

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 282

100TH GENERAL ASSEMBLY

2019

1541H.03T

AN ACT

To repeal sections 36.020, 193.145, 193.265, 194.119, 194.225, 302.171, and 333.011, RSMo, and to enact in lieu thereof eight 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Section A. Sections 36.020, 193.145, 193.265, 194.119, 194.225, 302.171, 2 and 333.011, RSMo, are repealed and eight new sections enacted in lieu thereof, 3 to be known as sections 36.020, 193.145, 193.265, 194.119, 194.225, 302.171, 4 333.011, and 333.072, to read as follows:

36.020. Unless the context clearly requires otherwise, the following terms 2 mean:

3 (1) "Agency", "state agency" or "agency of the state", each department, 4 board, commission or office of the state except for offices of the elected officials, 5 the general assembly, the judiciary and academic institutions;

6 (2) "Appointing authority", an officer or agency subject to this chapter 7 having power to make appointments;

8 (3) "Board", the personnel advisory board as established by section 36.050;

9 (4) "Broad classification band", a grouping of positions with similar levels 10 of responsibility or expertise;

11 (5) "Class", "class of positions", or "job class", a group of positions subject 12 to this chapter sufficiently alike in duties, authority and responsibilities to justify 13 the same qualifications and the same schedule of pay to all positions in the group;

14 (6) "Director", the director of the division of personnel of the office of 15 administration;

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

16 (7) "Disabled veteran", a veteran who has served on active duty in the
17 Armed Forces at any time who receives compensation as a result of a service-
18 connected disability claim allowed by the federal agency responsible for the
19 administration of veteran's affairs, or who receives disability retirement or
20 disability pension benefits from a federal agency as a result of such a disability
21 or a National Guard veteran who was permanently disabled as a result of active
22 service to the state at the call of the governor;

23 (8) "Division of service" or "division", a state department or any division
24 or branch of the state, or any agency of the state government, all the positions
25 and employees in which are under the same appointing authority;

26 (9) "Eleemosynary or penal institutions", an institution within state
27 government holding, housing, or caring for inmates, patients, veterans, juveniles,
28 or other individuals entrusted to or assigned to the state where it is anticipated
29 that such individuals will be in residence for longer than one day. Eleemosynary
30 or penal institutions shall not include elementary, secondary, or higher education
31 institutions operated separately or independently from the foregoing institutions;

32 (10) "Eligible", a person whose name is on a register or who has been
33 determined to meet the qualifications for a class or position;

34 (11) "Employee", shall include only those persons employed in excess of
35 thirty-two hours per calendar week, for a duration that could exceed six months,
36 by a state agency and shall not include patients, inmates, or residents in state
37 eleemosynary or penal institutions who work for the state agency operating an
38 eleemosynary or penal institutions;

39 (12) "Examination" or "competitive examination", a means of determining
40 eligibility or fitness for a class or position;

41 (13) "Open competitive examination", a selection process for positions in
42 a particular class, admission to which is not limited to persons employed in
43 positions subject to this chapter pursuant to subsection 1 of section 36.030;

44 (14) "Promotional examination", a selection process for positions in a
45 particular class, admission to which is limited to employees with regular status
46 in positions subject to this chapter pursuant to subsection 1 of section 36.030;

47 (15) "Register of eligibles", a list, which may be restricted by locality, of
48 persons who have been found qualified for appointment to a position subject to
49 this chapter pursuant to subsection 1 of section 36.030;

50 (16) "Regular employee", a person employed in a position described under
51 subdivision (2) of subsection 1 of section 36.030 who has successfully completed

52 a probationary period as provided in section 36.250;

53 (17) "State equal employment opportunity officer", the individual
54 designated by the governor or the commissioner of administration as having
55 responsibility for monitoring the compliance of the state as an employer with
56 applicable equal employment opportunity law and regulation and for leadership
57 in efforts to establish a state workforce which reflects the diversity of Missouri
58 citizens at all levels of employment;

