

Excerpts extracted from
House Committee Substitute For
SENATE BILL NO. 325
96th General Assembly

Information contained in this document reflects
changes to statutory language impacting
Chapter 333 and portions of Chapter 436

4 332.071, only within the confines of the accredited dental school programs. A limited
5 teaching license shall be renewed every two years and shall be subject to the same renewal
6 requirements contained in section 332.181. A limited teaching license shall be subject to
7 discipline in accordance with section 332.321 and shall be automatically cancelled and
8 nullified if the holder ceases to be employed as an instructor in the accredited dental
9 school.

10 2. To qualify for a limited teaching license, an applicant shall:

11 (1) Be a graduate of and hold a degree from a dental school. An applicant shall not
12 be required to be a graduate of an accredited dental school as defined in section 332.011;

13 (2) Have passed the National Board Examination in accordance with criteria
14 established by the sponsoring body;

15 (3) Have passed a state or regional entry level competency examination approved
16 by the Missouri dental board for licensure within the previous five years;

17 (4) Have passed a written jurisprudence examination given by the board on the
18 Missouri dental laws and rules with a grade of at least eighty percent;

19 (5) Hold current certification in the American Heart Association's Basic Life
20 Support (BLS), Advanced Cardiac Life Support (ACLS), or certification equivalent to BLS
21 or ACLS;

22 (6) Submit to the board a completed application for licensure on forms provided
23 by the board and the applicable license fee; and

24 (7) Submit to the board evidence of successful passage of an examination approved
25 by the board of spoken and written proficiency in the English language.

333.041. 1. Each applicant for a license to practice funeral directing shall furnish
2 evidence to establish to the satisfaction of the board that he or she is:

3 (1) At least eighteen years of age, and possesses a high school diploma, a general
4 equivalency diploma, or equivalent thereof, as determined, at its discretion, by the board;
5 and

6 (2) [Either a citizen or a bona fide resident of the state of Missouri or entitled to a license
7 pursuant to section 333.051, or a resident in a county contiguous and adjacent to the state of
8 Missouri who is employed by a funeral establishment located within the state of Missouri, to
9 practice funeral directing upon the grant of a license to do so; and

10 (3)] A person of good moral character.

11 2. Every person desiring to enter the profession of embalming dead human bodies within
12 the state of Missouri and who is enrolled in [an] a program accredited [institution of mortuary
13 science education] by the American Board of Funeral Service Education, any successor
14 organization, or other accrediting entity as approved by the board, shall register with the
15 board as a practicum student upon the form provided by the board. After such registration, a
16 student may assist, under the direct supervision of Missouri licensed embalmers and funeral

17 directors, in Missouri licensed funeral establishments, while serving his or her practicum [for the
18 accredited institution of mortuary science education]. The form for registration as a practicum
19 student shall be accompanied by a fee in an amount established by the board.

20 3. Each applicant for a license to practice embalming shall furnish evidence to establish
21 to the satisfaction of the board that he or she:

22 (1) Is at least eighteen years of age, and possesses a high school diploma, **a general**
23 **equivalency diploma**, or equivalent thereof, **as determined, at its discretion, by the board;**

24 (2) [Is either a citizen or bona fide resident of the state of Missouri or entitled to a license
25 pursuant to section 333.051, or a resident in a county contiguous and adjacent to the state of
26 Missouri who is employed by a funeral establishment located within the state of Missouri, to
27 practice embalming upon the grant of a license to do so;

28 (3)] Is a person of good moral character;

29 [(4)] (3) Has [graduated from an institute of mortuary science education] **completed a**
30 **funeral service education program** accredited by the American Board of Funeral Service
31 Education, [or] any successor organization [recognized by the United States Department of
32 Education, for funeral service education] , **or other accrediting entity as approved by the**
33 **board.** If an applicant does not [appear for the final examination before the board] **complete all**
34 **requirements for licensure** within five years from the date of his or her [graduation from]
35 **completion of** an accredited [institution of mortuary science education] **program**, his or her
36 registration as [a student] **an apprentice** embalmer shall be automatically canceled. **The**
37 **applicant shall be required to file a new application and pay applicable fees. No previous**
38 **apprenticeship shall be considered for the new application;**

