



# Mississippi State Board of Funeral Service



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**MISSISSIPPI CODE 1972**  
**State Board of Funeral Service (§§ 73-11-33 – 73-11-73)**

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- § 73-11-33. Repeal of Sections 73-11-41 through 73-11-73.
- § 73-11-41. Definitions [Repealed effective July 1, 2025].
- § 73-11-43. State board of funeral service; membership [Repealed effective July 1, 2025].
- § 73-11-45. Oath of office [Repealed effective July 1, 2025].
- § 73-11-47. Meetings; quorum; removal for nonattendance [Repealed effective July 1, 2025].
- § 73-11-49. Officers; expenses; assistants and employees; assistance of counsel; subpoena power; adoption of rules and regulations [Repealed effective July 1, 2025].
- § 73-11-51. Examination of applicants for license; qualifications; fees; reciprocity; renewal of license; license not assignable or valid for any person other than licensee; exemption for students enrolled in accredited funeral service technology or mortuary science programs [Repealed effective July 1, 2025].
- § 73-11-53. Funeral service or funeral director trainee and apprenticeship program; resident traineeship certificate [Repealed effective July 1, 2025].
- § 73-11-55. Licensing of funeral establishment; license classifications; exceptions; requirements; applications and fees [Repealed effective July 1, 2025].
- § 73-11-56. Schedule of fees [Repealed effective July 1, 2025].
- § 73-11-57. Grounds for refusal to issue or renew license; suspension or revocation of license; complaint procedure; temporary suspension of license; sanctions for violations; hearings; attendance of witnesses; production of books and records; subpoenas; appeal from decision of board or judgment or decree of circuit court; monetary penalties [Repealed effective July 1, 2025].
  - § 73-11-57.1. Authority to revoke, refuse to renew, suspend or place on probation license of funeral home establishment or director under certain circumstances [Repealed effective July 1, 2025].
  - § 73-11-57.2. License required to be funeral service, funeral director or certified crematory operator; violations.
- § 73-11-58. Execution of Self-Directed Disposition Authorization document; procedure for disposition of decedent's body where no written authorization was left by decedent; persons adjudicated responsible for decedent's death precluded from deciding disposition of remains. [Repealed effective July 1, 2025].
- § 73-11-59. Penalties [Repealed effective July 1, 2025].
- § 73-11-61. Price list and statement of goods and services must be provided before services rendered [Repealed effective July 1, 2025].

83 § 73-11-63. Application of provisions to cemeteries or cemetery chapels; chapter does not interfere  
84 with religious ceremonies or customs [Repealed effective July 1, 2025].

85  
86 § 73-11-65. Funeral service interments must be under supervision of Mississippi licensed funeral  
87 director or funeral service licensee [Repealed effective July 1, 2025].  
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89 § 73-11-67. Retail sellers of caskets required to register annually with board; procedure for  
90 disciplinary proceedings [Repealed effective July 1, 2025].  
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92 § 73-11-69. Licensing and regulation of crematory facilities [Repealed effective July 1, 2025].  
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94 § 73-11-71. Intermingling of cremated remains prohibited; written acknowledgment from person  
95 entitled to control disposition of remains; content of acknowledgment [Repealed effective July 1,  
96 2025].  
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98 § 73-11-73. Removal of body from place of death, embalming body, or cremating body without  
99 permission of next of kin prohibited; picking up or removing body on first call; written record of oral  
100 consent for embalming or cremation required [Repealed effective July 1, 2025].  
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120 **§ 73-11-33. Repeal of Sections 73-11-41 through 73-11-73.**

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122 Sections 73-11-41 through 73-11-73, which create the State Board of Funeral Service and  
123 prescribe its duties and powers, shall stand repealed on July 1, 2025.

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126 **History**

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128 Laws, 1979, ch. 301, § 25; Laws, 1979, ch. 357, § 11; Laws, 1983, ch. 351, § 15; Laws, 1991, ch.  
129 463, § 1; Laws, 1993, ch. 499, § 1; Laws, 1995, ch. 387, § 1; Laws, 1999, ch. 377, § 1; Laws,  
130 2002, ch. 497, § 1; Laws, 2005, ch. 542, § 1; Laws, 2008, ch. 514, § 11; Laws, 2012, ch. 466, § 1;  
131 Laws, 2017, ch. 373, § 1, eff from and after July 1, 2017; Laws, 2021, ch. 311, § 21, eff from and  
132 after July 1, 2021.

133 **§ 73-11-41. Definitions [Repealed effective July 1, 2025].**

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135 The following terms shall have the meanings ascribed herein unless the context shall  
136 otherwise require:

137 (a) "Alternative container" is an unfinished wood box or other nonmetal receptacle or  
138 enclosure, without ornamentation or a fixed interior lining, which is designed for the  
139 encasement of human remains and which is made of fiberboard, pressed wood,  
140 composition materials (with or without an outside covering) or like materials.

141 (b) "Board" means the State Board of Funeral Service of the State of Mississippi as  
142 created by Section 73-11-43, or any successor thereof.

143 (c) "Branch establishment" means an auxiliary facility or division of a main funeral  
144 establishment licensed under this chapter that is within seventy-five (75) miles of  
145 the main facility.

146 (d) "Casket" is defined as a rigid container that is designed for the encasement of  
147 human remains and that is usually constructed of wood, metal, fiberglass, plastic or  
148 like material and ornamented and lined with fabric which may or may not be  
149 combustible.

150 (e) "Cremation" means a two-part procedure whereby a dead human body or body  
151 parts shall be reduced by direct flame to residue which includes bone fragments and  
152 the pulverization of said bone fragments to coarse powdery consistency.

153 (f) "Crematory" is defined as any person, partnership or corporation that performs  
154 cremation. A crematory must comply with any applicable public health laws and rules  
155 and must contain the equipment and meet all of the standards established by the  
156 rules and regulations adopted by the board.

157 (g) "Certified crematory operator" means an individual who has completed the  
158 certification program as approved by the board.

159 (h) "Crematory operator" means the legal entity that operates a crematory and  
160 performs cremations.

161 (i) "Direct cremation" means a disposition of human remains by cremation without  
162 formal viewing, visitation or ceremony with the body present.

163 (j) "Embalming" means the disinfection of the dead human body by replacing certain  
164 body fluids with preserving and disinfecting chemicals.

165 (k) "First call" means the beginning of the relationship between the consumer and  
166 the licensed funeral director, funeral service practitioner and/or funeral  
167 establishment to take charge of a dead human body and/or have the body prepared  
168 for burial or disposition by embalming, cremation or another method.

169 (l) "Funeral establishment" means a fixed place or premise duly licensed by the  
170 board that is devoted to or used in the immediate post-death activities of custody,  
171 shelter, care, preparation and/or embalming for final disposition of the body; or used  
172 for religious services or other rites or ceremonies associated with the final disposition  
173 of the human dead; or maintained or held out to the public by advertising or  
174 otherwise as such, for the convenience and comfort of the bereaved and the  
175 community for viewing or other services in connection with the human dead, and as  
176 the office or place for carrying on the profession of funeral service and/or funeral  
177 directing.

178 (m) "Licensee" means a person or entity who holds a license issued by the board.

179 (n) "License for funeral establishment" means a license issued to a place or premise  
180 devoted to or used in the immediate post-death activities of transportation, custody,  
181 shelter, care, preparation and/or embalming for final disposition of the body; or used  
182 for religious services or other rites or ceremonies associated with the final disposition  
183 of human dead; or maintained for the convenience and comfort of the bereaved and  
184 the community for viewing or other services in connection with the human dead, and  
185 as the office or place for carrying on the profession of funeral service and/or funeral  
186 directing.

187 (o) "License for the practice of funeral directing" means the license given to a person  
188 engaging in the "practice of funeral service" who is not engaged in the practice of  
189 embalming.

190 (p) "License for the practice of funeral service" means the license given to a person  
191 engaging in the "practice of funeral service," including the practice of embalming.

192 (q) "Practice of funeral service" means:

193 (i) Providing shelter, care and custody of the human dead;

194 (ii) Conducting immediate post-death activities;

195 (iii) Preparing of the human dead by embalming or other methods for burial or other  
196 disposition;

197 (iv) Being responsible for the transportation of the human dead, bereaved relatives  
198 and friends;

199 (v) Making arrangements, financial or otherwise, for the providing of such services;

200 (vi) The sale of funeral merchandise; or

201 (vii) The practice or performance of any function of funeral directing and/or  
202 embalming as presently known, including those stipulated herein.

203 This definition shall not include persons or corporations engaging only in the preneed  
204 sale of funeral merchandise or service.

205 (r) "Mortuary service establishment" means a place of business where dead human  
206 bodies are embalmed or otherwise prepared or held for burial, including the  
207 transportation of the bodies.

208 (s) "Resident trainee" means a person who is preparing to become licensed for the  
209 practice of funeral service or funeral directing and who is serving under the  
210 supervision and instruction of a person duly licensed for the practice of funeral  
211 service or funeral directing in this state.

212 (t) "Retort" means an enclosed space within which the cremation process takes  
213 place.

214 (u) "Trade embalmer" means an embalmer who does embalming for a licensed  
215 funeral establishment.

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## 219 **History**

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221 Laws, 1983, ch. 351, § 1; reenacted and amended, Laws, 1991, ch. 463, § 2; reenacted, Laws, 1993,  
222 ch. 499, § 4; reenacted, Laws, 1995, ch. 387, § 2; reenacted without change, Laws, 1999, ch. 377, §  
223 2; reenacted and amended, Laws, 2002, ch. 497, § 2; reenacted and amended, Laws, 2005, ch. 542,  
224 § 2; Laws, 2008, ch. 514, § 1; Laws, 2009, ch. 346, § 1; Laws, 2012, ch. 466, § 2; reenacted  
225 without change, Laws, 2017, ch. 373, § 2, eff from and after July 1, 2017; reenacted without change,  
226 Laws, 2021, ch. 311, § 1, eff from and after July 1, 2021.

