

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 177

By: Crutchfield of the Senate

and

Hilliard of the House

AS INTRODUCED

An Act relating to cremation and crematories; amending 63 O.S. 1991, Section 1-331, which relates to licensing of crematories; transferring regulatory responsibility to Oklahoma State Board of Embalmers and Funeral Directors; directing transfer of records; providing for recognition of licenses; authorizing adoption and promulgation of rules; providing for noncodification; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

A. Effective November 1, 2001, the Oklahoma State Board of Embalmers and Funeral Directors shall have responsibility for the licensing, inspection, and regulation of crematories.

B. On November 1, 2001, the State Commissioner of Health or duly authorized employees of the State Department of Health shall transfer to the Executive-Secretary of the Oklahoma State Board of Embalmers and Funeral Directors all records pertaining to the licensing, inspection, and regulation of crematories.

C. The Oklahoma State Board of Embalmers and Funeral Directors shall recognize all crematory licenses issued by the Commissioner or Department of Health prior to November 1, 2001, and in force on that date, and the licenses shall remain in effect until the date of expiration unless suspended or revoked prior thereto by law.

SECTION 2. AMENDATORY 63 O.S. 1991, Section 1-331, is amended to read as follows:

Section 1-331. No person shall dispose of the body of any deceased person by cremation, dehydration, combustion, or other similar means, within ~~the State of Oklahoma~~ this state, without first having obtained from the ~~State Commissioner of Health~~ Oklahoma State Board of Embalmers and Funeral Directors an annual license to operate a crematory. Application for such annual license shall be made to the ~~Commissioner~~ Executive-Secretary of the Board upon forms prescribed and furnished by ~~him~~ the Executive-Secretary, shall give the location of the crematory, and such other information as the ~~Commissioner~~ Executive-Secretary shall require, and shall be accompanied by the license fee not to exceed Twenty-Five Dollars (\$25.00), to be determined by the ~~State Board of Health~~. Annual licenses shall expire on the 31st day of December each year, shall specify the name or names of the owners of the crematory and the location thereof, and shall not be transferable either as to the ownership of the crematory or as to the location thereof. The first annual license issued for any crematory at any location shall not be issued by the ~~Commissioner~~ Executive-Secretary until ~~he~~ the Executive-Secretary has been satisfied that the crematory is, or will be, so constructed as to be capable of reducing the body of a deceased person to a residue which shall not weigh more than five percent (5%) of the weight of the body immediately after death. Such a showing may, but need not, be required by the ~~Commissioner~~ Executive-Secretary for any subsequent annual license issued for the same crematory. All crematories shall be subject to inspection, at all reasonable times, by the ~~Commissioner~~ Board or ~~his~~ its duly authorized agents or employees.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-331.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

The Oklahoma State Board of Embalmers and Funeral Directors is authorized, pursuant to the Administrative Procedures Act, to adopt and promulgate rules necessary for the licensing, inspection, and regulation of crematories.

SECTION 4. This act shall become effective November 1, 2001.

48-1-33

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