39 [(5)] (4) Upon due examination administered by the board, is possessed of a knowledge
40 of the subjects of embalming, anatomy, pathology, bacteriology, mortuary administration,
41 chemistry, restorative art, together with statutes, rules and regulations governing the care,
42 custody, shelter and disposition of dead human bodies and the transportation thereof or has
43 passed the national board examination of the Conference of Funeral Service Examining Boards.
44 If any applicant fails to pass the state examination, he or she may retake the examination at the
45 next regular examination meeting. The applicant shall notify the board office of his or her desire
46 to retake the examination at least thirty days prior to the date of the examination. Each time the
47 examination is retaken, the applicant shall pay a new examination fee in an amount established
48 by the board;

49 [(6)] (5) Has been employed full time in funeral service in a licensed funeral
50 establishment and has personally embalmed at least twenty-five dead human bodies under the
51 personal supervision of an embalmer who holds a current and valid Missouri embalmer's license
52 or an embalmer who holds a current and valid embalmer's license in a state with which the
53 Missouri board has entered into a reciprocity agreement during an apprenticeship of not less than
54 twelve consecutive months. "Personal supervision" means that the licensed embalmer shall be

55 physically present during the entire embalming process in the first six months of the
56 apprenticeship period and physically present at the beginning of the embalming process and
57 available for consultation and personal inspection within a period of not more than one hour in
58 the remaining six months of the apprenticeship period. All transcripts and other records filed
59 with the board shall become a part of the board files.

60 4. If the applicant does not [appear for oral examination] **complete the application**
61 **process** within the five years after his or her [graduation from an accredited institution of
62 mortuary science education] **completion of an approved program**, then he or she must file a
63 new application and no fees paid previously shall apply toward the license fee.

64 5. Examinations required by this section and section 333.042 shall be held at least twice
65 a year at times and places fixed by the board. The board shall by rule and regulation prescribe
66 the standard for successful completion of the examinations.

67 6. Upon establishment of his or her qualifications as specified by this section or section
68 333.042, the board shall issue to the applicant a license to practice funeral directing or
69 embalming, as the case may require, and shall register the applicant as a duly licensed funeral
70 director or a duly licensed embalmer. Any person having the qualifications required by this
71 section and section 333.042 may be granted both a license to practice funeral directing and to
72 practice embalming.

73 7. The board shall, upon request, waive any requirement of this chapter and issue a
74 temporary funeral director's license, valid for six months, to the surviving spouse or next of kin
75 or the personal representative of a licensed funeral director, or to the spouse, next of kin,
76 employee or conservator of a licensed funeral director disabled because of sickness, mental
77 incapacity or injury.

333.042. 1. Every person desiring to enter the profession of funeral directing in this state
2 shall make application with the state board of embalmers and funeral directors and pay the
3 current application and examination fees. **Except as otherwise provided in section 41.950,**
4 applicants not entitled to a license pursuant to section 333.051 shall serve an apprenticeship for
5 at least twelve **consecutive** months in a funeral establishment licensed for the care and
6 preparation for burial and transportation of the human dead in this state or in another state which
7 has established standards for admission to practice funeral directing equal to, or more stringent
8 than, the requirements for admission to practice funeral directing in this state. The applicant
9 shall devote at least fifteen hours per week to his or her duties as an apprentice under the
10 supervision of a Missouri licensed funeral director. Such applicant shall submit proof to the
11 board, on forms provided by the board, that the applicant has arranged and conducted ten funeral
12 services during the applicant's apprenticeship under the supervision of a Missouri licensed
13 funeral director. Upon completion of the apprenticeship, the applicant shall appear before the
14 board to be tested on the applicant's legal and practical knowledge of funeral directing, funeral
15 home licensing, preneed funeral contracts and the care, custody, shelter, disposition and

16 transportation of dead human bodies. Upon acceptance of the application and fees by the board,
17 an applicant shall have twenty-four months to successfully complete the requirements for
18 licensure found in this section or the application for licensure shall be canceled.