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## 229 **§ 73-11-43. State board of funeral service; membership** 230 **[Repealed effective July 1, 2025].**

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232 There is created the State Board of Funeral Service which shall consist of seven (7)  
233 members, one (1) funeral service licensee and one (1) funeral director licensee to be  
234 appointed from each Mississippi Supreme Court district. Three (3) members shall have been  
235 licensed for the practice of funeral service under this chapter for five (5) consecutive years  
236 and/or have had at least five (5) consecutive years' experience as a funeral director and  
237 embalmer in this state immediately preceding his appointment. Three (3) members shall  
238 have been licensed for the practice of funeral directing under this chapter for five (5)  
239 consecutive years and/or have had at least five (5) consecutive years' experience as a  
240 funeral director immediately preceding his appointment. One (1) member shall be a public  
241 member and be appointed from the public at large. The members of the board shall be  
242 appointed by the Governor with the advice and consent of the Senate. All appointments  
243 shall be for terms of four (4) years from the expiration date of the previous term. Upon the  
244 expiration of his term of office, a board member may continue to serve until his successor  
245 has been appointed and confirmed. No board member shall serve more than two (2)  
246 consecutive full terms. Vacancies in office shall be filled by appointment by the Governor in  
247 the same manner as the appointment to the position which becomes vacant, subject to the

248 advice and consent of the Senate at the next regular session of the Legislature.  
249 Appointments for vacancies in office, except those from the public at large, may be made  
250 from a joint list of four (4) qualified persons, two (2) each submitted by the Mississippi  
251 Funeral Directors Association and the Mississippi Funeral Directors and Morticians  
252 Association. Nothing in this chapter or any other statute shall preclude the members of the  
253 State Embalming Board from serving as members of the State Board of Funeral Service.

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## 256 **History**

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257 Laws, 1983, ch. 351, § 2; reenacted and amended, Laws, 1991, ch. 463, § 3; Laws, 1991, ch. 591, §  
258 3; Laws, 1993, ch. 499, § 2; reenacted, Laws, 1995, ch. 387, § 3; reenacted without change, Laws,  
259 1999, ch. 377, § 3; reenacted without change, Laws, 2002, ch. 497, § 3; reenacted without change,  
260 Laws, 2005, ch. 542, § 3; Laws, 2012, ch. 466, § 3; reenacted without change, Laws, 2017, ch. 373,  
261 § 3, eff from and after July 1, 2017; reenacted without change, Laws, 2021, ch. 311, § 2, eff from  
262 and after July 1, 2021.

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## 264 **§ 73-11-45. Oath of office [Repealed effective July 1, 2025].**

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266 The members of the board, before entering upon their duties, shall take and subscribe to  
267 the oath of office prescribed for other state officers, which oath shall be administered by  
268 properly qualified authority and shall be filed in the Office of the Secretary of State.

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## 270 **History**

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273 Laws, 1983, ch. 351, § 3; reenacted, Laws, 1991, ch. 463, § 4; reenacted, Laws, 1993, ch. 499, § 5;  
274 reenacted, Laws, 1995, ch. 387, § 4; reenacted without change, Laws, 1999, ch. 377, § 4; reenacted  
275 without change, Laws, 2002, ch. 497, § 4; reenacted without change, Laws, 2005, ch. 542, § 4;  
276 reenacted without change, Laws, 2012, ch. 466, § 4; reenacted without change, Laws, 2017, ch. 373,  
277 § 4, eff from and after July 1, 2017; reenacted without change, Laws, 2021, ch. 311, § 3, eff from  
278 and after July 1, 2021.

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## 280 **§ 73-11-47. Meetings; quorum; removal for nonattendance** 281 **[Repealed effective July 1, 2025].**

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283 The board shall hold not less than two (2) meetings annually for the purpose of conducting  
284 the business of the board and for examining applications for licenses. Four (4) or more  
285 members shall comprise a quorum. Any member who shall not attend two (2) consecutive  
286 meetings of the board shall be subject to removal by the Governor. The chairman of the  
287 board shall notify the Governor in writing when any such member has failed to attend two  
288 (2) consecutive regular meetings.

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## 292 **History**

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295 Laws, 1983, ch. 351, § 4; reenacted and amended, Laws, 1991, ch. 463, § 5; reenacted, Laws, 1993,  
296 ch. 499, § 6; reenacted, Laws, 1995, ch. 387, § 5; reenacted without change, Laws, 1999, ch. 377, §  
297 5; reenacted without change, Laws, 2002, ch. 497, § 5; reenacted without change, Laws, 2005, ch.  
298 542, § 5; reenacted without change, Laws, 2008, ch. 514, § 2; reenacted without change, Laws,  
299 2012, ch. 466, § 5; reenacted without change, Laws, 2017, ch. 373, § 5, eff from and after July 1,  
300 2017; reenacted without change, Laws, 2021, ch. 311, § 4, eff from and after July 1, 2021.

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## 302 **§ 73-11-49. Officers; expenses; assistants and employees; 303 assistance of counsel; subpoena power; adoption of rules and 304 regulations [Repealed effective July 1, 2025].**

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306 (1) The board is authorized to select from its own membership a chairman, vice chairman  
307 and secretary-treasurer. Election of officers shall be held at the first regularly scheduled  
308 meeting of the fiscal year.

309 (2) All members of the board shall be reimbursed for their necessary traveling expenses and  
310 mileage incident to their attendance upon the business of the board, as provided in Section  
311 25-3-41, and shall receive a per diem as provided in Section 25-3-69 for every day actually  
312 spent upon the business of the board, not to exceed twenty (20) days per year unless  
313 authorized by a majority vote of the board.

314 (3) All monies received by the board shall be paid into a special fund in the State Treasury  
315 to the credit of the board and shall be used by the board for paying the traveling and  
316 necessary expenses and per diem of the members of the board while on board business,  
317 and for paying other expenses necessary for the operation of the board in carrying out and  
318 involving the provisions of this chapter.

319 (4) The board shall employ an administrator of the board, who shall have complete  
320 supervision and be held responsible for the direction of the office of the board, shall have  
321 supervision over field inspections and enforcement of the provisions of this chapter, shall  
322 have such other duties as may be assigned by the board, shall be responsible and  
323 answerable to the board. The board may employ such other clerical assistants and  
324 employees as may be necessary to carry out the provisions of this chapter, and the terms  
325 and conditions of such employment shall be determined by the board in accordance with  
326 applicable state law and rules and regulations of the State Personnel Board.

327 (5) Except as otherwise authorized in Section 7-5-39, the board, when it shall deem  
328 necessary, shall be represented by an assistant attorney general duly appointed by the  
329 Attorney General of this state, and may also request and receive the assistance of other  
330 state agencies and county and district attorneys, all of whom are authorized to provide the  
331 assistance requested.



332 (6) The board shall have subpoena power in enforcing the provisions of this chapter.

333 (7) The board shall adopt and promulgate rules and regulations consistent with law  
334 concerning, but not limited to, trainees, apprentices and preceptors, practitioners of funeral  
335 service, funeral directors, embalmers and funeral establishments and branches. These rules  
336 and regulations shall not become effective unless promulgated and adopted in accordance  
337 with the provisions of the Mississippi Administrative Procedures Law (Section 25-43-1.101 et  
338 seq.).

339 (8) The board may designate the administrator to perform inspections under this chapter,  
340 may employ an individual to perform such inspections or may contract with any other  
341 individual or entity to perform such inspections. Any individual or entity that performs such  
342 inspections shall have the right of entry into any place in which the business or practice of  
343 funeral service and/or funeral directing is carried on or advertised as being carried on, for  
344 the purpose of inspection, for the investigation of complaints coming before the board and  
345 for such other matters as the board may direct.

346 (9) The board shall not adopt any rule or regulation requiring dead bodies to be embalmed  
347 except as required by rule or otherwise by the State Department of Health.

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## 351 History

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354 Laws, 1983, ch. 351, § 5; reenacted and amended, Laws, 1991, ch. 463, § 6; reenacted, Laws, 1993,  
355 ch. 499, § 7; reenacted, Laws, 1995, ch. 387, § 6; reenacted and amended, Laws, 1999, ch. 377, §  
356 6; reenacted and amended, Laws, 2002, ch. 497, § 6; reenacted and amended, Laws, 2005, ch. 542,  
357 § 6; reenacted without change, Laws, 2008, ch. 514, § 3; Laws, 2012, ch. 466, § 6; Laws, 2012, ch.  
358 546, § 32; reenacted without change, Laws, 2017, ch. 373, § 6, eff from and after July 1, 2017;  
359 reenacted without change, Laws, 2021, ch. 311, § 5, eff from and after July 1, 2021.

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### 361 **§ 73-11-51. Examination of applicants for license; 362 qualifications; fees; reciprocity; renewal of license; license not 363 assignable or valid for any person other than licensee; 364 exemption for students enrolled in accredited funeral service 365 technology or mortuary science programs [Repealed effective 366 July 1, 2025].**

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368 (1) No person shall engage in the business or practice of funeral service, including  
369 embalming, and/or funeral directing or hold himself out as transacting or practicing or being  
370 entitled to transact or practice funeral service, including embalming, and/or funeral directing  
371 in this state unless duly licensed under the provisions of this chapter.

372 (2) The board is authorized and empowered to examine applicants for licenses for the  
373 practice of funeral service and funeral directing and shall issue the proper license to those

374 persons who successfully pass the applicable examination and otherwise comply with the  
375 provisions of this chapter.

376 **(3)** To be licensed for the practice of funeral directing under this chapter, a person must  
377 furnish satisfactory evidence to the board that he or she:

378 **(a)** Is at least eighteen (18) years of age;

379 **(b)** Has a high school diploma or the equivalent thereof;

380 **(c)** Has served as a resident trainee for not less than twelve (12) months under the  
381 supervision of a person licensed for the practice of funeral service or funeral directing in this  
382 state;

383 **(d)** Has successfully passed a written and/or oral examination as prepared or approved by  
384 the board; and

385 **(e)** Is of good moral character.

386 **(4)** To be licensed for the practice of funeral service under this chapter, a person must  
387 furnish satisfactory evidence to the board that he or she:

388 **(a)** Is at least eighteen (18) years of age;

389 **(b)** Has a high school diploma or the equivalent thereof;

390 **(c)** Has successfully completed twelve (12) months or more of academic and professional  
391 instruction from an institution accredited by the United States Department of Education for  
392 funeral service education and have a certificate of completion from an institution accredited  
393 by the American Board of Funeral Service Education or any other successor recognized by  
394 the United States Department of Education for funeral service education;

395 **(d)** Has served as a resident trainee for not less than twelve (12) months, either before or  
396 after graduation from an accredited institution mentioned above, under the supervision of a  
397 person licensed for the practice of funeral service in this state and in an establishment  
398 licensed in this state;

399 **(e)** Has successfully passed the National Conference of Funeral Examiners examination  
400 and/or such other examination as approved by the board; and

401 **(f)** Is of good moral character.

