



---

---

**Rules of**  
**Department of Insurance,**  
**Financial Institutions and**  
**Professional Registration**  
**Division 2120—State Board of Embalmers**  
**and Funeral Directors**  
**Chapter 3—Preneed**

<b>Title</b>	<b>Page</b>
<b>20 CSR 2120-3.010</b> Preneed Seller Registration.....	3
<b>20 CSR 2120-3.020</b> Preneed Provider Registration .....	3
<b>20 CSR 2120-3.030</b> Notification of Intent to Sell Assets or Cease Doing Business (Seller or Provider) .....	3
<b>20 CSR 2120-3.105</b> Filing of Annual Reports .....	7
<b>20 CSR 2120-3.125</b> Corporate Ownership of a Licensee .....	7
<b>20 CSR 2120-3.405</b> Preneed Agents—Missouri Law Exam .....	7



**Title 20—DEPARTMENT OF  
INSURANCE, FINANCIAL  
INSTITUTIONS AND  
PROFESSIONAL REGISTRATION  
Division 2120—State Board of  
Embalmers and Funeral Directors  
Chapter 3—Preneed**

**20 CSR 2120-3.010 Preneed Seller  
Registration**

*PURPOSE: Under Chapter 436, RSMo, the State Board of Embalmers and Funeral Directors is directed to register persons as preneed sellers. Under section 333.III.1., RSMo, the State Board of Embalmers and Funeral Directors is directed to promulgate rules. . . “for the transaction of its business. . . .” This rule complies with the statutory directive that the board promulgate rules for the transaction of its business in registering persons as preneed sellers.*

(1) Whenever used in this rule, the word person means any individual, partnership, corporation, cooperative, association or other entity.

(2) Applications for registration as preneed sellers must be made on the forms provided by the board and must be accompanied by the applicable preneed seller registration fee.

(3) The board office will contact persons who have submitted applications for registration as preneed sellers whenever it appears that a slight change or modification on the form is necessary to accomplish registration. No such change or modification will be made without the consent of the person submitting the application. If telephone contact is impossible, the application form and the tendered seller registration fee will be returned to the applicant with instructions for completing the form properly.

(4) The board office will accept seller registration applications even though certain information is not provided, if the application is accompanied by a statement that the information will be provided as soon as it is known to the applicant. If the information is not provided in a timely fashion, the registration will be cancelled.

(5) Each person seeking registration as a preneed seller will be required to submit a partial annual report at the time of registration, containing—1) the name and address of the financial institution in Missouri in which it will maintain the trust accounts required under Chapter 436, RSMo and the account

numbers of those trust accounts, 2) a consent authorizing the state board to order an examination and, if necessary, an audit by the staff of the Division of Professional Registration who are not connected with the state board, of the trust account designated by depository and account number and 3) a consent authorizing the state board to order an examination and, if necessary, an audit by the staff of the Division of Professional Registration who are not connected with the state board, of its books and records relating to the sale of preneed contracts and name and address of the person designated by the seller as custodian of those books and records.

(6) The board will acknowledge receipt of each application for registration as a preneed seller if the application is completed properly and is accompanied by the preneed registration fee. A registration number will be assigned.

(7) Application forms for registration as preneed contract sellers will be provided to any person upon request.

*AUTHORITY: section 333.III.1, RSMo 1986.\* This rule originally filed as 4 CSR 120-3.010. Original rule filed Jan. 7, 1983, effective June 11, 1983. Moved to 20 CSR 2120-3.010, effective Aug. 28, 2006.*

*\*Original authority: 333.III.1, RSMo 1965, amended 1981.*

**20 CSR 2120-3.020 Preneed Provider  
Registration**

*PURPOSE: Under Chapter 436, RSMo, the State Board of Embalmers and Funeral Directors is directed to register persons as preneed providers. Under section 333.III.1., RSMo, the State Board of Embalmers and Funeral Directors is directed to promulgate rules. . . “for the transaction of its business. . . .” This rule complies with the statutory directive that the board promulgate rules for the transaction of its business in registering persons as preneed providers.*

(1) Whenever used in this rule, the word person means any individual, partnership, corporation, cooperative, association or other entity.

(2) Applications for registration as preneed providers must be made on the forms provided by the board and must be accompanied by the applicable preneed provider registration fee.