19 2. If a person applies for a limited license to work only in a funeral establishment which
20 is licensed only for cremation, including transportation of dead human bodies to and from the
21 funeral establishment, he or she shall make application, pay the current application and
22 examination fee and successfully complete the Missouri law examination. He or she shall be
23 exempt from the twelve-month apprenticeship **required by subsection 1 of this section** and the
24 practical examination before the board. If a person has a limited license issued pursuant to this
25 subsection, he or she may obtain a full funeral director's license if he or she fulfills the
26 apprenticeship and successfully completes the funeral director practical examination.

27 3. If an individual is a Missouri licensed embalmer or has [graduated from an institute
28 of mortuary science education] **completed a program** accredited by the American Board of
29 Funeral Service Education [or] , any successor organization [recognized by the United States
30 Department of Education for funeral service education], **or other accrediting entity as**
31 **approved by the board** or has successfully completed a course of study in funeral directing
32 offered by [a college] **an institution** accredited by a recognized national, regional or state
33 accrediting body and approved by the state board of embalmers and funeral directors, and desires
34 to enter the profession of funeral directing in this state, the individual shall comply with all the
35 requirements for licensure as a funeral director pursuant to subsection 1 of section 333.041 and
36 subsection 1 of this section; however, the individual is exempt from the twelve-month
37 apprenticeship required by subsection 1 of this section.

333.051. 1. Any [nonresident] individual holding a valid, unrevoked and unexpired
2 license as a funeral director or embalmer in the state of his **or her** residence may be granted a
3 license to practice funeral directing or embalming in this state on application to the board and
4 on providing the board with such evidence as to his **or her** qualifications as is required by the
5 board. [No license shall be granted to a nonresident applicant except one who resides in a county
6 contiguous and adjacent to the state of Missouri and who is regularly engaged in the practice of
7 funeral directing or embalming, as defined by this chapter, at funeral establishments within this
8 state or in an establishment located in a county contiguous and adjacent to the state of Missouri,
9 unless the law of the state of the applicant's residence authorizes the granting of licenses to
10 practice funeral directing in such state to persons licensed as funeral directors under the law of
11 the state of Missouri.]

12 2. Any individual holding a valid, unrevoked and unexpired license as an embalmer or
13 funeral director in another state having requirements substantially similar to those existing in this
14 state [who is or intends to become a resident of this state] may apply for a license to practice in
15 this state by filing with the board a certified statement from the examining board of the state or
16 territory in which the applicant holds his **or her** license showing the grade rating upon which

17 [his] the license was granted, together with a recommendation, and the board shall grant the
18 applicant a license upon his or her successful completion of an examination over Missouri laws
19 as required in section 333.041 or section 333.042 if the board finds that the applicant's
20 qualifications meet the requirements for funeral directors or embalmers in this state at the time
21 the applicant was originally licensed in the other state.

22 3. A person holding a valid, unrevoked and unexpired license to practice funeral
23 directing or embalming in another state or territory with requirements less than those of this state
24 may, after five consecutive years of active experience as a licensed funeral director or embalmer
25 in that state, apply for a license to practice in this state after passing a test to prove his or her
26 proficiency, including but not limited to a knowledge of the laws and regulations of this state as
27 to funeral directing and embalming.

333.061. 1. No funeral establishment shall be operated in this state unless the owner or
2 operator thereof has a license issued by the board.