402 **(5)** All applications for examination and license for the practice of funeral service or funeral  
403 directing shall be upon forms furnished by the board and shall be accompanied by an  
404 examination fee, a licensing fee and a nonrefundable application fee in amounts fixed by the  
405 board in accordance with Section 73-11-56. The fee for an initial license, however, may be  
406 prorated in proportion to the period of time from the date of issuance to the date of biennial  
407 license renewal prescribed in subsection (8) of this section. All applications for examination  
408 shall be filed with the board office at least sixty (60) days before the date of examination. A  
409 candidate shall be deemed to have abandoned the application for examination if he does not  
410 appear on the scheduled date of examination unless such failure to appear has been  
411 approved by the board.

412 **(6)** The practice of funeral service or funeral directing must be engaged in at a licensed  
413 funeral establishment, at least one (1) of which is listed as the licensee's place of business;

414 and no person, partnership, corporation, association or other organization shall open or  
415 maintain a funeral establishment at which to engage in or conduct or hold himself or itself  
416 out as engaging in the practice of funeral service or funeral directing until such  
417 establishment has complied with the licensing requirements of this chapter. A license for the  
418 practice of funeral service or funeral directing shall be used only at licensed funeral  
419 establishments; however, this provision shall not prevent a person licensed for the practice  
420 of funeral service or funeral directing from conducting a funeral service at a church, a  
421 residence, public hall, lodge room or cemetery chapel, if such person maintains a fixed  
422 licensed funeral establishment of his own or is in the employ of or an agent of a licensed  
423 funeral establishment.

424 **(7)** Any person holding a valid, unrevoked and unexpired nonreciprocal license in another  
425 state or territory having requirements greater than or equal to those of this state as  
426 determined by the board may apply for a license to practice in this state by filing with the  
427 board a certified statement from the secretary of the licensing board of the state or territory  
428 in which the applicant holds his license certifying to his qualifications and good standing  
429 with that board. He/she must also successfully pass a written and/or oral examination on  
430 the Mississippi Funeral Service licensing law and rules and regulations as prepared or  
431 approved by the board, and must pay a nonrefundable application fee set by the board. If  
432 the board finds that the applicant has fulfilled aforesaid requirements and has fulfilled  
433 substantially similar requirements of those required for a Mississippi licensee, the board  
434 shall grant such license upon receipt of a fee in an amount equal to the renewal fee set by  
435 the board for a license for the practice of funeral service or funeral directing, as the case  
436 may be, in this state. The board may issue a temporary funeral service or funeral directing  
437 work permit before a license is granted, before the next regular meeting of the board, if the  
438 applicant for a reciprocal license has complied with all requirements, rules and regulations  
439 of the board. The temporary permit will expire at the next regular meeting of the board. The  
440 issuance of a license or temporary permit by reciprocity to a military-trained applicant,  
441 military spouse or person who establishes residence in this state shall be subject to the  
442 provisions of Section 73-50-1 or 73-50-2, as applicable.

443 **(8)**

444 **(a)** Except as provided in Section 33-1-39, any person holding a license for the practice of  
445 funeral service or funeral directing may have the same renewed for a period of two (2)  
446 years by making and filing with the board an application on or before the due date. Payment  
447 of the renewal fee shall be in an amount set by the board in accordance with Section 73-11-  
448 56. The board shall mail the notice of renewal and the due date for the payment of the  
449 renewal fee to the last-known address of each licensee at least thirty (30) days before that  
450 date. It is the responsibility of the licensee to notify the board in writing of any change of  
451 address. An application will be considered late if the application and proper fees are not in  
452 the board's office or postmarked by the due date. Failure of a license holder to receive the  
453 notice of renewal shall not exempt or excuse a license holder from the requirement of  
454 renewing the license on or before the license expiration date.

455 **(b)** If the renewal fee is not paid on or postmarked by the due date, the license of such  
456 person shall by operation of law automatically expire and become void without further  
457 action of the board. The board may reinstate such license if application for licensure is made  
458 within a period of five (5) years, upon payment of the renewal fee for the current year, all  
459 renewal fees in arrears, and a reinstatement fee. After a period of five (5) years, the

460 licensee must make application, pay the current renewal fee, all fees in arrears, and pass a  
461 written and/or oral examination as prepared or approved by the board.

462 (9) No license shall be assignable or valid for any person other than the original licensee.

463 (10) The board may, in its discretion, if there is a major disaster or emergency where  
464 human death is likely to occur, temporarily authorize the practice of funeral directing and  
465 funeral service by persons licensed to practice in another state but not licensed to practice  
466 in this state. Only persons licensed in this state, however, may sign death certificates.

467 (11) Any funeral service technology or mortuary science program accredited by the  
468 American Board of Funeral Service Education in the State of Mississippi, as well as students  
469 enrolled in such a program, shall be exempt from licensing under this chapter when  
470 embalming or otherwise preparing a deceased human body for disposition as part of a  
471 student practicum experience, when the student is directly supervised by an instructor or  
472 preceptor who holds a current funeral service license. This exemption shall apply to  
473 practicum experiences performed at an accredited institution of funeral service technology  
474 or mortuary science program or at a duly licensed funeral establishment or commercial  
475 mortuary service. Nothing in this subsection shall be construed to allow any funeral service  
476 technology or mortuary science program, or those students enrolled in such a program, to  
477 engage in practicum experiences for remuneration.

478 (12) Each application or filing made under this section shall include the social security  
479 number(s) of the applicant in accordance with Section 93-11-64.

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## 483 History

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484  
485  
486 Laws, 1983, ch. 351, § 6; reenacted and amended, Laws, 1991, ch. 463, § 7; Laws, 1993, ch. 499, §  
487 3; Laws, 1995, ch. 387, § 7; Laws, 1997, ch. 588, § 39; reenacted and amended, Laws, 1999, ch.  
488 350, § 1; Laws, 2000, ch. 356, § 1; reenacted and amended, Laws, 2002, ch. 497, § 7; reenacted  
489 and amended, Laws, 2005, ch. 542, § 7; Laws, 2007, ch. 309, § 11; Laws, 2008, ch. 514, § 4; Laws,  
490 2012, ch. 466, § 7; Laws, 2013, ch. 350, § 13; reenacted without change, Laws, 2017, ch. 373, § 7,  
491 eff from and after July 1, 2017; reenacted without change, Laws, 2021, ch. 311, § 6, eff from and  
492 after July 1, 2021; Laws, 2021, ch. 398, § 11, eff from and after July 1, 2021; Laws, 2023, ch. 450, §  
493 1, eff from and after July 1, 2023.

494

## 495 § 73-11-53. Funeral service or funeral director trainee and 496 apprenticeship program; resident traineeship certificate 497 [Repealed effective July 1, 2025].

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498

499 (1) The State Board of Funeral Service is authorized to establish a trainee and  
500 apprenticeship program whereby persons desiring to apprentice as a funeral service or  
501 funeral director trainee may be issued a resident traineeship certificate to practice funeral

502 directing or funeral service under the direct on-premises supervision of a sponsoring  
503 Mississippi licensed funeral director or funeral service practitioner.

504 (2) A person desiring to become a resident trainee for the practice of funeral service or  
505 funeral directing shall make application to the board. Such application shall be verified by  
506 the licensee under whom the applicant is serving, and shall be accompanied by a  
507 nonrefundable application fee in an amount set by the board in accordance with Section 73-  
508 11-56. When the board is satisfied as to the qualifications of an applicant, it shall issue a  
509 certificate of resident traineeship.

510 (3) The board shall have the power to suspend or revoke a certificate of a resident  
511 traineeship for violation of any provision of this chapter.

512 (4) A resident trainee must serve the apprenticeship in a funeral establishment that is  
513 licensed by the State of Mississippi and the preceptor must be a Mississippi licensed funeral  
514 service practitioner or funeral director who is employed by a Mississippi licensed funeral  
515 establishment and actively practicing within the State of Mississippi. The funeral service  
516 trainee and apprenticeship program shall be completed within no less than twelve (12)  
517 months or more than eighteen (18) months under the direct supervision of a funeral  
518 director or funeral service licensee of the board. The funeral director trainee and  
519 apprenticeship program shall be completed within no less than twelve (12) months or more  
520 than eighteen (18) months under the direct supervision of a funeral director or funeral  
521 service licensee of the board.

522 (5) A resident trainee may serve under the supervision of more than one (1) preceptor  
523 under conditions established by board rules and regulations. The board may also adopt rules  
524 that will allow training at more than one (1) funeral establishment under special  
525 circumstances.

526 (6) A resident traineeship certificate shall be valid for one (1) year. The board may renew a  
527 resident traineeship certificate if the trainee applies for renewal on a form provided by the  
528 board, shows that the training activity continues to satisfy applicable requirements and pays  
529 a renewal fee as set by the board. The fee and application will be considered late if the fee  
530 and application are not in the office or show a postmark of December 31. Applications  
531 received late may be reinstated by the payment of a renewal fee, a reinstatement fee and  
532 other applicable fees. Failure to receive a renewal notice does not exempt a resident trainee  
533 from the required renewal of his/her traineeship.

534 (7) A resident trainee shall not advertise or hold himself out as a funeral director, funeral  
535 service practitioner, embalmer or use any other title or abbreviation indicating that the  
536 trainee is a funeral director, funeral service practitioner or embalmer. A resident trainee does  
537 not have the rights and duties of a funeral director or funeral service licensee and is only  
538 authorized to act under the direct supervision of the approved preceptor.

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## 542 **History**

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544  
545 Laws, 1983, ch. 351, § 7; reenacted and amended, Laws, 1991, ch. 463, § 8; reenacted, Laws, 1993,

546 ch. 499, § 8; reenacted, Laws, 1995, ch. 387, § 8; reenacted without change, Laws, 1999, ch. 377, §  
547 8; reenacted and amended, Laws, 2002, ch. 497, § 8; reenacted and amended, Laws, 2005, ch. 542,  
548 § 8; Laws, 2008, ch. 514, § 5; Laws, 2012, ch. 466, § 8; reenacted without change, Laws, 2017, ch.  
549 373, § 8, eff from and after July 1, 2017; reenacted without change, Laws, 2021, ch. 311, § 7, eff  
550 from and after July 1, 2021; Laws, 2023, ch. 450, § 2, eff from and after July 1, 2023.

