

**ESTABLISHMENT REQUIREMENTS**  
**Part 2401 Chapter 4: Funeral Establishment (Rules 4.1 - 4.7)**

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*Rule 4.1 GENERAL*

To be licensed by the Board, a funeral service establishment must meet the following minimum requirements:

(1) **Ownership.** The establishment shall be operated by a sole owner, a partnership, a limited liability partnership, a limited partnership, a limited liability company, corporation, or a subsidiary of a corporation or other business entity authorized to do business in the State of Mississippi.

A Mississippi-licensed funeral establishment must be in good standing and authorized to do business as a funeral establishment in the State of Mississippi by all applicable authorities.

(2) **Fixed place.** The establishment shall have a fixed place of business with a specific street address or physical location and shall conform to local zoning ordinances as evidenced by an occupancy permit issued by the proper local governmental entity authorizing the occupancy of a funeral service establishment at that location. Fixed place means that the establishment is affixed to the real property by roots, embedded in it, permanently resting upon it, or physically attached or fastened to the real property, as by means of cement, plaster, nails, bolts, or screws.

The establishment shall display a sign indicating its true name as registered with the Board. Such sign shall be conspicuously located at or near the main entrance and shall be visible from the exterior of the building. In the event that a funeral establishment closes or moves from the location, the logo or business signs must be removed.

A funeral establishment shall have, listed and in working order, at its registered address a business telephone, the number of which shall be indicated as the business telephone number.

Any other telephone number also listed for the funeral firm shall be specifically designated as "residence telephone number," "number to call if no answer," or otherwise identified.

A funeral establishment that maintains a chapel, preparation room, or other facility in a building or portion physically separated from and/or located at a place designated by an address differing from the office, chapel, or other facilities of the applicant, the chapel, preparation room, or other funeral facility otherwise located shall be deemed to be a separate funeral establishment.

However, separate buildings or portions thereof connected by a private passageway, walk or driveway shall constitute a single funeral establishment.

(3) **Application.** The establishment must submit an application for an original license, or if appropriate, an application for a renewal license on forms provided by the Board. If a corporation or subsidiary thereof, partnership, limited liability partnership, limited partnership, or limited liability company, the application must, in addition to other requirements, be accompanied by a copy of the certificate of incorporation, articles of organization, or certificate of agreement of formation, and any other document filed with the Mississippi Secretary of State, which allows the entity to do business in Mississippi.

(4) **Fee.** The required fee must also be submitted with the application for licensure

(5) **Inspection.** The establishment shall be inspected by a representative of the Board as follows:

- (a) prior to being initially licensed;
- (b) when there is a change in ownership;
- (c) any time when the inspection is part of the investigation of a complaint; and
- (d) random, unannounced, or periodically as determined or required by the Board.

Failure to cooperate with a Board inspection shall constitute grounds for discipline as provided by Section 73-11-57 of the Mississippi Code of 1972, as amended.

(6) **Existing Establishments.** Any establishment which has been issued an establishment license under a rule of the Board having different requirements for the physical structure of the establishment than in this Rule will be permitted to continue to be licensed under the rules pursuant to which the establishment was initially licensed until such time as a change of ownership, purchase, lease, or change of address of such establishment is made. In the event of such a change, the establishment must meet the current requirements of these rules.

(7) **Multiple Establishments at Same or Single Location**

(a) The Board may issue more than one establishment license for a single location provided that each establishment is owned by the same individual, partnership, limited liability partnership, corporation, limited liability company or other business entity. If the Board issues more than one establishment license for a single location, the licensees shall ensure that the public will not be confused or deceived as to the establishment with which the public is interacting.

(b) All new funeral establishments shall be inspected and shall receive a satisfactory inspection, as determined by the Board, prior to the issuance an establishment license and shall comply with the criteria set forth in Rule 4.2. Purposes of funeral establishment inspection sheets, each of the establishments shall be considered as if they constituted a single establishment.

(c) No more than three (3) funeral establishments shall operate in one facility unless, upon application, the Board in its discretion finds that permitting an additional establishment will be in the best interest of consumers.

(8) **Mobile Homes.** Mobile home, modular units, manufactured homes and similar mobile units are prohibited for use as a funeral establishment or branch thereof, except in the case of an emergency as prescribed by the Board. Such homes or units may be granted a replacement license on a case by case basis as determined by the Board.

(9) **Display of License.** The license of each funeral establishment shall be current and prominently displayed at all times in a conspicuous location in such a manner that the license may be seen by the general public.

The license of the licensee-in-charge and all funeral service licensees, funeral directors and apprentices employed by or working at the funeral establishment must be current and prominently displayed at all times in a conspicuous location in such a manner that the license may be seen by the general public.

Source: Miss. Code Ann. §§73-11-41(l), 73-11-49(7), 73-11-55, 73-11-57 and 73-11-69 (Rev. 2012).

