

ENROLLED HOUSE  
BILL NO. 1270

By: Hilliard and Wells of the  
House

and

Shurden of the Senate

An Act relating to professions and occupations; amending 59 O.S. 2001, Sections 395.1, 396, 396.2, 396.2a, 396.3, 396.4, 396.5a, 396.6, 396.10, 396.11, as amended by Section 1, Chapter 161, O.S.L. 2002, 396.12, 396.12b, 396.12c, 396.12e, 396.12f, 396.14, 396.17, 396.18, 396.20, 396.21, 396.27 and 396.28 (59 O.S. Supp. 2002, Section 396.11), which relate to the Funeral Services Licensing Act; updating short title citation; modifying name of the Oklahoma State Board of Embalmers and Funeral Directors; modifying and adding definitions; expanding powers of the Oklahoma Funeral Board; modifying education and curriculum approval process; modifying amount of certain fees; modifying process for setting fees; adding certain fee; modifying payment date for certain renewal fees; exempting examinations and records from the Oklahoma Open Records Act; clarifying certain notification process; requiring continuing education as a condition of renewal of a license; providing exceptions to the continuing education requirement; requiring certain license to operate a crematory; clarifying publication requirements for changes in rules; modifying conditions under which a certificate of apprenticeship may be renewed; clarifying funeral establishment business prohibitions; modifying conditions for issuance, renewal, revocation, or suspension of licenses; modifying hearing date requirement; modifying deposit of certain monies; modifying title of officers selected by the members of the Board; clarifying authority to release body for embalming; clarifying necessary precautions in handling dead human remains; amending 63 O.S. 2001, Sections 1-328, 1-331 and 1-333, which relate to cremation; adding procedures for the cremation process; expanding requirements for a licensed crematory; amending 8 O.S. 2001, Section 304, which relates to the Cemetery Merchandise Trust Act; exempting certain organizations from the act; amending 25 O.S. 2001, Section 307.1, which relates to the Oklahoma Open Meeting Act; expanding public bodies that may hold teleconferences; amending 36 O.S. 2001, Section 6124, which relates to prepaid funeral benefits; modifying permit requirements; repealing 59 O.S. 2001, Section 396.15, which relates to enforcement of the Funeral Services Licensing Act; repealing 63 O.S. 2001, Section 1-330, which relates to certificates of cremation; providing for

codification; providing for recodification; and declaring an emergency.

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

SECTION 1. AMENDATORY 59 O.S. 2001, Section 395.1, is amended to read as follows:

Section 395.1 Sections 395.1 through ~~396.27~~ 396.28 of this title, and ~~Section 16~~ Sections 24 through 26 of this act shall be known and may be cited as the "Funeral Services Licensing Act".

SECTION 2. AMENDATORY 59 O.S. 2001, Section 396, is amended to read as follows:

Section 396. There is hereby re-created, to continue until July 1, 2004, in accordance with the provisions of the Oklahoma Sunset Law, as provided by Section 3901 et seq. of Title 74 of the Oklahoma Statutes, the Oklahoma ~~State~~ Funeral Board of Embalmers and Funeral Directors. Any reference in the statutes to the Oklahoma State Board of Embalmers and Funeral Directors shall be a reference to the Oklahoma Funeral Board. The Board shall consist of seven (7) persons, who shall be appointed by the Governor. The term of membership of each member of the Board shall be five (5) years from the expiration of the term of the member succeeded. Any member having served as a member of the Board shall be eligible for reappointment. Provided that, a member of the Board shall serve no more than two consecutive terms and any unexpired term that a member is appointed to shall not apply to this limit. The Governor shall appoint the necessary members to the Board upon vacancies and immediately prior to the expiration of the various terms. Upon request of the Governor, appointments of a licensed embalmer and funeral director member of the Board shall be made from a list of five qualified persons submitted by the Oklahoma Funeral Directors Association. An appointment to fill a vacancy shall be for the unexpired term. A member of the Board shall serve until a successor is appointed and qualified. No person shall be a member of the Board, unless, at the time of appointment, the person is of good moral character and a resident of this state. Five of the members shall have been actively engaged in the practice of embalming and funeral directing in this state for not less than seven (7) consecutive years immediately prior to the appointment of the person, ~~and each of such members~~ shall have an active license as provided by ~~this act and such member~~ the Funeral Services Licensing Act, shall keep the license effective, and remain a resident of this state during the entire time the person serves on the Board. Two of the members of the Board shall be chosen from the general public, one of whom shall, if possible, be a person licensed and actively engaged in the health care field, and ~~such members~~ shall not be licensed funeral directors or embalmers or have any interest, directly or indirectly, in any funeral establishment or any business dealing in funeral services, supplies or equipment. These two members shall be appointed to serve for five-year terms.