(3) The board office will contact persons who have submitted applications for registration as preneed providers whenever it appears that a slight change or modification on the form is necessary to accomplish registration. No such change or modification will be made without the consent of the person submitting the application. If telephone contact is impossible, the application form and the tendered provider registration fee will be returned to the applicant with instructions for completing the form properly.

(4) The board office will accept provider registration applications even though certain information is not provided, if the application is accompanied by a statement that the information will be provided as soon as it is known to the applicant. If the information is not provided in a timely fashion, the provider registration will be cancelled.

(5) Each establishment which is licensed separately by the state board as a funeral establishment must register separately as a preneed provider, if the establishment will perform or agree to perform the obligations of, or be designated as, the provider under a preneed contract. Nothing in this rule will require registration of funeral establishments as preneed providers if the establishment will not perform or agree to perform the obligations of, or be designated as, the provider under a preneed contract.

(6) The board will acknowledge receipt of each application for registration as a preneed provider, if the application is completed properly and is accompanied by the preneed provider registration fee. A registration number will be assigned.

(7) Application forms for registration as preneed providers will be provided to any person upon request.

*AUTHORITY: section 333.III.1, RSMo 1986.\* This rule originally filed as 4 CSR 120-3.020. Original rule filed Jan. 7, 1983, effective June 11, 1983. Moved to 20 CSR 2120-3.020, effective Aug. 28, 2006.*

*\*Original authority: 333.III.1, RSMo 1965, amended 1981.*

**20 CSR 2120-3.030 Notification of Intent  
to Sell Assets or Cease Doing Business  
(Seller or Provider)**

*PURPOSE: Under Chapter 436, RSMo, the State Board of Embalmers and Funeral Directors is directed to accept notification of*



*intent to sell assets or cease doing business from persons registered as preneed sellers or preneed providers, or both. Under section 333.III.1., RSMo, the State Board of Embalmers and Funeral Directors is directed to promulgate rules. . . “for the transaction of its business. . .” This rule complies with the statutory directive that the board promulgate rules for the transaction of its business in accepting notifications of intent to sell assets or cease doing business from registered preneed sellers or providers, or both.*

(1) Whenever used in this rule, the word person means any individual, partnership, corporation, cooperative, association or other entity.

(2) Notification of intent to sell assets or cease doing business must be made on the forms provided by the board.

(3) As part of the notification, each registered seller must inform the board of the actions it has taken or will take to ensure that the trust assets of the seller will be set aside and used to serve outstanding preneed contracts sold by the seller and each registered provider must inform the board of the actions it has taken or will take to ensure that the provider's obligations under preneed contracts will be satisfied.

(4) In its discretion, the board may take reasonable and necessary actions to ensure that the provider's obligations under preneed contracts will be satisfied or that the trust assets of the seller will be set aside and used to service outstanding preneed contracts sold by the seller.

(5) Failure of the board to take action regarding any sale or termination of business within thirty (30) days of receipt of notification for providers and within sixty (60) days of receipt of notification for sellers will constitute a waiver of the board's authority under Chapter 436, RSMo.

(6) Forms for submitting notifications of intent to sell assets or cease doing business will be provided upon request.

*AUTHORITY: section 333.III.1, RSMo 1986.\* This rule originally filed as 4 CSR 120-3.030. Original rule filed Jan. 7, 1983, effective June 11, 1983. Moved to 20 CSR 2120-3.030, effective Aug. 28, 2006.*

*\*Original authority: 333.III.1, RSMo 1965, amended 1981.*



STATE OF MISSOURI  
STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS  
**NOTIFICATION OF INTENT TO SELL ASSETS OR CEASE DOING BUSINESS (SELLER)**

