

FIRST REGULAR SESSION

SENATE BILL NO. 455

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOLSMAN.

Read 1st time February 27, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

2174S.01I

AN ACT

To repeal section 333.011, RSMo, and to enact in lieu thereof two new sections relating to licensing of funeral establishments.

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

Section A. Section 333.011, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 333.011 and 333.072, to read as
3 follows:

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

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

5 (2) "Crematory", **the building or portion of a building which**
6 **houses the cremation chamber and holding facility or an outdoor**
7 **human cremation facility;**

8 (3) "Embalmer", any individual licensed to engage in the practice of
9 embalming;

10 [(3)] (4) "Funeral director", any individual licensed to engage in the
11 practice of funeral directing;

12 [(4)] (5) "Funeral establishment", a building, place, crematory, or
13 premises devoted to or used in the care and preparation for burial or
14 transportation of the human dead and includes every building, place or premises
15 maintained for that purpose or held out to the public by advertising or otherwise
16 to be used for that purpose;

17 [(5)] (6) "Funeral merchandise", caskets, grave vaults, receptacles, and
18 other personal property incidental to the final disposition of a dead human body,

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

19 including grave markers, monuments, tombstones, and urns;

20 **[(6)] (7) "Outdoor human cremation facility", the facility or part**
21 **of a facility that is outdoors where the technical heating process which**
22 **reduces remains to bone fragments through heat and evaporation**
23 **occurs;**

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

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

33 **[(8)] (10) "Practice of funeral directing", engaging by an individual in the**
34 **business of preparing, otherwise than by embalming, for the burial, disposal or**
35 **transportation out of this state of, and the directing and supervising of the burial**
36 **or disposal of, dead human bodies or engaging in the general control, supervision**
37 **or management of the operations of a funeral establishment;**

38 **[(9)] (11) "Preneed agent", any person authorized to sell a preneed**
39 **contract for or on behalf of a seller;**

40 **[(10)] (12) "Provider", the person designated or obligated to provide the**
41 **final disposition, funeral, or burial services or facilities, or funeral merchandise**
42 **described in a preneed contract;**

43 **[(11)] (13) "Seller", the person who executes a preneed contract with a**
44 **purchaser and who is obligated under such preneed contract to remit payment to**
45 **the provider.**

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

333.072. 1. Only a licensed funeral director, or a person with a
2 **limited license for cremation set forth in section 333.042, shall perform**
3 **a cremation at any funeral establishment, including an outdoor human**
4 **cremation facility as set forth in rules promulgated by the board under**
5 **this section.**

6 2. The board is hereby authorized to promulgate rules and
7 regulations for establishing and regulating outdoor human cremation

8 facilities. Any rule or portion of a rule, as that term is defined in
9 section 536.010 that is created under the authority delegated in this
10 section shall become effective only if it complies with and is subject to
11 all of the provisions of chapter 536, and, if applicable, section
12 536.028. This section and chapter 536 are nonseverable and if any of
13 the powers vested with the general assembly pursuant to chapter 536,
14 to review, to delay the effective date, or to disapprove and annul a rule
15 are subsequently held unconstitutional, then the grant of rulemaking
16 authority and any rule proposed or adopted after August 28, 2019, shall
17 be invalid and void.

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Bill

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