59 (18) "Surviving spouse", the unmarried surviving spouse of a deceased
60 disabled veteran or the unmarried [survivor's] **surviving** spouse of any person
61 who was killed while on active duty in the Armed Forces of the United States or
62 an unmarried surviving spouse of a National Guard veteran who was killed as a
63 result of active service to the state at the call of the governor;

64 (19) "Veteran", any person who is a citizen of this state who has been
65 separated under honorable conditions from the Armed Forces of the United States
66 who served on active duty during peacetime or wartime for at least six
67 consecutive months, unless released early as a result of a service-connected
68 disability or a reduction in force at the convenience of the government, or any
69 member of a reserve or National Guard component who has satisfactorily
70 completed at least six years of service or who was called or ordered to active duty
71 by the President and participated in any campaign or expedition for which a
72 campaign badge or service medal has been authorized.

193.145. 1. A certificate of death for each death which occurs in this state
2 shall be filed with the local registrar, or as otherwise directed by the state
3 registrar, within five days after death and shall be registered if such certificate
4 has been completed and filed pursuant to this section. All data providers in the
5 death registration process, including, but not limited to, the state registrar, local
6 registrars, the state medical examiner, county medical examiners, coroners,
7 funeral directors or persons acting as such, embalmers, sheriffs, attending
8 physicians and resident physicians, physician assistants, assistant physicians,
9 advanced practice registered nurses, and the chief medical officers of licensed
10 health care facilities, and other public or private institutions providing medical
11 care, treatment, or confinement to persons, shall be required to use and utilize
12 any electronic death registration system required and adopted under subsection
13 1 of section 193.265 within six months of the system being certified by the
14 director of the department of health and senior services, or the director's
15 designee, to be operational and available to all data providers in the death

16 registration process. However, should the person or entity that certifies the cause
17 of death not be part of, or does not use, the electronic death registration system,
18 the funeral director or person acting as such may enter the required personal
19 data into the electronic death registration system and then complete the filing by
20 presenting the signed cause of death certification to the local registrar, in which
21 case the local registrar shall issue death certificates as set out in subsection 2 of
22 section 193.265. [Nothing in this section shall prevent the state registrar from
23 adopting pilot programs or voluntary electronic death registration programs until
24 such time as the system can be certified; however, no such pilot or voluntary
25 electronic death registration program shall prevent the filing of a death certificate
26 with the local registrar or the ability to obtain certified copies of death
27 certificates under subsection 2 of section 193.265 until six months after such
28 certification that the system is operational.]

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

34 3. When death occurs in a moving conveyance in the United States and
35 the body is first removed from the conveyance in this state, the death shall be
36 registered in this state and the place where the body is first removed shall be
37 considered the place of death. When a death occurs on a moving conveyance
38 while in international waters or air space or in a foreign country or its air space
39 and the body is first removed from the conveyance in this state, the death shall
40 be registered in this state but the certificate shall show the actual place of death
41 if such place may be determined.

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

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

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

51 (3) Any other information or data that may be required to be placed on a

52 death certificate or entered into the electronic death certificate system including,
53 but not limited to, the name and license number of the embalmer.