551 **§ 73-11-55. Licensing of funeral establishment; license**  
552 **classifications; exceptions; requirements; applications and fees**  
553 **[Repealed effective July 1, 2025].**

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554

555 (1) No person or party shall conduct, maintain, manage or operate a funeral establishment  
556 or branch thereof unless a license for each such establishment has been issued by the board  
557 and is conspicuously displayed in such funeral establishment. In case of funeral services  
558 held in any private residence, church, cemetery, cemetery chapel, cemetery facility, or lodge  
559 hall, no license shall be required.

560 (2) There shall be four (4) funeral establishment license classifications:

561 (a) Full-service funeral establishment;

562 (b) Branch establishment;

563 (c) Mortuary service establishment; and

564 (d) Crematory establishment.

565 (3) To be licensed as a funeral establishment, a place or premise must be at a fixed and  
566 specified address or location and must be used for immediate post-death activities, whether  
567 used for the custody, shelter, care, preparation and/or embalming of the human dead. Every  
568 funeral establishment shall be under the charge and personal supervision of a Mississippi  
569 funeral director licensee or a Mississippi funeral service licensee. The licensee in charge and  
570 the licensee with personal supervisory responsibilities need not be the same licensee. Each  
571 licensed funeral establishment shall be inspected at least once during each licensing period.  
572 Such inspections may be unannounced. After inspection of a funeral establishment, if the  
573 board cites the funeral establishment for failure to comply with any provision of this chapter  
574 or a rule or regulation of the board, the funeral establishment shall resolve the violation to  
575 the satisfaction of the board and be in full compliance with this chapter and board rules and  
576 regulations not later than thirty (30) days after the board files the inspection report.

577 (4)

578 (a) A funeral establishment where embalming is conducted must contain an embalming  
579 room with a sanitary floor, walls and ceiling, adequate sanitary drainage and disposal  
580 facilities, including running water and exhaust fans. A full-service funeral establishment  
581 must also have an adequate casket and/or vault selection room, holding facilities and proper  
582 room or rooms in which rites and ceremonies may be held. A funeral establishment shall be  
583 subject to an inspection at least once during a two-year license period. Each new  
584 establishment must be inspected before the opening. All portions of each facility licensed  
585 under this section shall be kept in a clean and sanitary condition.

586 (b)

587 (i) A branch establishment must contain an office and/or an arrangement room, and a room  
588 for viewing and/or a chapel or proper place for ceremonies. A branch establishment need  
589 not meet all requirements specified in paragraph (a) of this subsection and need not be  
590 under the personal supervision of a Mississippi funeral director licensee or a Mississippi  
591 funeral service licensee.

592 (ii) If the branch meets all requirements of a funeral establishment as specified in paragraph  
593 (a) of this subsection, such establishment must be under the charge and personal  
594 supervision of a Mississippi funeral director licensee or a Mississippi funeral service licensee.

595 (c) A commercial mortuary service is a funeral establishment that embalms and transports  
596 for licensed funeral establishments and does not sell any services or merchandise directly or  
597 at retail to the public. A mortuary service establishment shall not arrange or conduct a  
598 funeral or direct burial. A mortuary service establishment may arrange for and transport  
599 dead human bodies for direct cremation purposes only under the following circumstances:

600 (i) On behalf of a full-service funeral establishment;

601 (ii) On behalf of a branch funeral establishment; or

602 (iii) At the direction of a public administrator, medical examiner, coroner or any other public  
603 official charged with arranging the final disposition of dead human bodies.

604 (d) A crematory establishment shall have the authority to cremate dead human bodies and  
605 to transport dead human bodies to and from the establishment and shall meet the  
606 requirements of Section 73-11-69. An establishment licensed only as a crematory  
607 establishment is prohibited from the care and preparation of dead human bodies other than  
608 by cremating and shall also be prohibited from embalming, making funeral arrangements or  
609 cremation arrangements with any person or party that is not licensed by the board,  
610 conducting visitations and funeral ceremonies, and furnishing any funeral service in  
611 connection with the disposition of dead human bodies or selling funeral merchandise.

612 (5) Applications for funeral establishment licenses, branch establishment licenses or  
613 commercial mortuary service licenses shall be made on blanks furnished by the board and  
614 shall be accompanied by a fee in an amount fixed by the board under Section 73-11-56. All  
615 establishment licenses shall be issued for a period of two (2) years, except initial licenses  
616 may be prorated from the date of issuance to the next renewal date.

617 Renewal funeral establishment and branch establishment license applications and license  
618 fees shall be due and payable to the board on or before the expiration date of the license.  
619 The board shall mail the notice of renewal and the due date for payment of the renewal fee  
620 at least thirty (30) days before that date. Failure of the license holder to receive the notice  
621 of renewal shall not exempt or excuse the holder from the requirement of renewing the  
622 license on or before the license expiration date.

623 (6) If the renewal fee is not paid on or postmarked by the due date, the license shall by  
624 operation of law automatically expire and become void without further action of the board.  
625 All establishments whose licenses have expired under this section may be reinstated by  
626 filing with the board an application for reinstatement, submitting to an inspection during  
627 which time the licensee in charge of such establishment shall be interviewed by the board or  
628 its designee and by paying all renewal fees, a reinstatement fee, and other applicable fees.

629 (7) No license shall be assignable or transferable or valid for any establishment other than  
630 the original licensee. License fees and application fees are nonrefundable.

631 (8) A license for each new establishment shall not be issued until an inspection has been  
632 made, license and inspection fees have been paid, and the licensee in charge and/or owners  
633 of such establishment has been interviewed by the board or its designee.

634 (9) The board is authorized to establish rules and regulations for the issuance of a special  
635 funeral establishment work permit.

## 636 **History**

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637  
638 Laws, 1983, ch. 351, § 8; reenacted and amended, Laws, 1991, ch. 463, § 9; reenacted, Laws, 1993,  
639 ch. 499, § 9; reenacted, Laws, 1995, ch. 387, § 9; reenacted without change, Laws, 1999, ch. 377, §  
640 9; reenacted and amended, Laws, 2002, ch. 497, § 9; reenacted and amended, Laws, 2005, ch. 542,  
641 § 9; Laws, 2008, ch. 514, § 6; Laws, 2012, ch. 466, § 9; reenacted without change, Laws, 2017, ch.  
642 373, § 9, eff from and after July 1, 2017; reenacted without change, Laws, 2021, ch. 311, § 8, eff  
643 from and after July 1, 2021.  
644

## 645 **§ 73-11-56. Schedule of fees [Repealed effective July 1, 2025].**

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646  
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648 On or before October 1 of each year, the board shall determine the amount of funds that will  
649 be required during the next ensuing two (2) years to properly administer the laws which the  
650 board is directed to enforce and administer and by rule and regulation shall fix fees in such  
651 reasonable sums as may be necessary for such purposes within the following limitations:

### 652 **Funeral establishment:**

653	Application fee, for a new or change of ownership establishment.....	\$ 500.00
654	Inspection fee.....	\$ 75.00
655	Renewal application and licensee fee.....	\$ 300.00
656	Commercial mortuary service license fee for a new or change of ownership.....	\$ 500.00
657	Renewal application and licensee fee.....	\$ 300.00
658	Crematory application fee for a new or change of ownership.....	\$ 500.00
659	Renewal application and license fee.....	\$ 300.00
660	Special work permit.....	\$ 150.00

### 661 **Funeral service:**

662	Initial application fee.....	\$ 50.00
663	Reciprocal application fee.....	\$ 200.00
664	Renewal license and application fee.....	\$ 125.00
665	Work permit.....	\$ 50.00



666	<b>Funeral director:</b>	
667	Initial application fee.....	\$ 50.00
668	Reciprocal application fee.....	\$ 200.00
669	Renewal license and application fee.....	\$ 100.00
670	Work permit.....	\$ 50.00
671	<b>Certified crematory operator:</b>	
672	Initial application fee.....	\$ 100.00
673	Renewal license and application fee.....	\$ 100.00
674	<b>Resident trainee certificate:</b>	
675	Funeral service application fee.....	\$ 50.00
676	Funeral director application fee.....	\$ 50.00
677	Funeral service renewal application fee.....	\$ 50.00
678	Funeral director renewal application fee.....	\$ 50.00
679	<b>Other fees:</b>	
680	Certification fee.....	\$ 50.00
681	Duplicate license fee.....	\$ 25.00
682	Reinstatement of lapsed license fee, equal to the amount of the applicable license fee (or	
683	the amount of the application fee for the resident trainees).	
684	Late fee equal to the amount of the applicable license fee (or the amount of the application	
685	fee for the resident trainees).	
686	Public records of the board per page.....	\$ 1.00
687	All licenses will have a reinstatement and late fee added to the renewal fee if the payment is	
688	not in the board's office or postmarked by the due date.	
689	At least thirty (30) days prior to the expiration date of any license issued by the board, the	
690	board shall notify the licensee of the applicable renewal fee therefor.	

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## 694 **History**

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696  
697 Laws, 1991, ch. 463, § 10; reenacted, Laws, 1993, ch. 499, § 10; reenacted, Laws, 1995, ch. 387, §  
698 10; reenacted without change, Laws, 1999, ch. 377, § 10; reenacted and amended, Laws, 2002, ch.  
699 497, § 10; reenacted and amended, Laws, 2005, ch. 542, § 10; Laws, 2008, ch. 514, § 7; Laws,  
700 2012, ch. 466, § 10; reenacted without change, Laws, 2017, ch. 373, § 10, eff from and after July 1,  
701 2017; reenacted without change, Laws, 2021, ch. 311, § 9, eff from and after July 1, 2021.