*Rule 4.2 Types of Establishments*

(A) A **Full-Service Establishment** shall have the equipment for the conduct of embalming and funeral directing and shall comply with the federal Occupational Safety and Health Administration's regulations as they currently existed or as later revised. A Full-Service Establishment must contain the following:

1. A preparation room, along with all necessary equipment, in compliance with Section III below and all other local, state and federal laws, rules and regulations;
2. Restrooms facilities in compliance with all applicable federal, state and local health requirements;
3. Chapel or other separate room for conducting funeral services in compliance with Rule 4.5 hereof;
4. Office space for making arrangements in accordance with Section V hereof; and
5. Casket selection room.

(B)(1) A **Branch Funeral Establishment** that does not meet all of the requirements in Section II(1) for a Full-Service Establishment must be within seventy-five (75) miles of the Full-Service Establishment and has the authority to conduct funeral arrangements, visitations and ceremonies only. A Branch Establishment shall contain a restroom and available drinking water. In addition, a Branch Establishment that conducts funeral arrangements must have an area where funeral ceremonies or visitations may be conducted and a separate area for confidential conferences to arrange funeral services.

The license for a Branch Establishment is also dependent upon and shall be operated under the supervision and ownership of a Full-Service Funeral Establishment.

(2) If a Branch Establishment is more than seventy-five (75) miles from the Full-Service Establishment and/or engages in the care and preparation of the dead human body, it must meet the requirements of a Full-Service Establishment.

(3)(a) A **Mortuary Service Establishment** shall have authority to embalm dead human bodies and to transport dead human bodies to and from a funeral establishment. A Mortuary Service Establishment is prohibited from the care and preparation of dead human bodies other than by embalming and shall also be prohibited from making funeral arrangements or embalming arrangements with any party other than a licensed funeral establishment designee, cremating, conducting visitations and funeral ceremonies, furnishing any funeral service in connection with the disposition of dead human bodies, and/or selling of funeral merchandise.

Mortuary Service Establishments shall meet all requirements for a full service establishment, except that:

(b) Requirements. A Mortuary Service Establishment shall have a preparation room or embalming room meeting the requirements as set forth below in Rule 4.3.

(c) Prohibition. A Mortuary Service Establishment is prohibited from maintaining a selection room.

(C) **Services limited to licensed funeral establishments.** A Mortuary Service Establishment may provide its services only to licensed funeral establishments anywhere in the United States, or in any foreign country which licenses funeral service establishments.

(D) **Crematory.** A crematory shall have authority to cremate dead human bodies and to transport dead human bodies to and from a funeral establishment. It must have a functioning cremation chamber meeting the requirements established by the Board. A Crematory is prohibited from the care and preparation of dead human bodies other than by cremating, and is also prohibited from embalming, making funeral arrangements or cremation arrangements with any party other than a licensed funeral establishment designee, conducting visitations and funeral ceremonies, furnishing any funeral service in connection with the disposition of dead human bodies or selling funeral merchandise.

Source: Miss. Code Ann. §§ 73-11-49(7), 73-11-55 and 73-11-69 (Rev. 2012).

#### *Rule 4.3 Preparation Room*

No embalming of a body of a deceased person shall be performed in a funeral establishment except in a room set aside exclusively for embalming or other preparation of a body of a deceased person (hereinafter referred to as the "preparation room"). Such preparation room and equipment, instruments and articles contained therein shall be maintained and kept in a clean and sanitary condition. The preparation room must also meet the following minimum requirements:

(1) Construction. The walls, floor, and ceiling must be covered with tile or other hard, smooth, impervious washable material.

The preparation room must contain at least 120 square feet of floor space. The preparation, disinfection, embalming, washing, dressing and casketing or other care of a body of a deceased person shall take place only in such room. The room shall contain only articles and equipment necessary for such preparation. The embalming table must have rust proof metal, porcelain, or fiberglass top, with edges raised at least 3/4 inches around the entire table and drain opening at the lower end.

(2) Ventilation. The room shall have permanently installed and operable exhaust fan and intake vent in accordance with the Occupational Safety and Health Act (OSHA).

(3) Equipment. The room shall be equipped and provided with hot and cold running water, a utility sink, and sufficient cabinets, closets or shelves for all instruments and supplies. The room shall contain sufficient supplies and equipment for normal operation. Nothing in this subsection, however, shall require embalming chemicals to be stored in the preparation room. The room shall have no excess equipment stored, other than equipment necessary for preparing dead human remains, and performing necessary restorative art work.

All instruments and appliances used in the embalming of a dead human body must be thoroughly cleansed and sterilized by boiling or immersion for ten minutes in a one percent solution of chlorinated soda or an equivalent disinfectant immediately at the conclusion of each embalming. Facilities shall exist for the proper disinfection of embalming instruments and the embalming table.

