in writing and dated.

56 7. If there is more than one person in a class who are equal in priority and the funeral
57 director has no knowledge of any objection by other members of such class, the funeral director
58 or establishment shall be entitled to rely on and act according to the instructions of the first such
59 person in the class to make arrangements; provided that such person assumes responsibility for
60 the costs of disposition and no other person in such class provides written notice of his or her
61 objection. If the funeral director has knowledge that there is more than one person in a class who
62 are equal in priority and who do not agree on the disposition, the decision of the majority of the
63 members of such class shall control the disposition.

64 8. For purposes of conducting a majority vote under subsection 7 of this section, the
65 funeral director shall allow voting by proxy using a written authorization or instrument.

194.225. 1. A donor may make an anatomical gift:

2 (1) By authorizing a statement or symbol indicating that the donor has made an
3 anatomical gift to be imprinted on the **face of the donor's driver's license or identification card,**
4 **or by placing a donor symbol sticker authorized and issued by the department of health**

5 **and senior services on the back of the donor's driver's license or identification card**
6 **indicating that the donor has made an anatomical gift;**

7 (2) In a will;

8 (3) During a terminal illness or injury of the donor, by any form of communication
9 addressed to at least two adults at least one of whom is a disinterested witness; or

10 (4) As provided in subsection 2 of this section.

11 2. A donor or other person authorized to make an anatomical gift under section 194.220
12 may make a gift by a donor card or other record signed by the donor or other person making the
13 gift or by authorizing that a statement or symbol indicating that the donor has made an
14 anatomical gift be included on a donor registry. If the donor or other person is physically unable
15 to sign a record, the record may be signed by another individual at the direction of the donor or
16 the other person and shall:

17 (1) Be witnessed by at least two adults at least one of whom is a disinterested witness,
18 who have signed at the request of the donor or the other person; and

19 (2) State that it has been signed and witnessed as provided in subdivision (1) of
20 subsection 1 of this section.

21 3. Revocation, suspension, expiration, or cancellation of the driver's license or
22 identification card upon which an anatomical gift is indicated does not invalidate the gift.

23 4. An anatomical gift made by will takes effect upon the donor's death whether or not
24 the will is probated. Invalidation of the will after the donor's death does not invalidate the gift.

25 **5. The department of health and senior services shall include on its website**
26 **information about organ donation and a link where persons making an anatomical gift can**
27 **register. Once a person has registered as a donor on the website, the department of health**
28 **and senior services shall contact the department of revenue to determine whether the organ**
29 **donor symbol is printed on the front of the registrant's driver's license or identification**
30 **card. If the donor symbol does not appear on the front of the registrant's driver's license**
31 **or identification card, the department of health and senior services shall mail to the**
32 **registrant, through first class mail, a donor symbol sticker to be placed on the back of his**
33 **or her driver's license or identification card as provided under this section and section**
34 **302.171.**

35 **6. All state agencies and departments may provide a link on the homepage of their**
36 **website directing the public to the organ donation information and registration link on the**
37 **department of health and senior services website.**

302.171. 1. The director shall verify that an applicant for a driver's license is a Missouri
2 resident or national of the United States or a noncitizen with a lawful immigration status, and a
3 Missouri resident before accepting the application. The director shall not issue a driver's license

4 for a period that exceeds the duration of an applicant's lawful immigration status in the United
5 States. The director may establish procedures to verify the Missouri residency or United States
6 naturalization or lawful immigration status and Missouri residency of the applicant and establish
7 the duration of any driver's license issued under this section. An application for a license shall
8 be made upon an approved form furnished by the director. Every application shall state the full
9 name, Social Security number, age, height, weight, color of eyes, sex, residence, mailing address
10 of the applicant, and the classification for which the applicant has been licensed, and, if so, when
11 and by what state, and whether or not such license has ever been suspended, revoked, or
12 disqualified, and, if revoked, suspended or disqualified, the date and reason for such suspension,
13 revocation or disqualification and whether the applicant is making a one dollar donation to
14 promote an organ donation program as prescribed in subsection 2 of this section. A driver's
15 license, nondriver's license, or instruction permit issued under this chapter shall contain the
16 applicant's legal name as it appears on a birth certificate or as legally changed through marriage
17 or court order. No name change by common usage based on common law shall be permitted.
18 The application shall also contain such information as the director may require to enable the
19 director to determine the applicant's qualification for driving a motor vehicle; and shall state
20 whether or not the applicant has been convicted in this or any other state for violating the laws
21 of this or any other state or any ordinance of any municipality, relating to driving without a
22 license, careless driving, or driving while intoxicated, or failing to stop after an accident and
23 disclosing the applicant's identity, or driving a motor vehicle without the owner's consent. The
24 application shall contain a certification by the applicant as to the truth of the facts stated therein.
25 Every person who applies for a license to operate a motor vehicle who is less than twenty-one
26 years of age shall be provided with educational materials relating to the hazards of driving while
27 intoxicated, including information on penalties imposed by law for violation of the
28 intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is less than
29 eighteen years of age, the applicant must comply with all requirements for the issuance of an
30 intermediate driver's license pursuant to section 302.178. For persons mobilized and deployed
31 with the United States Armed Forces, an application under this subsection shall be considered
32 satisfactory by the department of revenue if it is signed by a person who holds general power of
33 attorney executed by the person deployed, provided the applicant meets all other requirements
34 set by the director.