54 5. The medical certification shall be completed, attested to its accuracy
55 either by signature or an electronic process approved by the department, and
56 returned to the funeral director or person in charge of final disposition within
57 seventy-two hours after death by the physician, physician assistant, assistant
58 physician, advanced practice registered nurse in charge of the patient's care for
59 the illness or condition which resulted in death. In the absence of the physician,
60 physician assistant, assistant physician, advanced practice registered nurse or
61 with the physician's, physician assistant's, assistant physician's, or advanced
62 practice registered nurse's approval the certificate may be completed and attested
63 to its accuracy either by signature or an approved electronic process by the
64 physician's associate physician, the chief medical officer of the institution in
65 which death occurred, or the physician who performed an autopsy upon the
66 decedent, provided such individual has access to the medical history of the case,
67 views the deceased at or after death and death is due to natural causes. The
68 person authorized to complete the medical certification may, in writing, designate
69 any other person to enter the medical certification information **and attestation**
70 into the electronic death registration system if the person authorized to complete
71 the medical certificate has physically or by electronic process signed a statement
72 stating the cause of death. Any persons completing the medical certification or
73 entering data **and attestation** into the electronic death registration system shall
74 be immune from civil liability for such certification **and attestation** completion,
75 data entry, or determination of the cause of death, absent gross negligence or
76 willful misconduct. The state registrar may approve alternate methods of
77 obtaining and processing the medical certification and filing the death
78 certificate. The Social Security number of any individual who has died shall be
79 placed in the records relating to the death and recorded on the death certificate.

80 6. When death occurs from natural causes more than thirty-six hours after
81 the decedent was last treated by a physician, physician assistant, assistant
82 physician, advanced practice registered nurse, the case shall be referred to the
83 county medical examiner or coroner or physician or local registrar for
84 investigation to determine and certify the cause of death. If the death is
85 determined to be of a natural cause, the medical examiner or coroner or local
86 registrar shall refer the certificate of death to the attending physician, physician
87 assistant, assistant physician, advanced practice registered nurse for such

88 certification. If the attending physician, physician assistant, assistant physician,
89 advanced practice registered nurse refuses or is otherwise unavailable, the
90 medical examiner or coroner or local registrar shall attest to the accuracy of the
91 certificate of death either by signature or an approved electronic process within
92 thirty-six hours.

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

98 8. If the cause of death cannot be determined within seventy-two hours
99 after death, the attending medical examiner, coroner, attending physician,
100 physician assistant, assistant physician, advanced practice registered nurse, or
101 local registrar shall give the funeral director, or person in charge of final
102 disposition of the dead body, notice of the reason for the delay, and final
103 disposition of the body shall not be made until authorized by the medical
104 examiner, coroner, attending physician, physician assistant, assistant physician,
105 advanced practice registered nurse, or local registrar.

106 9. When a death is presumed to have occurred within this state but the
107 body cannot be located, a death certificate may be prepared by the state registrar
108 upon receipt of an order of a court of competent jurisdiction which shall include
109 the finding of facts required to complete the death certificate. Such a death
110 certificate shall be marked "Presumptive", show on its face the date of
111 registration, and identify the court and the date of decree.

112 10. [(1)] The department of health and senior services shall notify all
113 physicians, physician assistants, assistant physicians, and advanced practice
114 registered nurses licensed under chapters 334 and 335 of the requirements
115 regarding the use of the electronic vital records system provided for in this
116 section.