SELLER NAME (AS REGISTERED WITH MISSOURI STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS)	
REGISTRATION NUMBER	ISSUE DATE
<p>At least sixty days prior to selling or otherwise disposing of its business assets, or its stock if a corporation, or ceasing to do business, the above named seller hereby informs the State Board of Embalmers and Funeral Directors of its intent to:</p> <p><input type="checkbox"/> Sell the business assets of the seller.</p> <p><input type="checkbox"/> Sell the stock in the seller corporation. Please indicate the percentage of the stock being sold _____ %.</p> <p><input type="checkbox"/> Cease business as a seller.</p> <p><input type="checkbox"/> Other. Please explain: _____</p> <p>_____</p>	
THIS TRANSACTION IS EXPECTED TO BECOME FINAL ON ► _____ 19	
IF THIS NOTIFICATION INVOLVES THE SALE OF ASSETS OR STOCK, PLEASE COMPLETE THE NAME AND ADDRESS OF THE INTENDED PURCHASER BELOW:	
NAME	ADDRESS
<p>The above named seller has taken or will take action to ensure that the trust assets of the seller will be set aside and used to service outstanding preneed contracts sold by the seller. I understand that the State Board of Embalmers and Funeral Directors may take reasonable and necessary action to determine that proper plans to assure that the assets of the seller will be set aside and used to service outstanding preneed contracts sold by seller. If applicable, I have attached hereto an affidavit from a registered seller who has agreed to assume the seller's responsibility under the preneed contracts.</p> <p>I do hereby certify that I have given written notification of my intentions expressed herein to all providers with whom seller has one or more preneed contracts.</p>	
<b>MUST BE COMPLETED IN PRESENCE OF NOTARY</b>	SIGNATURE AND TITLE ► _____
DATE	DATE
NOTARY PUBLIC EMBOSSEER SEAL	STATE OF _____
	COUNTY (OR CITY OF ST. LOUIS) _____
	SUBSCRIBED AND SWORN BEFORE ME, THIS _____ DAY OF _____ 19 _____
	<b>USE RUBBER STAMP IN CLEAR AREA BELOW.</b>
	NOTARY PUBLIC SIGNATURE _____ MY COMMISSION EXPIRES _____
	NOTARY PUBLIC NAME (TYPED OR PRINTED) _____



STATE OF MISSOURI  
STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS  
**NOTIFICATION OF INTENT TO SELL ASSETS OR CEASE DOING BUSINESS (PROVIDER)**

PROVIDER NAME (AS REGISTERED WITH MISSOURI STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS)	
REGISTRATION NUMBER	ISSUE DATE

At least 30 days prior to selling or otherwise disposing of its business assets, or its stock if a corporation, or ceasing to do business, the above named provider hereby informs the State Board of Embalmers and Funeral Directors of its intent to:

- Sell the business assets of the provider.
- Sell the stock in the provider corporation. Please indicate the percentage of the stock being sold \_\_\_\_\_ %.
- Cease business as a provider.
- Other. Please explain: \_\_\_\_\_  
\_\_\_\_\_

THIS TRANSACTION IS EXPECTED TO BECOME FINAL ON ► \_\_\_\_\_ 19

IF THIS NOTIFICATION INVOLVES THE SALE OF ASSETS OR STOCK, PLEASE COMPLETE THE NAME AND ADDRESS OF THE INTENDED PURCHASER BELOW:

NAME	ADDRESS
------	---------

The above named provider has taken or will take action to ensure that all outstanding preneed contracts which the provider is obligated to service will be satisfied at the time of need. I understand that the State Board of Embalmers and Funeral Directors may take reasonable and necessary action to determine that any outstanding preneed contracts which the provider is obligated to service will be satisfied at the time of need. If applicable, I have attached hereto an affidavit from a registered provider who has agreed to assume such obligation.

I do hereby certify that I have given written notification of my intentions expressed herein to all sellers with whom provider has one or more preneed contracts.

<b>MUST BE COMPLETED IN PRESENCE OF NOTARY</b>  NOTARY PUBLIC EMBOSSEER SEAL	SIGNATURE AND TITLE ►	DATE
	STATE OF	COUNTY (OR CITY OF ST. LOUIS)
	SUBSCRIBED AND SWORN BEFORE ME, THIS DAY OF _____ 19	<b>USE RUBBER STAMP IN CLEAR AREA BELOW.</b>
	NOTARY PUBLIC SIGNATURE	
NOTARY PUBLIC NAME (TYPED OR PRINTED)		



### 20 CSR 2120-3.105 Filing of Annual Reports

*PURPOSE:* This rule prescribes the board's process for the filing of annual reports under the revised sections of Chapters 333 and 436, RSMo.

(1) For sellers:

(A) For the annual report due on October 31, 2009, sellers registered with the board prior to August 28, 2009, in lieu of filing the annual report required by section 436.460, RSMo, may file an annual report, on the form provided by the board, containing all the information required by section 436.021.2, RSMo 2000. This report shall report all preneed contracts executed since the reporting period the seller reported in its report due on October 31, 2008, through August 27, 2009. This annual report shall be accompanied by a fee of two dollars (\$2) per preneed contract sold for the reporting period; and

(B) For the annual report due on October 31, 2010, sellers shall report all contracts executed from August 28, 2009, through August 31, 2010. Thereafter, the annual report shall report all contracts sold between September 1 of the year preceding the annual report through August 31 of the reporting year. Each annual report filed for reporting years ending October 31, 2010, and thereafter shall also be accompanied by the annual fee as established in 20 CSR 2120-2.100.