35 2. An applicant for a license may make a donation of one dollar to promote an organ
36 donor program. The director of revenue shall collect the donations and deposit all such
37 donations in the state treasury to the credit of the organ donor program fund established in
38 sections 194.297 to 194.304. Moneys in the organ donor program fund shall be used solely for
39 the purposes established in sections 194.297 to 194.304 except that the department of revenue

40 shall retain no more than one percent for its administrative costs. The donation prescribed in this
41 subsection is voluntary and may be refused by the applicant for the license at the time of issuance
42 or renewal of the license. The director shall make available an informational booklet or other
43 informational sources on the importance of organ and tissue donations to applicants for licensure
44 as designed by the organ donation advisory committee established in sections 194.297 to
45 194.304. The director shall inquire of each applicant at the time the licensee presents the
46 completed application to the director whether the applicant is interested in making the one dollar
47 donation prescribed in this subsection and whether the applicant is interested in inclusion in the
48 organ donor registry and shall also specifically inform the licensee of the ability to consent to
49 organ donation by ~~[completing the form on the reverse of the license that the applicant will~~
50 ~~receive in the manner]~~ **placing a donor symbol sticker authorized and issued by the**
51 **department of health and senior services on the back of his or her driver's license or**
52 **identification card** as prescribed by subdivision (1) of subsection 1 of section 194.225. A
53 symbol ~~[shall]~~ **may** be placed on the front of the ~~[document]~~ **license or identification card**
54 indicating the applicant's desire to be listed in the registry **at the applicant's request at the time**
55 **of his or her application for a driver's license or identification card, or the applicant may**
56 **instead request an organ donor sticker from the department of health and senior services**
57 **by application on the department of health and senior services's website. Upon receipt of**
58 **an organ donor sticker sent by the department of health and senior services, the applicant**
59 **shall place the sticker on the back of his or her driver's license or identification card to**
60 **indicate that he or she has made an anatomical gift.** The director shall notify the department
61 of health and senior services of information obtained from applicants who indicate to the director
62 that they are interested in registry participation, and the department of health and senior services
63 shall enter the complete name, address, date of birth, race, gender and a unique personal
64 identifier in the registry established in subsection 1 of section 194.304.

65 3. An applicant for a license may make a donation of one dollar to promote a blindness
66 education, screening and treatment program. The director of revenue shall collect the donations
67 and deposit all such donations in the state treasury to the credit of the blindness education,
68 screening and treatment program fund established in section 209.015. Moneys in the blindness
69 education, screening and treatment program fund shall be used solely for the purposes
70 established in section 209.015; except that the department of revenue shall retain no more than
71 one percent for its administrative costs. The donation prescribed in this subsection is voluntary
72 and may be refused by the applicant for the license at the time of issuance or renewal of the
73 license. The director shall inquire of each applicant at the time the licensee presents the
74 completed application to the director whether the applicant is interested in making the one dollar
75 donation prescribed in this subsection.

76 4. Beginning July 1, 2005, the director shall deny the driving privilege of any person who
77 commits fraud or deception during the examination process or who makes application for an
78 instruction permit, driver's license, or nondriver's license which contains or is substantiated with
79 false or fraudulent information or documentation, or who knowingly conceals a material fact or
80 otherwise commits a fraud in any such application. The period of denial shall be one year from
81 the effective date of the denial notice sent by the director. The denial shall become effective ten
82 days after the date the denial notice is mailed to the person. The notice shall be mailed to the
83 person at the last known address shown on the person's driving record. The notice shall be
84 deemed received three days after mailing unless returned by the postal authorities. No such
85 individual shall reapply for a driver's examination, instruction permit, driver's license, or
86 nondriver's license until the period of denial is completed. No individual who is denied the
87 driving privilege under this section shall be eligible for a limited driving privilege issued under
88 section 302.309.

89 5. All appeals of denials under this section shall be made as required by section 302.311.

90 6. The period of limitation for criminal prosecution under this section shall be extended
91 under subdivision (1) of subsection 3 of section 556.036.

92 7. The director may promulgate rules and regulations necessary to administer and enforce
93 this section. No rule or portion of a rule promulgated pursuant to the authority of this section
94 shall become effective unless it has been promulgated pursuant to chapter 536.

95 8. Notwithstanding any provision of this chapter that requires an applicant to provide
96 proof of Missouri residency for renewal of a noncommercial driver's license, noncommercial
97 instruction permit, or nondriver's license, an applicant who is sixty-five years and older and who
98 was previously issued a Missouri noncommercial driver's license, noncommercial instruction
99 permit, or Missouri nondriver's license is exempt from showing proof of Missouri residency.