702

703 **§ 73-11-57. Grounds for refusal to issue or renew license;**  
704 **suspension or revocation of license; complaint procedure;**  
705 **temporary suspension of license; sanctions for violations;**  
706 **hearings; attendance of witnesses; production of books and**  
707 **records; subpoenas; appeal from decision of board or judgment**  
708 **or decree of circuit court; monetary penalties [Repealed**  
709 **effective July 1, 2025].**

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710

711 (1) The board, upon satisfactory proof at proper hearing and in accordance with the  
712 provisions of this chapter and the regulations of the board, may suspend, revoke, or refuse  
713 to issue or renew any license under this chapter, reprimand or place the holder of a license  
714 on a term of probation, and/or take any other action in relation to a license as the board  
715 may deem proper under the circumstances upon any of the following grounds:

716 (a) The employment of fraud or deception in applying for a license or in passing the  
717 examination provided for in this chapter;

718 (b) The erroneous issuance of a license to any person;

719 (c) The conviction of a felony by any court in this state or any federal court or by the court  
720 of any other state or territory of the United States; having been convicted of or pled guilty  
721 to a felony in the courts of this state or any other state, territory or country which would  
722 prevent a person from holding elected office. Conviction, as used in this paragraph, shall  
723 include a deferred conviction, deferred prosecution, deferred sentence, finding or verdict of  
724 guilt, an admission of guilty, or a plea of nolo contendere;

725 (d) The practice of embalming under a false name or without a license for the practice of  
726 funeral service;

727 (e) The impersonation of another funeral service or funeral directing licensee;

728 (f) The permitting of a person other than a funeral service or funeral directing licensee to  
729 make arrangements for a funeral and/or form of disposition;

730 (g) Violation of any provision of this chapter or any rule or regulation of the board;

731 (h) Having had a license for the practice of funeral service or funeral directing suspended or  
732 revoked in any jurisdiction, having voluntarily surrendered his license in any jurisdiction,  
733 having been placed on probation in any jurisdiction, having been placed under disciplinary  
734 order(s) or other restriction in any manner for funeral directing and/or funeral service, or  
735 operating a funeral establishment (a certified copy of the order of suspension, revocation,  
736 probation or disciplinary action shall be prima facie evidence of such action);

737 (i) Solicitation of dead human bodies by the licensee, his agents, assistants or employees,  
738 whether such solicitation occurs after death or when death is imminent; if the person  
739 solicited has made known a desire not to receive the communication, or if the solicitation  
740 involves coercion, duress or harassment, or if the solicitation takes place at the residence of  
741 the client or prospective client and is uninvited by the client or prospective client and has

742 not been previously agreed to by the client or prospective client; however, this shall not be  
743 deemed to prohibit general advertising;

744 **(j)** Employment directly or indirectly of any apprentice, agent, assistant, employee, or other  
745 person, on a part-time or full-time basis or on commission, for the purpose of calling upon  
746 individuals or institutions by whose influence dead human bodies may be turned over to a  
747 particular funeral establishment;

748 **(k)** Failure to give full cooperation to the board and/or its designees, agents or other  
749 representatives in the performance of official duties of the board. Such failure to cooperate  
750 includes, but is not limited to:

751 **(i)** Not furnishing any relevant papers or documents requested by or for the board;

752 **(ii)** Not furnishing, in writing, an adequate explanation covering the matter contained in a  
753 complaint filed with the board;

754 **(iii)** Not responding without cause to subpoenas issued by the board, whether or not the  
755 licensee is the party charged in any proceeding before the board;

756 **(iv)** Not reasonably providing access, as directed by the board for its authorized agents or  
757 representatives seeking to perform reviews or inspections at facilities or places utilized by  
758 the license holder in the practice of funeral service or funeral directing and/or in performing  
759 any other activity regulated by the board under this chapter;

760 **(v)** Failure to provide information within the specified time allotted and as required by the  
761 board and/or its representatives or designees;

762 **(vi)** Failure to cooperate with the board or its designees or representatives in the  
763 investigation of any alleged misconduct or interfering with a board investigation by willful  
764 misrepresentation of facts;

765 **(vii)** Deceiving or attempting to deceive the board regarding any matter under investigation,  
766 including altering or destroying any records; and

767 **(viii)** Failure, without good cause, to cooperate with any request by the board to appear  
768 before it;

769 **(l)** Knowingly performing any act that in any way assists an unlicensed person to practice  
770 funeral service or funeral directing;

771 **(m)** Knowingly making a false statement on death certificates;

772 **(n)** Conviction of a crime involving moral turpitude;

773 **(o)** Violating any statute, ordinance, rule or regulation of the state or any of its boards,  
774 agencies or political subdivisions affecting the registration of deaths or the handling,  
775 custody, care or transportation of dead human bodies; or

776 **(p)** Unprofessional conduct in the practice of funeral service or funeral directing which  
777 includes, but is not limited to:

778 **(i)** Retaining a dead human body for the payment of a fee for the performance of services  
779 that are not authorized;

780 **(ii)** Knowingly performing any act which in any way assists an unlicensed person to practice  
781 funeral service or funeral directing;

782 **(iii)** Being guilty of any dishonorable conduct likely to deceive, defraud or harm the public;

783 **(iv)** Any act or omission in the practice of funeral service or directing which constitutes  
784 dishonesty, fraud or misrepresentation with the intent to benefit the licensee, another  
785 person or funeral establishment, or with the intent to substantially injure another person,  
786 licensee or funeral establishment; or

787 **(v)** Any act or conduct, whether the same or of a different character than specified above,  
788 which constitutes or demonstrates bad faith, incompetency or untrustworthiness; or  
789 dishonest, fraudulent or improper dealing; or any other violation of the provisions of this  
790 chapter, the rules and regulations established by the board or any rule or regulation  
791 promulgated by the Federal Trade Commission relative to the practice of funeral service or  
792 funeral directing.

793 **(2)** Any person, including a member of the board, may initiate a complaint against a  
794 licensee of the board by filing with the board a written complaint on a form prescribed by  
795 the board.

796 **(a)** Upon receipt of a properly verified complaint, the board shall send a copy of the  
797 complaint to the affected licensee by certified mail to the address of such licensee appearing  
798 of record with the board. The licensee shall answer the complaint in writing within twenty  
799 (20) days after receipt of the complaint. The licensee shall mail a copy of his, her or its  
800 response to the board and the complainant. Upon receipt of the licensee's response or lapse  
801 of twenty (20) days, the board is authorized to investigate a complaint that appears to show  
802 the existence of any of the causes or grounds for disciplinary action as provided in Section  
803 73-11-57. Upon finding reasonable cause to believe that the charges are not frivolous,  
804 unfounded or filed in bad faith, the board may, in its discretion, cause a hearing to be held,  
805 at a time and place fixed by the board, regarding the charges that a violation of this chapter  
806 has occurred. The board shall order a hearing for the licensee to appear and show cause  
807 why he/she should not be disciplined for a violation of this chapter.

808 **(b)** The board shall give the complainant and the affected licensee twenty (20) days' notice  
809 of any hearing upon a complaint. Such notice shall be by United States certified mail.

810 **(c)** Any party appearing before the board may be accompanied by counsel.

811 **(d)** Before commencing a hearing, the chairman or designee of the board shall determine if  
812 all parties are present and ready to proceed. If the complainant fails to attend a hearing  
813 without good cause shown, the complaint shall be dismissed summarily and all fees and  
814 expenses of convening the hearing shall be assessed to, and paid by, the complainant. If  
815 any affected licensee fails to appear for a hearing without good cause shown, such licensee  
816 shall be presumed to have waived his right to appear before the board and be heard.

817 **(e)** Upon the chair's determination that all parties are ready to proceed, the chair or  
818 designee shall call the hearing to order and the complainant and the licensee may give  
819 opening statements. The board may order the sequestration of nonparty witnesses.

820 **(f)** The complainant shall then present his, her or its complaint. The licensee, any counsel  
821 and any member or designee of the board may ask questions of witnesses.

- 822 (g) The licensee shall then present his, her or its case in rebuttal. The complainant, any  
823 counsel and any member or designee of the board may ask questions of witnesses.
- 824 (h) At the completion of the evidence, all parties may give closing statements.
- 825 (i) At the conclusion of the hearing, the board may either decide the issue at that time or  
826 take the case under advisement for further deliberation. The board shall render its decision  
827 not more than ninety (90) days after the close of the hearing and shall forward the decision  
828 to the last-known business or residence address of the parties.
- 829 (3) The board, on its own motion, may file a formal complaint against a licensee.
- 830 (4) The board may temporarily suspend a license under this chapter without any hearing,  
831 simultaneously with the institution of proceedings under this section, if it finds that the  
832 evidence in support of the board's determination is clear, competent and unequivocal and  
833 that the licensee's continuation in practice would constitute an imminent danger to public  
834 health and safety.
- 835 (5) The board may, upon satisfactory proof that the applicant or licensee has been guilty of  
836 any of the offenses above enumerated, take the action authorized by this section against an  
837 applicant or licensee of the board upon a majority vote of the board members, after a  
838 hearing thereon. The board is vested with full power and authority to hold and conduct such  
839 hearings, compel the attendance of witnesses and the production of books, records and  
840 documents, issue subpoenas therefor, administer oaths, examine witnesses, and do all  
841 things necessary to properly conduct such hearings. The board may waive the necessity of a  
842 hearing if the person accused of a violation admits that he has been guilty of such offense.  
843 Any person who has been refused a license or whose license has been revoked or  
844 suspended may, within thirty (30) days after the decision of the board, file with the board a  
845 written notice stating that he feels himself aggrieved by such decision and may appeal  
846 therefrom to the circuit court of the county and judicial district of residence of the person, or  
847 if the person is a nonresident of the State of Mississippi, to the Circuit Court of the First  
848 Judicial District of Hinds County. The circuit court shall determine the action of the board  
849 was in accord or consistent with law, or was arbitrary, unwarranted or an abuse of  
850 discretion. The appeal shall be perfected upon filing notice of the appeal with the circuit  
851 court and by the prepayment of all costs, including the cost of the preparation of the record  
852 of the proceedings by the board. An appeal from the circuit court judgment or decree may  
853 be reviewed by the Supreme Court as is provided by law for other appeals. An appeal of a  
854 decision or order of the board does not act as a supersedeas.
- 855 (6) In addition to any other power that it has, the board may, upon finding that an applicant  
856 or licensee has committed any of the violations listed in Section 73-11-57(1), impose a  
857 monetary penalty as follows:
- 858 (a) For the first violation of any of the subparagraphs of subsection (1) of this section, a  
859 monetary penalty of not more than Five Hundred Dollars (\$500.00).
- 860 (b) For the second violation of any of the subparagraphs of subsection (1) of this section, a  
861 monetary penalty of not more than One Thousand Dollars (\$1,000.00).
- 862 (c) For the third and any subsequent violation of any of the subparagraphs of subsection (1)  
863 of this section, a monetary penalty of not more than Five Thousand Dollars (\$5,000.00).