3 2. A license for the operation of a funeral establishment shall be issued by the board, if
4 the board finds:

5 (1) That the establishment is under the general management and the supervision of a duly
6 licensed funeral director;

7 (2) That all embalming performed therein is performed by or under the direct supervision
8 of a duly licensed embalmer;

9 (3) That any place in the funeral establishment where embalming is conducted contains
10 a preparation room with a sanitary floor, walls and ceiling, and adequate sanitary drainage and
11 disposal facilities including running water, and complies with the sanitary standard prescribed
12 by the department of health and senior services for the prevention of the spread of contagious,
13 infectious or communicable diseases;

14 (4) Each funeral establishment shall have [available in the preparation or embalming
15 room] a register book or log which shall be available at all times [in full view] for the board's
16 inspector and [the name of each body embalmed, place, if other than at the establishment, the
17 date and time that the embalming took place, the name and signature of the embalmer and the
18 embalmer's license number shall be noted in the book] **that shall contain:**

19 (a) **The name of each body that has been in the establishment;**

20 (b) **The date the body arrived at the establishment;**

21 (c) **If applicable, the place of embalming, if known; and**

22 (d) **If the body was embalmed at the establishment, the date and time that the**
23 **embalming took place, and the name, signature, and license number of the embalmer; and**

24 (5) The establishment complies with all applicable state, county or municipal zoning
25 ordinances and regulations.

26 3. The board shall grant or deny each application for a license pursuant to this section
27 within thirty days after it is filed. The applicant may request in writing up to two thirty-day

28 extensions of the application, provided the request for an extension is received by the board prior
29 to the expiration of the thirty-day application or extension period.

30 4. Licenses shall be issued pursuant to this section upon application and the payment of
31 a funeral establishment fee and shall be renewed at the end of the licensing period on the
32 establishment's renewal date.

33 5. The board may refuse to renew or may suspend or revoke any license issued pursuant
34 to this section if it finds, after hearing, that the funeral establishment does not meet any of the
35 requirements set forth in this section as conditions for the issuance of a license, or for the
36 violation by the owner of the funeral establishment of any of the provisions of section 333.121.
37 No new license shall be issued to the owner of a funeral establishment or to any corporation
38 controlled by such owner for three years after the revocation of the license of the owner or of a
39 corporation controlled by the owner. Before any action is taken pursuant to this subsection the
40 procedure for notice and hearing as prescribed by section 333.121 shall be followed.

333.091. [Each establishment, funeral director or embalmer receiving a license under this
2 chapter shall have recorded in the office of the local registrar of vital statistics of the registration
3 district in which the licensee practices.] All licenses or registrations, or duplicates thereof, issued
4 pursuant to this chapter shall be displayed at each place of business.

333.151. 1. The state board of embalmers and funeral directors shall consist of [ten] **six**
2 members, including one voting public member appointed by the governor with the advice and
3 consent of the senate. Each member, other than the public member, appointed shall possess
4 either a license to practice embalming or a license to practice funeral directing in this state or
5 both said licenses and shall have been actively engaged in the practice of embalming or funeral
6 directing for a period of five years next before his or her appointment. Each member shall be
7 a United States citizen, a resident of this state for a period of at least one year, a qualified voter
8 of this state and shall be of good moral character. Not more than [five] **three** members of the
9 board shall be of the same political party. The nonpublic members shall be appointed by the
10 governor, with the advice and consent of the senate[, one from each of the state's congressional
11 districts be of good moral character and submit an audited financial statement of their funeral
12 establishment by an independent auditor for the previous five years. This audited financial
13 statement must include all at-need and preneed business]. **A majority of the members shall**
14 **constitute a quorum. Members shall be appointed to represent diversity in gender, race,**
15 **ethnicity, and the various geographic regions of the state.**

16 2. Each member of the board shall serve for a term of five years. Any vacancy on the
17 board shall be filled by the governor and the person appointed to fill the vacancy shall possess
18 the qualifications required by this chapter and shall serve until the end of the unexpired term of
19 his or her predecessor, if any.