100 9. Notwithstanding any provision of this chapter, for the renewal of a noncommercial
101 driver's license, noncommercial instruction permit, or nondriver's license, a photocopy of an
102 applicant's United States birth certificate along with another form of identification approved by
103 the department of revenue, including, but not limited to, United States military identification or
104 United States military discharge papers, shall constitute sufficient proof of Missouri citizenship.

105 10. Notwithstanding any other provision of this chapter, if an applicant does not meet
106 the requirements of subsection 8 of this section and does not have the required documents to
107 prove Missouri residency, United States naturalization, or lawful immigration status, the
108 department may issue a one-year driver's license renewal. This one-time renewal shall only be
109 issued to an applicant who previously has held a Missouri noncommercial driver's license,
110 noncommercial instruction permit, or nondriver's license for a period of fifteen years or more and
111 who does not have the required documents to prove Missouri residency, United States

112 naturalization, or lawful immigration status. After the expiration of the one-year period, no
113 further renewal shall be provided without the applicant producing proof of Missouri residency,
114 United States naturalization, or lawful immigration status.

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

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

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

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

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

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

14 (6) **"Outdoor cremation", the cremation of a dead human body that occurs**
15 **outdoors in a licensed or permitted outdoor human cremation facility;**

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

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

21 ~~[(7)]~~ (9) "Practice of embalming", the work of preserving, disinfecting and preparing by
22 arterial embalming, including the chemical preparation of a dead human body for disposition.
23 Practice of embalming includes all activities leading up to and including arterial and cavity
24 embalming, including but not limited to raising of vessels and suturing of incisions of dead
25 human bodies for funeral services, transportation, burial or cremation, or the holding of oneself
26 out as being engaged in such work;

27 ~~[(8)]~~ (10) "Practice of funeral directing", engaging by an individual in the business of
28 preparing, otherwise than by embalming, for the burial, disposal or transportation out of this state
29 of, and the directing and supervising of the burial or disposal of, dead human bodies or engaging
30 in the general control, supervision or management of the operations of a funeral establishment;

31 ~~[(9)]~~ (11) "Preneed agent", any person authorized to sell a preneed contract for or on
32 behalf of a seller;

33 ~~[(10)]~~ (12) "Provider", the person designated or obligated to provide the final disposition,
34 funeral, or burial services or facilities, or funeral merchandise described in a preneed contract;

35 ~~[(11)]~~ (13) "Seller", the person who executes a preneed contract with a purchaser and
36 who is obligated under such preneed contract to remit payment to the provider.

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

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

3 **2. Any licensed funeral establishment may include an outdoor cremation facility
4 provided such facility complies with the provisions of this chapter and any regulations
5 related to funeral establishments.**

6 **3. For each outdoor cremation, the funeral establishment shall apply to the board
7 for a permit to perform an outdoor cremation at an outdoor human cremation facility.
8 The board shall create an application form, which shall include:**

9 **(1) The name and address of the licensed funeral establishment;**

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

12 **(3) The name of the deceased;**

13 **(4) The date of death of the deceased;**

14 **(5) The name, address, and signature of the person exercising the right of sepulcher
15 over the body of the deceased consenting to the outdoor cremation, or a written and signed
16 authorization for outdoor cremation signed by the deceased prior to death;**

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

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

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

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

24 **(10) Evidence of compliance with local, state, and federal laws related to public
25 health and safety for the location of the facility.**

26 **4. The application for a permit shall be completed and filed at least three days prior
27 to the date of the outdoor cremation.**

28 **5. The funeral establishment shall provide written notice to the applicable local law
29 enforcement agency at least twenty-four hours in advance of any outdoor cremation. Such
30 notice shall include the date, location, and approximate time of the outdoor cremation, the**

31 **name and contact information of the funeral director performing the outdoor cremation,**
32 **and a copy of the permit from the board to perform the outdoor cremation. The funeral**
33 **establishment shall maintain a copy of such written notice in its records.**

34 **6. The board may inspect any location proposed for an outdoor cremation facility**
35 **to ensure compliance with the provisions of chapters 333 and 436 and their accompanying**
36 **regulations.**

37 **7. A licensed funeral director, or his or her designee, shall be present to supervise**
38 **any cremation conducted at an outdoor cremation facility.**

39 **8. The board is hereby authorized to promulgate rules and regulations for**
40 **establishing and regulating outdoor human cremation facilities. Any rule or portion of a**
41 **rule, as that term is defined in section 536.010, that is created under the authority**
42 **delegated in this section shall become effective only if it complies with and is subject to all**
43 **of the provisions of chapter 536 and, if applicable, section 536.028. This section and**
44 **chapter 536 are nonseverable, and if any of the powers vested with the general assembly**
45 **pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul**
46 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority and**
47 **any rule proposed or adopted after August 28, 2019, shall be invalid and void.**

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