864 (d) For any violation of any of the subparagraphs of subsection (1) of this section, those  
865 reasonable costs that are expended by the board in the investigation and conduct of a  
866 proceeding for licensure revocation or suspension, including, but not limited to, the cost of  
867 process service, court reporters, expert witnesses and investigators.

868 (7) The power and authority of the board to assess and levy such monetary penalties  
869 hereunder shall not be affected or diminished by any other proceeding, civil or criminal,  
870 concerning the same violation or violations except as provided in this section.

871 (8) A licensee shall have the right of appeal from the assessment and levy of a monetary  
872 penalty as provided in this section under the same conditions as a right of appeal is  
873 provided elsewhere for appeals from an adverse ruling, order or decision of the board.

874 (9) Any monetary penalty assessed and levied under this section shall not take effect until  
875 after the time for appeal shall have expired.

876 (10) A monetary penalty assessed and levied under this section shall be paid to the board by  
877 the licensee upon the expiration of the period allowed for appeal of such penalties under this  
878 section or may be paid sooner if the licensee elects.

879 With the exception of subsection (5)(d) of this section, monetary penalties collected by the  
880 board under this section shall be deposited in the State Treasury to the credit of the State  
881 Board of Funeral Service. Any monies collected by the board under subsection (5)(d) of this  
882 section shall be deposited into the special fund operating account of the board.

883 (11) When payment of a monetary penalty assessed and levied by the board against a  
884 licensee in accordance with this section is not paid by the licensee when due under this  
885 section, the board shall have power to institute and maintain proceedings in its name for  
886 enforcement of payment in the chancery court of the county and judicial district of residence  
887 of the licensee, or if the licensee is a nonresident of the State of Mississippi, in the Chancery  
888 Court of the First Judicial District of Hinds County, Mississippi.

889 (12) In any administrative or judicial proceeding in which the board prevails, the board shall  
890 have the right to recover reasonable attorney fees.

891 (13) In addition to the reasons specified in subsection (1) of this section, the board shall be  
892 authorized to suspend the license of any licensee for being out of compliance with an order  
893 for support, as defined in Section 93-11-153. The procedure for suspension of a license for  
894 being out of compliance with an order for support, and the procedure for the reissuance or  
895 reinstatement of a license suspended for that purpose, and the payment of any fees for the  
896 reissuance or reinstatement of a license suspended for that purpose, shall be governed by  
897 Section 93-11-157 or 93-11-163, as the case may be. Actions taken by the board in  
898 suspending a license when required by Section 93-11-157 or 93-11-163 are not actions  
899 from which an appeal may be taken under this section. Any appeal of a license suspension  
900 that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the  
901 appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather  
902 than the procedure specified in this section. If there is any conflict between any provision of  
903 Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section  
904 93-11-157 or 93-11-163, as the case may be, shall control.

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907 **History**

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910 Laws, 1983, ch. 351, § 9; reenacted and amended, Laws, 1991, ch. 463, § 11; reenacted, Laws,  
911 1993, ch. 499, § 11; Laws, 1995, ch. 387, § 11; Laws, 1996, ch. 507, § 37; reenacted and  
912 amended, Laws, 1999, ch. 377, § 11; reenacted and amended, Laws, 2002, ch. 497, § 11; reenacted  
913 and amended, Laws, 2005, ch. 542, § 11; Laws, 2008, ch. 514, § 8; reenacted without change,  
914 Laws, 2012, ch. 466, § 11; reenacted without change, Laws, 2017, ch. 373, § 11, eff from and after  
915 July 1, 2017; reenacted without change, Laws, 2021, ch. 311, § 10, eff from and after July 1, 2021;  
916 brought forward without change, Laws, 2023, ch. 450, § 3, eff from and after July 1, 2023.

917  
918 **§ 73-11-57.1. Authority to revoke, refuse to renew, suspend or**  
919 **place on probation license of funeral home establishment or**  
920 **director under certain circumstances [Repealed effective July**  
921 **1, 2025].**

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922  
923 The State Board of Funeral Service may revoke, refuse to renew, suspend or place on  
924 probation the license of a funeral home establishment or funeral director, or both, if the  
925 funeral home or funeral director accepts funds for a preneed funeral contract or other  
926 prepayment of funeral expenses without a registration to sell preneed funeral contracts; or  
927 is registered to sell preneed funeral contracts and fails to deposit the funds in trust or to  
928 timely remit premium payments from consumers to the insurer as provided in Section 75-  
929 63-59 and Section 75-63-61, respectively.

930 The State Board of Funeral Service shall make written notification to the Secretary of State  
931 of all license suspensions and revocations issued by the board as well as written notification  
932 for all new licenses issued by the board. The Secretary of State shall make written  
933 notification to the board of all registration suspensions, revocations, orders of cease and  
934 desist, and administrative penalties imposed by the Secretary of State under Article 3,  
935 Chapter 11, Title 73, Mississippi Code of 1972.

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938 **History**

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941 Laws, 2009, ch. 549, § 16; reenacted without change, Laws, 2012, ch. 466, § 12; reenacted without  
942 change, Laws, 2017, ch. 373, § 12, eff from and after July 1, 2017; reenacted without change, Laws,  
943 2021, ch. 311, § 11, eff from and after July 1, 2021.

944  
945 **§ 73-11-57.2. License required to be funeral service, funeral**  
946 **director or certified crematory operator; violations.**

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947

948 (1) No person or entity shall engage in any activity for which a license is required under this  
949 chapter, without holding such licensure in good standing.

950 (2) A person may not be, act as, or advertise or hold himself or herself out to be a funeral  
951 service, a funeral director, or a certified crematory operator unless he or she is currently  
952 licensed by the board.

953 (3) When the board has reasonable cause to believe that any person or entity not licensed  
954 under this chapter has violated any provision of this chapter or any rule adopted under this  
955 chapter, the board may issue an administrative complaint to such person or entity, alleging  
956 violation of this chapter and providing notice therein of intent by the board to order such  
957 person to cease and desist from the alleged violation of this chapter, to take corrective  
958 action, including payment of restitution to persons adversely affected by the violation, to  
959 pay the board's reasonable costs of investigation and prosecution, or to impose a fine of up  
960 to Five Thousand Dollars (\$5,000.00) upon such person for each violation of this chapter  
961 alleged in the administrative complaint.

962 When issuing an administrative complaint to such person or entity, the board shall order a  
963 hearing for the subject individual or entity to appear and show cause why he/she should not  
964 be disciplined for a violation of this chapter. Any party appearing before the board may be  
965 accompanied by counsel. The board is vested with full power and authority to hold and  
966 conduct such hearings, compel the attendance of witnesses and the production of books,  
967 records and documents, issue subpoenas therefor, administer oaths, examine witnesses,  
968 and do all things necessary to properly conduct such hearings.

969 (4) Where the board determines that an emergency exists regarding any violation of this  
970 chapter by any unlicensed person or entity, the board may issue and serve an emergency  
971 order upon such unlicensed person or entity. Such an emergency order may impose such  
972 prohibitions and requirements as are reasonably necessary to protect the public health,  
973 safety and welfare. Such emergency order shall be effective on the date of service on the  
974 unlicensed person or entity.

975 (a) For the purpose of enforcing such an emergency order, the board may file in circuit court  
976 for an injunction or other order seeking enforcement of the emergency order. The court shall  
977 issue its injunction or other order enforcing the emergency order pending administrative  
978 resolution of the matter under subsection (3) of this section, unless the court determines  
979 that such action would work a manifest injustice under the circumstances. Venue for judicial  
980 actions under this section shall be, at the election of the board, in the Circuit Court of  
981 Rankin County or in a circuit court of a county where the respondent resides or has a place  
982 of business.

983 (b) After serving an emergency order on any person or entity, the board shall within ten  
984 (10) days issue and serve upon the same person or entity an administrative complaint as  
985 set forth in subsection (3) of this section, except that, absent order of a court to the  
986 contrary, the emergency order will be effective throughout the pendency of proceedings  
987 under subsection (3) of this section.

988 (5) For the purpose of this section, the violation of this chapter by a person who is not  
989 licensed under this chapter or by any person who aids and abets the unlicensed activity  
990 shall be presumed to be irreparable harm to the public health, safety, or welfare.



991 (6) Any administrative complaint or emergency order under this section may be served in  
992 person by a board employee or by certified mail, return receipt requested, to the subject's  
993 place of residence or business, or by other means authorized by law.

994 (7) An aggrieved party shall have the right of appeal from the assessment and levy of a  
995 monetary penalty as provided in this section under the same conditions as a right of appeal  
996 is provided elsewhere for appeals from an adverse ruling, order or decision of the board.

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## 1000 **History**

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Laws, 2023, ch. 450, § 4, eff from and after July 1, 2023.

### 1005 **§ 73-11-58. Execution of Self-Directed Disposition** 1006 **Authorization document; procedure for disposition of** 1007 **decendent's body where no written authorization was left by** 1008 **decendent; persons adjudicated responsible for decendent's** 1009 **death precluded from deciding disposition of remains.** 1010 **[Repealed effective July 1, 2025].**

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1011

1012 (1) Residents of the state shall have the right to direct their own disposition without  
1013 interference from others, regardless of their relationship. This right of self-authorization can  
1014 be executed through the use of the Self-Directed Disposition Authorization document. This  
1015 document shall supersede the wishes and rights commonly executed by the next of kin. If a  
1016 decendent has left no written authorization for the cremation and/or disposition of the  
1017 decendent's body as permitted by law, any of the following persons, in the order of priority  
1018 listed below, may authorize any lawful manner of disposition of the decendent's body by  
1019 completion of a written instrument:

1020 (a) The person designated by the decendent as authorized to direct disposition pursuant to  
1021 Public Law No. 109-163, Section 564, as listed on the decendent's United States Department  
1022 of Defense Record of Emergency Data, DD Form 93, or its successor form, if the decendent  
1023 died during military service, as provided in 10 USC Section 1481(a)(1) through (8), in any  
1024 branch of the United States Armed Forces, United States Reserve Forces or National Guard.

1025 (b) The surviving spouse.

1026 (c) A surviving child who is at least eighteen (18) years of age.

1027 (d) A grandchild who is at least eighteen (18) years of age.

1028 (e) Either surviving parent.

1029 (f) A surviving sibling who is at least eighteen (18) years of age.