117 [(2) On or before August 30, 2015, the department of health and senior
118 services, division of community and public health shall create a working group
119 comprised of representation from the Missouri electronic vital records system
120 users and recipients of death certificates used for professional purposes to
121 evaluate the Missouri electronic vital records system, develop recommendations
122 to improve the efficiency and usability of the system, and to report such findings
123 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,
2 the applicant shall pay a fee of thirteen dollars for the first certification or copy
3 and a fee of ten dollars for each additional copy ordered at that time. For the
4 issuance of a certification or copy of a birth, marriage, divorce, or fetal death
5 record, the applicant shall pay a fee of fifteen dollars. No fee shall be required
6 or collected for a certification of birth, death, or marriage if the request for
7 certification is made by the children's division, the division of youth services, a
8 guardian ad litem, or a juvenile officer on behalf of a child or person under
9 twenty-one years of age who has come under the jurisdiction of the juvenile court
10 under section 211.031. All fees shall be deposited to the state department of
11 revenue. Beginning August 28, 2004, for each vital records fee collected, the
12 director of revenue shall credit four dollars to the general revenue fund, five
13 dollars to the children's trust fund, one dollar shall be credited to the endowed
14 care cemetery audit fund, and three dollars for the first copy of death records and
15 five dollars for birth, marriage, divorce, and fetal death records shall be credited
16 to the Missouri public services health fund established in section 192.900. Money
17 in the endowed care cemetery audit fund shall be available by appropriation to
18 the division of professional registration to pay its expenses in administering
19 sections 214.270 to 214.410. All interest earned on money deposited in the
20 endowed care cemetery audit fund shall be credited to the endowed care cemetery
21 fund. Notwithstanding the provisions of section 33.080 to the contrary, money
22 placed in the endowed care cemetery audit fund shall not be transferred and
23 placed to the credit of general revenue until the amount in the fund at the end
24 of the biennium exceeds three times the amount of the appropriation from the
25 endowed care cemetery audit fund for the preceding fiscal year. The money
26 deposited in the public health services fund under this section shall be deposited
27 in a separate account in the fund, and moneys in such account, upon
28 appropriation, shall be used to automate and improve the state vital records
29 system, and develop and maintain an electronic birth and death registration
30 system. For any search of the files and records, when no record is found, the
31 state shall be entitled to a fee equal to the amount for a certification of a vital
32 record for a five-year search to be paid by the applicant. For the processing of
33 each legitimation, adoption, court order or recording after the registrant's twelfth
34 birthday, the state shall be entitled to a fee equal to the amount for a certification
35 of a vital record. Except whenever a certified copy or copies of a vital record is
36 required to perfect any claim of any person on relief, or any dependent of any

37 person who was on relief for any claim upon the government of the state or
38 United States, the state registrar shall, upon request, furnish a certified copy or
39 so many certified copies as are necessary, without any fee or compensation
40 therefor.

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

73 paid to the official county health agency shall be retained by the local agency for
74 local public health purposes.

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

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

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

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

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

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

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

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

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

34 (6) Any surviving sibling of the deceased;

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

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

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

43 3. The next-of-kin of the deceased shall be entitled to control the final
44 disposition of the remains of any dead human being consistent with all applicable
45 laws, including all applicable health codes. **The next-of-kin may delegate the**
46 **control of the final disposition of the remains of any dead human being**
47 **to an agent through either a specific or general grant of power in**
48 **accordance with section 404.710 if, at the time of delegation, the next-**
49 **of-kin was eighteen years of age or older and mentally competent and**
50 **the principal or agent is taking financial responsibility for the**
51 **disposition.**

52 4. A funeral director or establishment is entitled to rely on and act
53 according to the lawful instructions of any person claiming to be the next-of-kin
54 of the deceased; provided however, in any civil cause of action against a funeral
55 director or establishment licensed pursuant to this chapter for actions taken
56 regarding the funeral arrangements for a deceased person in the director's or
57 establishment's care, the relative fault, if any, of such funeral director or
58 establishment may be reduced if such actions are taken in reliance upon a
59 person's claim to be the deceased person's next-of-kin.

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

64 6. If an individual with a superior claim is [personally served with written
65 notice from] **notified in person or by written notice with delivery**
66 **confirmation to such person's last known address by** a person with an
67 inferior claim that such person desires to exercise the right of sepulcher and the
68 individual so served does not object within forty-eight hours of [receipt] **such**
69 **notice**, such individual shall be deemed to have waived such right. An
70 individual with a superior right may also waive such right at any time if such

71 waiver is in writing and dated.

72 7. If there is more than one person in a class who are equal in priority
73 and the funeral director has no knowledge of any objection by other members of
74 such class, the funeral director or establishment shall be entitled to rely on and
75 act according to the instructions of the first such person in the class to make
76 arrangements; provided that such person assumes responsibility for the costs of
77 disposition and no other person in such class provides written notice of his or her
78 objection. If the funeral director has knowledge that there is more than one
79 person in a class who are equal in priority and who do not agree on the
80 disposition, the decision of the majority of the members of such class shall control
81 the disposition.