(4) Openings covered. All outside openings shall be covered with screens.

(5) Interior view. Measures must be taken to prevent a view of the interior of the room through any open door or window.

(6) No public use. The preparation room shall not have a passageway available for public use. The doors shall be tight-closing and rigid, and any windows of the room shall be so maintained as to obstruct any view into such room.

No person shall be permitted in a preparation room during the course of embalming a dead human body except the employees of the Mississippi licensed funeral establishment where the human body is being embalmed, members of the family of the deceased, persons authorized by

the members of the family of the deceased, or any person otherwise authorized by law.

(7) **Plumbing.** The preparation room shall be equipped with sanitary plumbing connected with sewer, cesspool, septic tank, or other Department of Health approved system.

(8) **Preparation room log/Case Report.** Every funeral establishment must have available in the preparation room a log book or case report. The log book or case report shall list the name of each human remains received at this location including the date and time the remains were received, the place (if other than at the establishment) the care or preparation of the remains (e.g., bathe, disinfect, refrigerate, or embalm), the date and time that the embalming occurred, and the name, signature, and license number of the embalmer(s) and, if applicable, apprentice(s). If the remains were prepared at another location, that location shall be listed in lieu of the name and signature of the embalmer(s) and, where applicable, apprentice(s). The log book or case report must be in a binder and must be available at all times in full view for the Board inspector. A sample of the embalming log is in the Appendix to these Rules and Regulations.

Source: Miss. Code Ann. §§ 73-11-49(7) and 73-11-55 (Rev. 2012).

*Rule 4.4 Selection Room.* The selection room shall be devoted solely to the purpose of providing a means for the public to make a reasonable selection of funeral service merchandise. Such selection room shall meet the following minimum requirements:

(1) **Caskets.** Each funeral establishment shall maintain an inventory of not less than six (6) adult caskets at the location or twenty four (24) quarter panel or a combination of both.

(2) **Equipment.** The selection room shall have no excess equipment stored, other than equipment necessary for the proper display of funeral service merchandise.

(3) **Condition.** The room shall be maintained in a clean, neat, and orderly fashion at all times.

Source: Miss. Code Ann. §§ 73-11-49(7) and 73-11-55 (Rev. 2012).

*Rule 4.5 Other Rooms.* (1) The establishment may have other rooms, offices, and other facilities, including restrooms for the staff and public lounge areas. All rooms and facilities shall be maintained in a clean, neat, and orderly fashion at all times.

(2) In addition to the above requirements, a full service funeral establishment must, minimally, include the following.

(a) **Public Viewing.** A chapel or repose room, containing at least 300 square feet of floor space, to be used exclusively for public viewing and/or the conduct of funeral services.

(b) **Office.** An arrangement office, to be used exclusively for making funeral arrangements and for other related business matter.

Source: Miss. Code Ann. §§ 73-11-49(7) and 73-11-55 (Rev. 2012).

*Rule 4.6 Vehicles.* If offered, the funeral establishment shall have the necessary automotive vehicles to provide adequate service to the public. This shall not prohibit the establishment from arranging to lease, borrow, or otherwise arrange for extra vehicles when needed.

Source: Miss. Code Ann. §§ 73-11-49(7) and 73-11-55 (Rev. 2012).

*Rule 4.7 Personnel.*

(1) **Funeral Licensee**

(a) Each funeral service establishment, except the branch establishment that does not engage in the care and preparation of the body, shall have an employment, contractual or other relationship with at least one full-time licensed funeral director or funeral service practitioner who shall be designated as the licensee-in-charge

of the operation of the establishment. Each establishment must have a sufficient number of other licensed individuals to adequately serve the public.

(b) The licensee-in-charge shall reside and maintain a permanent residence within seventy (75) miles of the establishment for which he or she serves as licensee-in-charge.

(c) In the event the licensee-in-charge becomes no longer in charge of said funeral establishment, then the establishment and the licensee-in-charge have the responsibility of notifying the Board of such change within fourteen (14) calendar days. In such event, a new establishment license application must be submitted along with the appropriate fee prescribed by the Board.

(D) If exigent circumstances, as determined by the Board, warrant additional time to facilitate a licensee-in-charge change, upon good cause shown and with written agreement by a licensed funeral director to assume responsibility in the interim, the Board may grant up to ninety (90) additional days for an establishment to employ the new licensee-in-charge.

(2) Licensed Funeral Service Practitioner. Each full-service funeral establishment must either employ a funeral service licensee full-time or have a funeral service licensee available to embalm dead human remains. The funeral service licensee shall be listed on the establishment application, renewal form, and in the preparation room log book or case report.

Source: Miss. Code Ann. §§ 73-11-49(7) and 73-11-55 (Rev. 2012).