- 1030 (g) A person acting as a representative of the decedent under a signed authorization of the  
1031 decedent.
- 1032 (h) The guardian of the person of the decedent at the time of the decedent's death, if a  
1033 guardian has been appointed.
- 1034 (i) A person in the class of the next degree of kinship, in descending order, who, under state  
1035 law, would inherit the decedent's estate if the decedent died intestate and who is at least  
1036 eighteen (18) years of age.
- 1037 (j) A person who has exhibited special care and concern for the decedent and is willing and  
1038 able to make decisions about the cremation and disposition.
- 1039 (k) In the case of individuals who have donated their bodies to science or whose death  
1040 occurred in a nursing home or private institution and in which the institution is charged with  
1041 making arrangements for the final disposition of the decedent, a representative of the  
1042 institution may serve as the authorizing agent in the absence of any of the above.
- 1043 (l) In the absence of any of the above, any person willing to assume responsibility for the  
1044 cremation and disposition of the decedent.
- 1045 (m) In the case of indigents or any other individuals whose final disposition is the  
1046 responsibility of the state or any of its instrumentalities, a public administrator, medical  
1047 examiner, coroner, state-appointed guardian, or any other public official charged with  
1048 arranging the final disposition of the decedent may serve as the authorizing agent.
- 1049 (2) The provisions of subsection (1) of this section shall not apply to any listed person,  
1050 regardless of priority, when that person has been finally adjudicated by a court of  
1051 competent jurisdiction to be at fault for the decedent's death, whether that liability be  
1052 criminal or civil. Such persons shall be barred and precluded from deciding the disposition of  
1053 the decedent's body.
- 1054 (a) Upon motion by the state or any person listed in subsection (1) of this section in the  
1055 chancery court of the county of the decedent's residence, the chancellor shall designate the  
1056 next available person listed in subsection (1) of this section and such person may then  
1057 authorize any lawful manner of disposition of the decedent's body by completion of a written  
1058 instrument.
- 1059 (b) If a criminal prosecution arising from the decedent's death is actively ongoing at the  
1060 time of the disposition of the decedent's remains, the chancellor may request a bond be  
1061 filed with the court in the sum of Five Thousand Dollars (\$5,000.00) by the moving party  
1062 before granting the motion.
- 1063 (3) No funeral establishment shall accept a dead human body from any public officer or  
1064 employee or from the official of any institution, hospital or nursing home, or from a  
1065 physician or any person having a professional relationship with a decedent, without having  
1066 first made due inquiry as to the desires of the persons who have the legal authority to direct  
1067 the disposition of the decedent's body. If any persons are found, their authority and  
1068 directions shall govern the disposal of the remains of the decedent. Any funeral  
1069 establishment receiving the remains in violation of this subsection shall make no charge for  
1070 any service in connection with the remains before delivery of the remains as stipulated by  
1071 the persons having legal authority to direct the disposition of the body. This section shall not  
1072 prevent any funeral establishment from charging and being reimbursed for services

1073 rendered in connection with the removal of the remains of any deceased person in case of  
1074 accidental or violent death and rendering necessary professional services required until the  
1075 persons having legal authority to direct the disposition of the body have been notified.

1076 **(4)** A person who does not exercise his or her right to dispose of the decedent's body under  
1077 subsection (1) of this section within five (5) days from the date of the death shall be  
1078 deemed to have waived his or her right to authorize disposition of the decedent's body or  
1079 contest disposition in accordance with this section. If, during the aforesaid time period, the  
1080 funeral director, funeral service practitioner and/or funeral establishment has been provided  
1081 contrary written consent from members of the same class with the highest priority as to the  
1082 disposition of the decedent's body, the licensed funeral director or service practitioner or  
1083 funeral establishment shall act in accordance with the directive of the greatest number of  
1084 consents received from members of the class. If that number is equal, the funeral director  
1085 or funeral service practitioner and/or the funeral establishment shall act in accordance with  
1086 the earlier consent unless the person(s) providing the later consent is granted an order from  
1087 a court of competent jurisdiction in which the funeral establishment is located, and such  
1088 order will be filed and paid for by the family of the deceased within twenty (20) days from  
1089 the date of death.

1090 **(5)** If no consent for the embalming, cremation or other disposition of a dead human body  
1091 from any of the relatives or interested persons or institutions listed above in subsection (1)  
1092 of this section is received within ten (10) days of the decedent's death, the coroner for, or  
1093 other person designated by, the county in which the funeral establishment is located is  
1094 authorized to sign the consent authorizing the disposition of the decedent's remains.

1095 **(6)** If none of the parties listed above in subsection (1) of this section is financially capable  
1096 of providing for the cremation, embalming or disposition of a dead human body, the coroner  
1097 for, or other person designated by, the county in which the funeral establishment is located  
1098 is authorized to sign the consent authorizing the disposition of the decedent's remains.

1099 **(7)** The licensed funeral director, funeral service practitioner or funeral establishment shall  
1100 have authority to control the disposition of the remains of a decedent and proceed to  
1101 recover the costs for the disposition when: (a) none of the persons or parties described  
1102 above in subsection (1)(a) through (l) assume responsibility for the disposition of the  
1103 remains, and (b) the coroner or other public official designated in subsection (1)(m) fails to  
1104 assume responsibility for disposition of the remains within seven (7) days after having been  
1105 given written notice of the facts. Written notice may be made by personal delivery, United  
1106 States mail, facsimile or transmission. The method of disposition must be in the least costly  
1107 and most environmentally sound manner that complies with law, and that does not conflict  
1108 with known wishes of the decedent.

1109 **(8)** A funeral director, funeral service and/or funeral establishment licensee acting in  
1110 accordance with this section, or attempting in good faith to act in accordance with this  
1111 section, shall not be subject to criminal prosecution or civil liability for carrying out the  
1112 otherwise lawful instructions of the person or persons described in this section.

1113 **(9)** The liability for the reasonable cost of the final disposition of the remains of the  
1114 decedent devolves upon the individual or entity authorizing the disposition and/or upon the  
1115 estate of the decedent and, in cases when the county board of supervisors has the right to  
1116 control the disposition of the remains under this section, upon the county in which the death  
1117 occurred.

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1121 **History**

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Laws, 2005, ch. 542, § 12; Laws, 2010, ch. 307, § 1; Laws, 2012, ch. 466, § 13; reenacted without change, Laws, 2017, ch. 373, § 13, eff from and after July 1, 2017; reenacted without change, Laws, 2021, ch. 311, § 12, eff from and after July 1, 2021; Laws, 2023, ch. 450, § 5, eff from and after July 1, 2023.

1128

1129 **§ 73-11-59. Penalties [Repealed effective July 1, 2025].**

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1131 Any person, partnership, corporation, association or his or her or its agents or  
1132 representatives who shall violate any of the provisions of this chapter shall be deemed guilty  
1133 of a misdemeanor and, upon conviction thereof, shall be punished by a fine of Five  
1134 Thousand Dollars (\$5,000.00), or by imprisonment for not more than six (6) months in the  
1135 county jail, or by both such fine and imprisonment.

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1139 **History**

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Laws, 1983, ch. 351, § 10; reenacted and amended, Laws, 1991, ch. 463, § 12; reenacted, Laws, 1993, ch. 499, § 12; reenacted, Laws, 1995, ch. 387, § 12; reenacted without change, Laws, 1999, ch. 377, § 12; reenacted without change, Laws, 2002, ch. 497, § 12; reenacted and amended, Laws, 2005, ch. 542, § 13; reenacted without change, Laws, 2012, ch. 466, § 14; reenacted without change, Laws, 2017, ch. 373, § 14, eff from and after July 1, 2017; reenacted without change, Laws of 2021, ch. 311, § 13, eff from and after July 1, 2021.

1148

1149 **§ 73-11-61. Price list and statement of goods and services**  
1150 **must be provided before services rendered [Repealed effective**  
1151 **July 1, 2025].**

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1152

1153 Every funeral director or funeral service licensee shall provide, before the rendering of  
1154 services, the funeral establishment's current general price list, casket price list, outer  
1155 container price list, and a statement of goods and services to the person or persons who  
1156 authorize the services and is responsible for payment of the expenses therefor, in a manner  
1157 and format as prescribed by the Federal Trade Commission's Funeral Rule of 1984 and any  
1158 future changes with regard to required disclosures. The general price list must be made  
1159 available to any person upon request.

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1163 **History**

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1166 Laws, 1983, ch. 351, § 11; reenacted and amended, Laws, 1991, ch. 463, § 13; reenacted, Laws,  
1167 1993, ch. 499, § 13; reenacted, Laws, 1995, ch. 387, § 13; reenacted without change, Laws, 1999,  
1168 ch. 377, § 13; reenacted and amended, Laws, 2002, ch. 497, § 13; reenacted without change, Laws,  
1169 2005, ch. 542, § 14; reenacted without change, Laws, 2012, ch. 466, § 15; reenacted without  
1170 change, Laws, 2017, ch. 373, § 15, eff from and after July 1, 2017; reenacted without change, Laws,  
1171 2021, ch. 311, § 14, eff from and after July 1, 2021.

1172

1173 **§ 73-11-63. Application of provisions to cemeteries or**  
1174 **cemetery chapels; chapter does not interfere with religious**  
1175 **ceremonies or customs [Repealed effective July 1, 2025].**

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1176

1177 Nothing in this chapter shall be construed to authorize the regulation or licensing of  
1178 cemeteries or cemetery chapels by the board, except the regulation or licensing of any  
1179 funeral establishment operated by a cemetery. In addition, nothing in this chapter shall be  
1180 construed to prevent or interfere with the ceremonies, customs, religious rites or religion of  
1181 any people, denomination, or sect, or to prevent or interfere with any religious  
1182 denomination, sect or anybody composed of persons of a denomination, or to prevent or  
1183 interfere with any church or synagogue from having its committee or committees prepare  
1184 human bodies for burial or the families, friends or neighbors of deceased persons who  
1185 prepare and bury their dead without charge.

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1189 **History**

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1192 Laws, 1983, ch. 351, § 12; reenacted, Laws, 1991, ch. 463, § 14; reenacted, Laws, 1993, ch. 499, § 14; reenacted, Laws,  
1193 1995, ch. 387, § 14; reenacted without change, Laws, 1999, ch. 377, § 14; reenacted and amended, Laws, 2002, ch. 497, §  
1194 14; reenacted and amended, Laws, 2005, ch. 542, § 15; reenacted without change, Laws, 2012, ch. 466, § 16; reenacted  
1195 without change, Laws, 2017, ch. 373, § 16, eff from and after July 1, 2017; reenacted without change, Laws, 2021, ch. 311,  
1196 § 15, eff from and after July 1, 2021.