82 8. For purposes of conducting a majority vote under subsection 7 of this
83 section, the funeral director shall allow voting by proxy using a written
84 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
3 made an anatomical gift to be imprinted on the **face of the** donor's driver's
4 license or identification card, **or by placing a donor symbol sticker**
5 **authorized and issued by the department of health and senior services**
6 **on the back of the donor's driver's license or identification card**
7 **indicating that the donor has made an anatomical gift;**

8 (2) In a will;

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

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

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

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

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

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

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

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

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

302.171. 1. The director shall verify that an applicant for a driver's
2 license is a Missouri resident or national of the United States or a noncitizen
3 with a lawful immigration status, and a Missouri resident before accepting the
4 application. The director shall not issue a driver's license for a period that
5 exceeds the duration of an applicant's lawful immigration status in the United
6 States. The director may establish procedures to verify the Missouri residency
7 or United States naturalization or lawful immigration status and Missouri
8 residency of the applicant and establish the duration of any driver's license issued
9 under this section. An application for a license shall be made upon an approved
10 form furnished by the director. Every application shall state the full name, Social
11 Security number, age, height, weight, color of eyes, sex, residence, mailing
12 address of the applicant, and the classification for which the applicant has been

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

42 2. An applicant for a license may make a donation of one dollar to promote
43 an organ donor program. The director of revenue shall collect the donations and
44 deposit all such donations in the state treasury to the credit of the organ donor
45 program fund established in sections 194.297 to 194.304. Moneys in the organ
46 donor program fund shall be used solely for the purposes established in sections
47 194.297 to 194.304 except that the department of revenue shall retain no more
48 than one percent for its administrative costs. The donation prescribed in this

49 subsection is voluntary and may be refused by the applicant for the license at the
50 time of issuance or renewal of the license. The director shall make available an
51 informational booklet or other informational sources on the importance of organ
52 and tissue donations to applicants for licensure as designed by the organ donation
53 advisory committee established in sections 194.297 to 194.304. The director shall
54 inquire of each applicant at the time the licensee presents the completed
55 application to the director whether the applicant is interested in making the one
56 dollar donation prescribed in this subsection and whether the applicant is
57 interested in inclusion in the organ donor registry and shall also specifically
58 inform the licensee of the ability to consent to organ donation by [completing the
59 form on the reverse of the license that the applicant will receive in the manner]
60 **placing a donor symbol sticker authorized and issued by the**
61 **department of health and senior services on the back of his or her**
62 **driver's license or identification card** as prescribed by subdivision (1) of
63 subsection 1 of section 194.225. A symbol [shall] **may** be placed on the front of
64 the [document] **license or identification card** indicating the applicant's desire
65 to be listed in the registry **at the applicant's request at the time of his or**
66 **her application for a driver's license or identification card, or the**
67 **applicant may instead request an organ donor sticker from the**
68 **department of health and senior services by application on the**
69 **department of health and senior services's website. Upon receipt of an**
70 **organ donor sticker sent by the department of health and senior**
71 **services, the applicant shall place the sticker on the back of his or her**
72 **driver's license or identification card to indicate that he or she has**
73 **made an anatomical gift.** The director shall notify the department of health
74 and senior services of information obtained from applicants who indicate to the
75 director that they are interested in registry participation, and the department of
76 health and senior services shall enter the complete name, address, date of birth,
77 race, gender and a unique personal identifier in the registry established in
78 subsection 1 of section 194.304.

79 3. An applicant for a license may make a donation of one dollar to promote
80 a blindness education, screening and treatment program. The director of revenue
81 shall collect the donations and deposit all such donations in the state treasury to
82 the credit of the blindness education, screening and treatment program fund
83 established in section 209.015. Moneys in the blindness education, screening and
84 treatment program fund shall be used solely for the purposes established in

85 section 209.015; except that the department of revenue shall retain no more than
86 one percent for its administrative costs. The donation prescribed in this
87 subsection is voluntary and may be refused by the applicant for the license at the
88 time of issuance or renewal of the license. The director shall inquire of each
89 applicant at the time the licensee presents the completed application to the
90 director whether the applicant is interested in making the one dollar donation
91 prescribed in this subsection.