SECTION 3. AMENDATORY 59 O.S. 2001, Section 396.2, is amended to read as follows:

Section 396.2 As used in the Funeral Services Licensing Act:

1. "Embalmer" means a person who disinfects or preserves dead human remains, entire or in part, by the use of chemical substances, fluids or gases in the remains, or by the introduction of same into the remains by vascular or hypodermic injection, or by direct application into organs or cavities;

2. "Funeral director" means a person who:

- a. is engaged in or conducts or represents themselves as being engaged in preparing for the burial or disposal and directing and supervising the burial or disposal of dead human remains,
- b. is engaged in or conducts or represents themselves as being engaged in maintaining a funeral establishment for the preparation and the disposition, or for the care of dead human remains,
- c. uses, in connection with the name of the person or funeral establishment, the words "funeral director" or "undertaker" or "mortician" or any other title implying that the person is engaged as a funeral director, ~~or~~
- d. sells funeral service merchandise to the public, or
- e. is responsible for the legal and ethical operation of a crematory;

3. "Funeral establishment" means a place of business used in the care and preparation for burial, commercial embalming, or transportation of dead human remains, or any place where any person or persons shall hold forth and be engaged in the profession of undertaking or funeral directing;

4. "Apprentice" means a person who is engaged in learning the practice of embalming or the practice of funeral directing, as the case may be, under the instruction and personal supervision of a ~~duly-licensed~~ duly licensed embalmer or a ~~duly-licensed~~ duly licensed funeral director of and in the State of Oklahoma, pursuant to the provisions of the Funeral Services Licensing Act, and who is duly registered as such with said Board;

5. "Board" means the Oklahoma ~~State~~ Funeral Board ~~of Embalmers and Funeral Directors;~~

6. "Directing a funeral" or "funeral directing" means directing funeral services from the time of the first call until ~~interment or entombment services are completed, or until the remains are released for transport to a crematorium,~~ final disposition or released release to a public common carrier or release to next of kin of the deceased or the designee of the next of kin;

7. "First call" means the beginning of the relationship and duty of the funeral director to take charge of dead human remains and have such remains prepared by embalming, cremation, or otherwise, for burial or disposition, provided all laws pertaining

to public health in this state are complied with. First call does not include calls made by ambulance, when the person dispatching the ambulance does not know whether or not dead human remains are to be picked up;

8. "Personal supervision" means the physical presence of a licensed funeral director or embalmer at the specified time and place of the providing of acts of funeral service;

9. "Commercial embalming establishment" means a fixed place of business consisting of an equipped preparation room, and other rooms as necessary, for the specified purpose of performing preparation and shipping services of dead human remains to funeral establishments inside and outside this state;

10. "Funeral service merchandise or funeral services" means those products and services normally provided by funeral establishments and required to be listed on the General Price List of the Federal Trade Commission, 15 U.S.C., Section 57a(a), including, but not limited to, the sale of burial supplies and equipment, but excluding the sale by a cemetery of lands or interests therein, services incidental thereto, markers, memorials, monuments, equipment, crypts, niches or outer enclosures; ~~and~~

11. "Outer enclosure" means a grave liner, grave box, or grave vault;

12. "Funeral director in charge" means an individual licensed as a funeral director designated by a funeral service establishment, commercial embalming establishment, or crematory who is responsible for the legal and ethical operation of the establishment and is accountable to the Board;

13. "Authorizing agent" means a person legally entitled to order the cremation or final disposition of particular human remains pursuant to Section 1151 or 1158 of Title 21 of the Oklahoma Statutes; and

14. "Cremation" means the technical process, using heat and flame, that reduces human remains to bone fragments. The reduction takes place through heat and evaporation. Cremation shall include, but not be limited to, the processing and pulverization of the bone fragments.

SECTION 4. AMENDATORY 59 O.S. 2001, Section 396.2a, is amended to read as follows:

Section 396.2a In addition to any other powers and duties imposed by law, the Oklahoma ~~State~~ Funeral Board of Embalmers and Funeral Directors shall have the power and duty to:

1. Prescribe and promulgate rules necessary to effectuate the provisions of the Funeral Services Licensing Act, and to make orders as it may deem necessary or expedient in the performance of its duties;

2. Prepare, conduct and grade examinations, written or oral, of persons who apply for the issuance of licenses to them;

3. Determine the satisfactory passing score on such examinations and issue licenses to persons who pass the examinations or are otherwise entitled to licensure;

4. Determine eligibility for licenses and certificates of apprenticeship;

5. Issue licenses for funeral directors, embalmers, funeral establishments, ~~and~~ commercial embalming establishments, and crematories;

6. Issue certificates of apprenticeship;

7. Upon good cause shown, as hereinafter provided, deny the issuance of a license or certificate of apprenticeship or suspend, revoke or refuse to renew licenses or certificates of apprenticeship, and upon proper showing, to reinstate them;

8. Review, affirm, reverse, vacate or modify its order with respect to any such denial, suspension, revocation or refusal to renew;

9. Establish and levy administrative penalties against any person or entity who violates any of the provisions of the Funeral Services Licensing Act or any rule promulgated pursuant thereto;

10. Obtain an office, secure facilities and employ, direct, discharge and define the duties and set the salaries of office personnel as deemed necessary by the Board;