20 3. The public member shall be at the time of his or her appointment a person who is not
21 and never was a member of any profession licensed or regulated pursuant to this chapter or the

22 spouse of such person; and a person who does not have and never has had a material, financial
23 interest in either the providing of the professional services regulated by this chapter, or an
24 activity or organization directly related to any profession licensed or regulated pursuant to this
25 chapter. All members, including public members, shall be chosen from lists submitted by the
26 director of the division of professional registration. The duties of the public member shall not
27 include the determination of the technical requirements to be met for licensure or whether any
28 person meets such technical requirements or of the technical competence or technical judgment
29 of a licensee or a candidate for licensure.

333.171. The board shall hold at least two regular meetings each year for the purpose of
2 administering examinations at times and places fixed by the board. Other meetings shall be held
3 at the times fixed by regulations of the board or on the call of the chairman of the board. Notice
4 of the time and place of each regular or special meeting shall be mailed by the executive
5 secretary to each member of the board at least five days before the date of the meeting. [At all
6 meetings of the board three members constitute a quorum.] The board may adopt and use a
7 common seal.

335.099. Any licensed practical nurse, as defined in section 335.016:

2 (1) Who is an approved instructor for the level 1 medication aid program shall be
3 qualified to teach the insulin administration course under chapter 198;

4 (2) Shall be qualified to perform diabetic nail care and monthly onsite reviews of
5 basic personal care recipients, as required by the department of social services, of a
6 resident of a residential care facility or assisted living facility, as defined in chapter 198;

7 (3) Shall be qualified to perform dietary oversight, as required by the department
8 of health and senior services, of a resident of a residential care facility or assisted living
9 facility, as defined in chapter 198.

338.010. 1. The "practice of pharmacy" means the interpretation, implementation, and
2 evaluation of medical prescription orders, including **any legend drugs under 21 U.S.C. Section**
3 **353**; receipt, transmission, or handling of such orders or facilitating the dispensing of such
4 orders; the designing, initiating, implementing, and monitoring of a medication therapeutic plan
5 as defined by the prescription order so long as the prescription order is specific to each patient
6 for care by a pharmacist; the compounding, dispensing, labeling, and administration of drugs and
7 devices pursuant to medical prescription orders and administration of viral influenza, pneumonia,
8 shingles and meningitis vaccines by written protocol authorized by a physician for persons
9 twelve years of age or older as authorized by rule or the administration of pneumonia, shingles,
10 and meningitis vaccines by written protocol authorized by a physician for a specific patient as
11 authorized by rule; the participation in drug selection according to state law and participation in
12 drug utilization reviews; the proper and safe storage of drugs and devices and the maintenance
13 of proper records thereof; consultation with patients and other health care practitioners, **and**
14 **veterinarians and their clients about legend drugs**, about the safe and effective use of drugs

56 6. Priority between a design professional or corporation lien claimant and any other
57 mechanic's lien claimant shall be determined pursuant to the provisions of section 429.260 on
58 a pro rata basis.

59 7. In any civil action, the owner or lessee may assert defenses which include that the
60 actual construction of the planned work or improvement has not been performed in compliance
61 with the professional services contract, is impracticable or is economically infeasible.

62 8. The agreement is in writing.

436.405. 1. As used in sections 436.400 to 436.520, unless the context otherwise
2 requires, the following terms shall mean:

3 (1) "Beneficiary", the individual who is to be the subject of the disposition or who will
4 receive funeral services, facilities, or merchandise described in a preneed contract;

5 (2) **"Board", the board of embalmers and funeral directors;**

6 (3) "Guaranteed contract", a preneed contract in which the seller promises, assures, or
7 guarantees to the purchaser that all or any portion of the costs for the disposition, services,
8 facilities, or merchandise identified in a preneed contract will be no greater than the amount
9 designated in the contract upon the preneed beneficiary's death or that such costs will be
10 otherwise limited or restricted;