(2) For providers:

(A) For the annual report due as set out below, providers shall file an annual report as provided by section 333.315.3(4), RSMo, covering the reporting period as set out below:

1. For report due October 31, 2009, the reporting period shall be from the date of the provider's last annual report through August 27, 2009. No annual fee shall be required for this reporting period;

2. For report due October 31, 2010, the reporting period shall be August 28, 2009, through August 31, 2010, and accompanied by the renewal fee in 20 CSR 2120-2.100; and

3. For reports due successive years, reporting period shall be September 1 through August 31 and shall be accompanied by the renewal fee established in 20 CSR 2120-2.100.

*AUTHORITY:* sections 333.315, 333.320, 333.340, 436.460, and 436.520, RSMo Supp. 2009.\* *Emergency rule filed Sept. 24, 2009, effective Oct. 4, 2009, expired April 1, 2010. Original rule filed Sept. 24, 2009, effective April 30, 2010.*

*\*Original authority:* 333.315, RSMo 2009; 333.320, RSMo 2009; 333.340, RSMo 2009; 436.460, RSMo 2009; and 436.520, RSMo 2009.

### 20 CSR 2120-3.125 Corporate Ownership of a Licensee

*PURPOSE:* This rule prescribes the requirements regarding corporation applications for a preneed provider or seller's license.

(1) A corporate applicant for either a seller or provider license shall certify to the board that each of its officers, directors, managers, and controlling shareholders would be eligible for licensure under section 333.330, RSMo, if he or she applied for licensure as an individual.

(2) In any proceeding, the applicant shall have the burden to demonstrate to the board that its officers, directors, managers, and controlling shareholders would be eligible for licensure under section 333.330, RSMo.

*AUTHORITY:* sections 333.315, 333.320, 333.340, and 436.456, RSMo Supp. 2009.\* *Emergency rule filed Sept. 24, 2009, effective Oct. 4, 2009, expired April 1, 2010. Original rule filed Sept. 24, 2009, effective April 30, 2010.*

*\*Original authority:* 333.315, RSMo 2009; 333.320, RSMo 2009; 333.340, RSMo 2009; and 436.456, RSMo 2009.

### 20 CSR 2120-3.405 Preneed Agents—Missouri Law Exam

*PURPOSE:* This rule prescribes the process for certifying preneed seller agents to take the Missouri Law exam as a requirement for registration.

(1) All preneed agents registering with the board shall achieve a grade of seventy-five percent (75%) or greater on the Missouri Law exam.

(2) Successful completion of the Missouri Law exam shall be a prerequisite to registration.

(3) This exam may be taken any time after filing the Notice of Intent to Apply.

(4) Preneed agent applicants must successfully complete the Missouri Law exam on or before March 31, 2010, prior to the expiration of the Notice of Intent to Apply.

(5) The Missouri Law exam covers the following:

(A) Knowledge of Chapter 333, RSMo;

(B) Rules governing the practice of embalming, funeral directing, and funeral home licensing along with government benefits, statutes, and rules governing the care, custody, shelter, disposition, and transportation of dead human bodies;

(C) Knowledge of sections 436.400 to 436.520, RSMo, relating to preneed statutes;

(D) Knowledge of Chapters 193 and 194, RSMo, relating to the Missouri Department of Health and Senior Services statutes; and

(E) Questions regarding Federal Trade Commission rules and regulations and Occupational Safety and Health Administration (OSHA) requirements as they apply to Missouri licensees.

(6) Notification of intent to take this examination shall be received by the board at least fifteen (15) working days prior to the date the candidate plans to sit for the examination.

*AUTHORITY:* sections 333.325.5 and 333.340, RSMo Supp. 2009.\* *Emergency rule filed Sept. 24, 2009, effective Oct. 4, 2009, terminated Nov. 2, 2009. Emergency rule filed Oct. 23, 2009, effective Nov. 2, 2009, expired April 1, 2010. Original rule filed Sept. 24, 2009, effective April 30, 2010.*

*\*Original authority:* 333.325, RSMo 2009 and 333.340, RSMo 2009.