92 4. Beginning July 1, 2005, the director shall deny the driving privilege of
93 any person who commits fraud or deception during the examination process or
94 who makes application for an instruction permit, driver's license, or nondriver's
95 license which contains or is substantiated with false or fraudulent information
96 or documentation, or who knowingly conceals a material fact or otherwise
97 commits a fraud in any such application. The period of denial shall be one year
98 from the effective date of the denial notice sent by the director. The denial shall
99 become effective ten days after the date the denial notice is mailed to the
100 person. The notice shall be mailed to the person at the last known address shown
101 on the person's driving record. The notice shall be deemed received three days
102 after mailing unless returned by the postal authorities. No such individual shall
103 reapply for a driver's examination, instruction permit, driver's license, or
104 nondriver's license until the period of denial is completed. No individual who is
105 denied the driving privilege under this section shall be eligible for a limited
106 driving privilege issued under section 302.309.

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

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

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

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

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

127 10. Notwithstanding any other provision of this chapter, if an applicant
128 does not meet the requirements of subsection 8 of this section and does not have
129 the required documents to prove Missouri residency, United States
130 naturalization, or lawful immigration status, the department may issue a
131 one-year driver's license renewal. This one-time renewal shall only be issued to
132 an applicant who previously has held a Missouri noncommercial driver's license,
133 noncommercial instruction permit, or nondriver's license for a period of fifteen
134 years or more and who does not have the required documents to prove Missouri
135 residency, United States naturalization, or lawful immigration status. After the
136 expiration of the one-year period, no further renewal shall be provided without
137 the applicant producing proof of Missouri residency, United States naturalization,
138 or lawful immigration status.

 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) "Embalmer", any individual licensed to engage in the practice of
6 embalming;

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

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

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

17 (6) "**Outdoor cremation**", the cremation of a dead human body
18 that occurs outdoors in a licensed or permitted outdoor human

19 **cremation facility;**

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

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

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

6 **3. For each outdoor cremation, the funeral establishment shall**
7 **apply to the board for a permit to perform an outdoor cremation at an**

8 outdoor human cremation facility. The board shall create an
9 application form, which shall include:

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

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

13 (3) The name of the deceased;

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

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

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

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

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

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

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

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

31 5. The funeral establishment shall provide written notice to the
32 applicable local law enforcement agency at least twenty-four hours in
33 advance of any outdoor cremation. Such notice shall include the date,
34 location, and approximate time of the outdoor cremation, the name and
35 contact information of the funeral director performing the outdoor
36 cremation, and a copy of the permit from the board to perform the
37 outdoor cremation. The funeral establishment shall maintain a copy of
38 such written notice in its records.

39 6. The board may inspect any location proposed for an outdoor
40 cremation facility to ensure compliance with the provisions of chapters
41 333 and 436 and their accompanying regulations.

42 7. A licensed funeral director, or his or her designee, shall be
43 present to supervise any cremation conducted at an outdoor cremation
44 facility.

45 8. The board is hereby authorized to promulgate rules and
46 regulations for establishing and regulating outdoor human cremation
47 facilities. Any rule or portion of a rule, as that term is defined in
48 section 536.010, that is created under the authority delegated in this
49 section shall become effective only if it complies with and is subject to
50 all of the provisions of chapter 536 and, if applicable, section
51 536.028. This section and chapter 536 are nonseverable, and if any of
52 the powers vested with the general assembly pursuant to chapter 536
53 to review, to delay the effective date, or to disapprove and annul a rule
54 are subsequently held unconstitutional, then the grant of rulemaking
55 authority and any rule proposed or adopted after August 28, 2019, shall
56 be invalid and void.

✓

Bill

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