11 [(3)] (4) "Insurance-funded preneed contract", a preneed contract which is designated
12 to be funded by payments or proceeds from an insurance policy or [single premium] **a deferred**
13 **annuity contract that is not classified as a variable annuity and has death benefit proceeds**
14 **that are never less than the sum of premiums paid;**

15 [(4)] (5) "Joint account-funded preneed contract", a preneed contract which designates
16 that payments for the preneed contract made by or on behalf of the purchaser will be deposited
17 and maintained in a joint account in the names of the purchaser and seller, as provided in this
18 chapter;

19 [(5)] (6) "Market value", a fair market value:

20 (a) As to cash, the amount thereof;

21 (b) As to a security as of any date, the price for the security as of that date obtained from
22 a generally recognized source, or to the extent no generally recognized source exists, the price
23 to sell the security in an orderly transaction between unrelated market participants at the
24 measurement date; and

25 (c) As to any other asset, the price to sell the asset in an orderly transaction between
26 unrelated market participants at the measurement date consistent with statements of financial
27 accounting standards;

28 [(6)] (7) "Nonguaranteed contract", a preneed contract in which the seller does not
29 promise, assure, or guarantee that all or any portion of the costs for the disposition, facilities,
30 service, or merchandise identified in a preneed contract will be limited to the amount designated

31 in the contract upon the preneed beneficiary's death or that such costs will be otherwise limited
32 or restricted;

33 [(7)] (8) "Preneed contract", any contract or other arrangement which provides for the
34 final disposition in Missouri of a dead human body, funeral or burial services or facilities, or
35 funeral merchandise, where such disposition, services, facilities, or merchandise are not
36 immediately required. Such contracts include, but are not limited to, agreements providing for
37 a membership fee or any other fee for the purpose of furnishing final disposition, funeral or
38 burial services or facilities, or funeral merchandise at a discount or at a future date;

39 [(8)] (9) "Preneed trust", a trust to receive deposits of, administer, and disburse payments
40 received under preneed contracts, together with income thereon;

41 [(9)] (10) "Purchaser", the person who is obligated to pay under a preneed contract;

42 [(10)] (11) "Trustee", the trustee of a preneed trust, including successor trustees;

43 [(11)] (12) "Trust-funded preneed contract", a preneed contract which provides that
44 payments for the preneed contract shall be deposited and maintained in trust.

45 2. All terms defined in chapter 333 shall be deemed to have the same meaning when
46 used in sections 436.400 to 436.520.

436.412. Each preneed contract made before August 28, 2009, and all payments and
2 disbursements under such contract shall continue to be governed by this chapter as the chapter
3 existed at the time the contract was made. Any licensee or registrant of the board may be
4 disciplined for violation of any provision of sections 436.005 to 436.071 within the applicable
5 statute of limitations. [In addition, the provisions of section 436.031, as it existed on August 27,
6 2009, shall continue to govern disbursements to the seller from the trust and payment of trust
7 expenses.] Joint accounts in existence as of August 27, 2009, shall continue to be governed by
8 the provisions of section 436.053, as that section existed on August 27, 2009.

436.445. A trustee of any preneed trust, including trusts established before August 28,
2 2009, shall not after August 28, 2009, make any decisions to invest any trust fund with:

3 (1) The spouse of the trustee;

4 (2) The descendants, siblings, parents, or spouses of a seller or an officer, manager,
5 director or employee of a seller, provider, or preneed agent;

6 (3) Agents, **other than authorized external investment advisors as authorized by**
7 **section 436.440**, or attorneys of a trustee, seller, or provider; or

8 (4) A corporation or other person or enterprise in which the trustee, seller, or provider
9 owns a controlling interest or has an interest that might affect the trustee's judgment.

436.450. 1. An insurance-funded preneed contract shall comply with sections 436.400
2 to 436.520 and the specific requirements of this section.