1197

1198 **§ 73-11-65. Funeral service interments must be under**  
1199 **supervision of Mississippi licensed funeral director or funeral**  
1200 **service licensee [Repealed effective July 1, 2025].**

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1201

1202 Every funeral service or interment, or part thereof, that is conducted in Mississippi must be  
1203 in the actual charge and under the supervision of a funeral director or funeral service  
1204 licensee who is licensed under this chapter. However, this section shall not prevent a family  
1205 from burying its own dead without charge.

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## 1208 **History**

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1211 Laws, 2002, ch. 497, § 15; reenacted without change, Laws, 2005, ch. 542, § 16; reenacted without  
1212 change, Laws, 2012, ch. 466, § 17; reenacted without change, Laws, 2017, ch. 373, § 17, eff from  
1213 and after July 1, 2017; reenacted without change, Laws, 2021, ch. 311, § 16, eff from and after July  
1214 1, 2021.

1215

## 1216 **§ 73-11-67. Retail sellers of caskets required to register** 1217 **annually with board; procedure for disciplinary proceedings** 1218 **[Repealed effective July 1, 2025].**

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1219

1220 (1) Every person, establishment or company not licensed under this chapter that sells  
1221 caskets at retail shall register annually with the board. The names of registrants under this  
1222 section shall be made available to any person upon request during the regular business  
1223 hours of the board. The procedure for conducting a disciplinary proceeding against any  
1224 casket retailer accused of failing to register with the board, as well as the penal sanctions  
1225 available to the board, shall be the same as those set forth in Section 73-11-57.

1226 (2) Any person, establishment or company required to register under subsection (1) of this  
1227 section that sells preneed contracts for caskets, either directly or indirectly or through an  
1228 agent, shall be required to meet all of the requirements of Sections 75-63-51 through 75-  
1229 63-75 that are applicable to preneed contracts for funeral services under those sections. For  
1230 the purposes of this section, the term "preneed contract for caskets" means any contract,  
1231 agreement or any series or combination of contracts or agreements, whether funded by  
1232 trust deposits or insurance, or any combination thereof, that is for the purpose of furnishing  
1233 or delivering a casket or caskets for the final disposition of a dead human body, to be  
1234 furnished or delivered at a time determinable by the death of the person whose body is to  
1235 be disposed of.

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## 1239 **History**

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1242 Laws, 2002, ch. 497, § 16; reenacted and amended, Laws, 2005, ch. 542, § 17; Laws, 2010, ch. 407,  
1243 § 1; reenacted without change, Laws, 2012, ch. 466, § 18; reenacted without change, Laws, 2017,

1244 ch. 373, § 18, eff from and after July 1, 2017; reenacted without change, Laws, 2021, ch. 311, § 17,  
1245 eff from and after July 1, 2021.

1246

1247 **§ 73-11-69. Licensing and regulation of crematory facilities**  
1248 **[Repealed effective July 1, 2025].**  
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1250 (1) No person or party shall conduct, maintain, manage or operate a crematory unless a  
1251 license for each such crematory has been issued by the board and is conspicuously  
1252 displayed in such crematory.

1253 (2) The operator of a crematory facility shall issue a certificate of cremation to the family of  
1254 each person cremated in the facility. In addition, the operator of the crematory facility shall  
1255 maintain a log of all cremations performed in the facility, and this log shall match the  
1256 certificates of cremation that have been issued by the facility.

1257 (3) No operator of a crematory facility shall knowingly represent that an urn or temporary  
1258 container contains the recovered cremated remains of specific decedent or of body parts  
1259 removed from a specific decedent when it does not. This subsection does not prohibit the  
1260 making of such a representation because of the presence in the recovered cremated  
1261 remains of de minimis amounts of the cremated remains of another decedent or of body  
1262 parts.

1263 (4) The board shall inspect each licensed crematory facility during each licensure period, and  
1264 at such other times as necessary, to verify that the crematory facility is in compliance with  
1265 the requirements of this section. Any person who operates a crematory facility in this state  
1266 without a license, or any person who otherwise violates any provision of this section, is  
1267 guilty of a felony. Upon conviction for a violation of this section, in addition to any penalty  
1268 that may be imposed by the court, the board may revoke the person's crematory facility  
1269 license.

1270 (5) If the retort of a crematory becomes in need of repair, then the operator of the  
1271 crematory shall notify the board in writing and by telephone within forty-eight (48) hours of  
1272 discovery of the need to repair, and no cremation shall be made from the time of discovery  
1273 until satisfactory proof is provided to the board that the repair has been made.

1274 (6) The board may promulgate such rules and regulations as deemed necessary for the  
1275 proper licensure and regulation of crematory facilities in this state. Such rules and  
1276 regulations shall include, but not be limited to, the following: crematory facility  
1277 requirements, identification of deceased human beings, cremation process, processing of  
1278 remains, commingling of human remains, disposition of cremated remains, removal of  
1279 human remains and proper documentation requirements as prescribed by state agencies.

1280 (7) Any crematory or funeral establishment may dispose of any remains unclaimed by the  
1281 family after twelve (12) months after cremation by scattering or burial.

1282 (8) The crematory retort operator must be a certified crematory operator as defined in  
1283 Section 73-11-41.

1284 (9) No crematory facility licensed by the board shall be used for the cremation of deceased  
1285 animals.

1286 (10) A crematory may be constructed on or adjacent to any cemetery, on or adjacent to any  
1287 funeral establishment, or at any other location consistent with local zoning regulations.

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## 1291 **History**

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Laws, 2002, ch. 497, § 17; Laws, 2008, ch. 514, § 9; Laws, 2009, ch. 346, § 2; Laws, 2012, ch. 466, § 19; reenacted without change, Laws, 2017, ch. 373, § 19, eff from and after July 1, 2017; reenacted and amended, Laws, 2021, ch. 311, § 18, eff from and after July 1, 2021; Laws, 2023, ch. 450, § 6, eff from and after July 1, 2023.

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## 1300 **§ 73-11-71. Intermingling of cremated remains prohibited; written** 1301 **acknowledgment from person entitled to control disposition of remains;** 1302 **content of acknowledgment [Repealed effective July 1, 2025].**

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1303

1304 (1) Upon the completion of each cremation, and insofar as is practicable, all of the  
1305 recoverable residue of the cremation process shall be removed from the crematory and  
1306 placed in a separate container so that the residue may not be commingled with the  
1307 cremated remains of other persons. Cremated remains of a dead human shall not be divided  
1308 or separated without the prior written consent from the person entitled to control the  
1309 disposition of the cremated remains.

1310 (2) Written acknowledgement from the person entitled to control the disposition of the  
1311 cremated remains shall be obtained by the person with whom arrangements are made for  
1312 disposition of the remains on a form that includes, but is not limited to, the following  
1313 information:

1314 "The human body burns with the casket, container or other material in the cremation  
1315 chamber. Some bone fragments are not combustible at the incineration temperature and, as  
1316 a result, remain in the cremation chamber. During the cremation, the contents of the  
1317 chamber may be moved to facilitate incineration. The chamber is composed of ceramic or  
1318 other material which disintegrates slightly during each cremation and the produce of that  
1319 disintegration is commingled with the cremated remains. Nearly all of the contents of the  
1320 cremation chamber, consisting of the cremated remains, disintegrated chamber material,  
1321 and small amounts of residue from previous cremations, are removed together and crushed,  
1322 pulverized or ground to facilitate inurnment or scattering. Some residue remains in the  
1323 cracks and uneven places of the chamber. Periodically, the accumulation of this residue is  
1324 removed and interred or scattered in a dedicated cemetery property or appropriate area."

1325 The acknowledgment shall be filed and retained for at least three (3) years by the person who disposes of or  
1326 inters the remains.



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1328 **History**

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1331 Laws, 2008, ch. 514, § 10; Laws, 2009, ch. 346, § 3; Laws, 2012, ch. 466, § 20; reenacted without change, Laws, 2017, ch.

1332 373, § 20, eff from and after July 1, 2017; reenacted without change, Laws, 2021, ch. 311, § 19, eff from and after July 1,

1333 2021; Laws, 2023, ch. 450, § 7, eff from and after July 1, 2023.

1334

1335 **§ 73-11-73. Removal of body from place of death, embalming**  
1336 **body, or cremating body without permission of next of kin**  
1337 **prohibited; picking up or removing body on first call; written**  
1338 **record of oral consent for embalming or cremation required**  
1339 **[Repealed effective July 1, 2025].**

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1341 (1) A funeral establishment and its employees, licensees and/or representatives shall not  
1342 respond to a death call unless properly contacted and requested to so respond. No person  
1343 or entity subject to regulation under this chapter shall remove or cause to be removed any  
1344 dead human body from the place of death or take or cause to take custody of a dead human  
1345 body without the permission of the next of kin or authorized representative, in the order of  
1346 priority specified in Section 73-11-58, of the deceased.

1347 (2) Dead human bodies may be picked up on first call or removed by a funeral director or  
1348 funeral service practitioner licensed by the board or under the direction of the licensed  
1349 funeral director or funeral service practitioner. When a licensed funeral director or funeral  
1350 service practitioner directs another to make a first call or removal of a dead human body, he  
1351 accepts, in every manner, full responsibility for all aspects of the first call or removal.

1352 (3) A licensed funeral establishment or other licensee of the board shall not embalm or  
1353 cremate a dead human body without the prior written or oral consent of the next of kin or  
1354 authorizing agent or representative of the deceased for each body that is placed under its  
1355 care and custody. In determining who the proper next of kin is or authorizing agent or  
1356 representative of the deceased, the order of priority is the same as provided in Section 73-  
1357 11-58.

1358 (4) The licensed funeral establishment or licensee responsible for the embalming or  
1359 cremation of the dead human body shall create a written record of an oral consent given  
1360 under this section that includes all of the following:

1361 (a) The name of the authorizing agent;

1362 (b) The relation of the authorizing agent to the deceased;

1363 (c) The date and time that consent was given;

1364 (d) The name of the person who obtained the consent; and

1365 (e) Any other information required by the board.

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1369 **History**

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1372 Laws, 2012, ch. 466, § 21; brought forward without change, Laws, 2017, ch. 373, § 21, eff from and  
1373 after July 1, 2017; reenacted without change, Laws, 2021, ch. 311, § 20, eff from and after July 1,  
1374 2021.

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