3 2. A seller, provider, or any preneed agent shall not receive or collect from the purchaser
4 of an insurance-funded preneed contract any amount in excess of what is required to pay the
5 premiums on the insurance policy as assessed or required by the insurer as premium payments

6 for the insurance policy except for any amount required or authorized by this chapter or by rule.
7 A seller shall not receive or collect any administrative or other fee from the purchaser for or in
8 connection with an insurance-funded preneed contract, other than those fees or amounts assessed
9 by the insurer. As of August 29, 2009, no preneed seller, provider, or agent shall use any
10 existing preneed contract as collateral or security pledged for a loan or take preneed funds of any
11 existing preneed contract as a loan for any purpose other than as authorized by this chapter.

12 3. Payments collected by or on behalf of a seller for an insurance-funded preneed
13 contract shall be promptly remitted to the insurer or the insurer's designee as required by the
14 insurer; provided that payments shall not be retained or held by the seller or preneed agent for
15 more than thirty days from the date of receipt.

16 4. It is unlawful for a seller, provider, or preneed agent to procure or accept a loan
17 against any insurance contract used to fund a preneed contract.

18 5. Laws regulating insurance shall not apply to preneed contracts, but shall apply to any
19 insurance or [single premium] annuity sold with a preneed contract; provided, however, the
20 provisions of [this act] **sections 436.400 to 436.520** shall not apply to [single premium] annuities
21 or insurance policies regulated by chapters 374, 375, and 376 used to fund preneed funeral
22 agreements, contracts, or programs.

23 6. This section shall apply to all preneed contracts including those entered into before
24 August 28, 2009.

25 7. For any insurance-funded preneed contract sold after August 28, 2009, the following
26 shall apply:

27 (1) The purchaser or beneficiary shall be the owner of the insurance policy purchased
28 to fund a preneed contract; and

29 (2) An insurance-funded preneed contract shall be valid and enforceable only if the seller
30 or provider is named as the beneficiary or assignee of the life insurance policy funding the
31 contract.

32 8. If the proceeds of the life insurance policy exceed the actual cost of the goods and
33 services provided pursuant to the nonguaranteed preneed contract, any overage shall be paid to
34 the estate of the beneficiary, or, if the beneficiary received public assistance, to the state of
35 Missouri.

436.455. 1. A joint account-funded preneed contract shall comply with sections 436.400
2 to 436.520 and the specific requirements of this section.

3 2. In lieu of a trust-funded or insurance-funded preneed contract, the seller and the
4 purchaser may agree in writing that all funds paid by the purchaser or beneficiary for the preneed
5 contract shall be deposited with a financial institution chartered and regulated by the federal or
6 state government authorized to do business in Missouri in an account in the joint names and
7 under the joint control of the seller and purchaser, beneficiary or party holding power of attorney
8 over the beneficiary's estate, **or in an account titled in the beneficiary's name and payable**

9 **on the beneficiary's death to the seller.** There shall be a separate joint account established for
10 each preneed contract sold or arranged under this section. Funds shall only be withdrawn or paid
11 from the account upon the signatures of both the seller and the purchaser or under a pay-on-death
12 designation or as required to pay reasonable expenses of administering the account.

13 3. All consideration paid by the purchaser under a joint account-funded contract shall
14 be deposited into a joint account as authorized by this section within ten days of receipt of
15 payment by the seller.

16 4. The financial institution shall hold, invest, and reinvest funds deposited under this
17 section in other accounts offered to depositors by the financial institutions as provided in the
18 written agreement of the purchaser and the seller, provided the financial institution shall not
19 invest or reinvest any funds deposited under this section in term life insurance or any investment
20 that does not reasonably have the potential to gain income or increase in value.

21 5. Income generated by preneed funds deposited under this section shall be used to pay
22 the reasonable expenses of administering the account as charged by the financial institution and
23 the balance of the income shall be distributed or reinvested upon fulfillment of the contract,
24 cancellation or transfer pursuant to the provisions of this chapter.

25 6. Within fifteen days after a provider [and a witness certify to the financial institution
26 in writing] **delivers a copy of a certificate of performance to the seller, signed by the**
27 **provider and the person authorized to make arrangements on behalf of the beneficiary,**
28 **certifying** that the provider has furnished the final disposition, funeral, and burial services and
29 facilities, and merchandise as required by the preneed contract, or has provided alternative
30 funeral benefits for the beneficiary under special arrangements made with the purchaser, the
31 [financial institution shall distribute the deposited funds to the seller if the certification has been
32 approved by the purchaser] **seller shall take whatever steps are required by the financial**
33 **institution to secure payment of the funds from the financial institution.** The seller shall pay
34 the provider within ten days of receipt of funds.

35 7. Any seller, provider, or preneed agent shall not procure or accept a loan against any
36 investment, or asset of, or belonging to a joint account. As of August 28, 2009, it shall be
37 prohibited to use any existing preneed contract as collateral or security pledged for a loan, or take
38 preneed funds of any existing preneed contract as a loan or for any purpose other than as
39 authorized by this chapter.

436.456. At any time before final disposition, or before the funeral or burial services,
2 facilities, or merchandise described in a preneed contract are furnished, the purchaser may cancel
3 the contract, if designated as revocable, without cause. In order to cancel the contract the
4 purchaser shall:

5 (1) In the case of a joint account-funded preneed contract, deliver written notice of the
6 cancellation to the seller [and the financial institution]. Within fifteen days of receipt of notice
7 of the cancellation, the [financial institution shall distribute all deposited funds to the purchaser]

8 seller shall take whatever steps may be required by the financial institution to obtain the
9 funds from the financial institution. Upon receipt of the funds from the financial
10 institution, the seller shall distribute the principal to the purchaser. Interest shall be
11 distributed as provided in the agreement with the seller and purchaser;

12 (2) In the case of an insurance-funded preneed contract, deliver written notice of the
13 cancellation to the seller. Within fifteen days of receipt of notice of the cancellation, the seller
14 shall notify the purchaser that the cancellation of the contract shall not cancel any life insurance
15 funding the contract and that insurance cancellation is required to be made in writing to the
16 insurer;

17 (3) In the case of a trust-funded preneed contract, deliver written notice of the
18 cancellation to the seller and trustee. Within fifteen days of receipt of notice of the cancellation,
19 the trustee shall distribute one hundred percent of the trust property including any percentage of
20 the total payments received on the trust-funded contract that have been withdrawn from the
21 account under subsection 4 of section 436.430 but excluding the income, to the purchaser of the
22 contract;

23 (4) In the case of a guaranteed installment payment contract where the beneficiary dies
24 before all installments have been paid, the purchaser shall pay the seller the amount remaining
25 due under the contract in order to receive the goods and services set out in the contract, otherwise
26 the purchaser or their estate will receive full credit for all payments the purchaser has made
27 towards the cost of the beneficiary's funeral at the provider current prices.

516.098. [1.] Except where fraud is involved, no action to recover damages for an error
2 or omission in the survey of land, nor any action for contribution or indemnity for damages
3 sustained on account of an error or omission may be brought against any person performing the
4 survey more than [five years after the discovery of the error or omission] **ten years from the**
5 **completion of the survey.**

6 [2. This section shall become effective January 1, 1990.]

Section B. Because immediate action is necessary to ensure the continuance of clinical
2 trials in this state, the repeal and reenactment of section 338.330 of section A of this act is
3 deemed necessary for the immediate preservation of the public health, welfare, peace, and safety,
4 and is hereby declared to be an emergency act within the meaning of the constitution, and the
5 repeal and reenactment of section 338.330 of section A of this act shall be in full force and effect
6 upon its passage and approval.

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