11. Initiate disciplinary, prosecution and injunctive proceedings against any person or entity who violates any of the provisions of the Funeral Services Licensing Act or any rule promulgated pursuant thereto;

12. Investigate alleged violations of the Funeral Services Licensing Act or of the rules, orders or final orders of the Board;

13. Promulgate rules of conduct governing the practice of licensed funeral directors, embalmers, funeral establishments, and commercial embalming establishments and sale of funeral service merchandise;

14. Keep accurate and complete records of its proceedings and certify the same as may be appropriate;

15. Request prosecution by the district attorney or the Attorney General of this state of any person or any violation of the Funeral Services Licensing Act;

16. When it deems appropriate, confer with the Attorney General of this state or the assistants of the Attorney General in connection with all legal matters and questions; ~~and~~

17. Take such other action as may be reasonably necessary or appropriate to effectuate the Funeral Services Licensing Act;

18. Promulgate rules, issue licenses, and regulate crematories pursuant to the Funeral Services Licensing Act;

19. Issue temporary licenses to a funeral establishment when its facilities are destroyed or damaged in order that the funeral establishment can continue to operate. During the effective period of the temporary license, the Board may waive certain licensing requirements if the funeral establishment is making a good faith effort to rebuild or restore its operations in order to meet all licensing requirements; and

20. Promulgate rules for continuing education for licensees pursuant to Section 8 of this act.

SECTION 5. AMENDATORY 59 O.S. 2001, Section 396.3, is amended to read as follows:

Section 396.3 A. The Oklahoma ~~State Board of Embalmers and Funeral Directors~~ Board shall determine the qualifications necessary to enable any person to practice as a funeral director or embalmer, and prescribe the requirements for a funeral establishment or commercial embalming establishment. The Board shall examine all applicants for licenses to practice as a funeral director or embalmer. The Board shall issue the proper licenses to applicants who successfully pass such examination and qualify pursuant to any additional requirements the Board may prescribe.

B. The minimum requirements for a license to practice funeral directing or embalming, or both, are as follows:

An applicant for a license to practice embalming shall be at least twenty (20) years of age, a legal resident of this state, a citizen or permanent resident of the United States, and of good moral character. In addition, ~~said~~ an applicant shall have at least sixty (60) semester hours of study earned, measured in quarter or clock hours, from a regionally accredited college or university, shall be a graduate of a program of mortuary science accredited by the American Board of Funeral Service Education ~~and approved by the Board~~, and have served one (1) year as a registered apprentice. The applicant may serve as a registered apprentice prior to enrollment in an approved school of mortuary science, or subsequent to graduation from said school.

Curriculum of study for an embalmer and/or funeral director is a program of mortuary science which shall be that prescribed by ~~the State Board of Embalmers and Funeral Directors in accordance with~~ the American Board of Funeral Service Education.

C. The Board shall issue the appropriate license to any qualified applicant whose application has been approved by the Board, and who has paid the fees required by Section 396.4 of this title, has passed the required examination with a general average of not less than seventy-five percent (75%) and has demonstrated to the Board proficiency as an embalmer or funeral director.

D. The Board shall maintain for public inspection a list of all accredited schools of embalming and mortuary science.

SECTION 6. AMENDATORY 59 O.S. 2001, Section 396.4, is amended to read as follows:

Section 396.4 A. ~~Unless otherwise provided by law, the~~ Until the Oklahoma Funeral Board sets fees pursuant to subsection B of

this section, the following shall be the fees charged for the licenses, registrations, and examinations required by the Funeral Services Licensing Act and such fees shall not exceed the following amounts:

Funeral Director License or Renewal	<del>\$50.00</del> <u>\$75.00</u>
Embalmer License or Renewal	<del>\$50.00</del> <u>\$75.00</u>
Registration for Funeral Director <del>Apprentice</del> <del>or</del> <u>Embalmer Apprentice</u>	<del>\$25.00</del> <u>\$150.00</u>
<del>Reinstatement</del> <u>Extension</u> of Funeral Director <del>Apprentice or</del> <u>Embalmer Apprentice</u>	<del>\$25.00</del> <u>\$150.00</u>
Embalmer Examination	<del>\$40.00</del> <u>\$100.00</u>
Funeral Director Examination	<del>\$40.00</del> <u>\$100.00</u>
<u>State Law Examination</u>	<u>\$100.00</u>
Funeral Establishment License or Renewal	<del>\$150.00</del> <u>\$250.00</u>
Commercial Embalming Establishment License or Renewal	<del>\$150.00</del> <u>\$250.00</u>
Reciprocal License for Funeral Director or Embalmer	\$150.00
Change of Funeral Director in Charge	\$150.00
<u>Crematory License</u>	<u>\$250.00</u>

B. The Oklahoma Funeral Board shall set the fees by rule for those activities listed in subsection A of this section.

C. Fees for funeral director examinations and, embalmer examinations, and state law examinations shall be paid prior to the scheduled examination. An examination fee shall not be refundable.

~~C. D.~~ D. The Oklahoma State Board of Embalmers and Funeral Directors Board is authorized to determine and fix special administrative service fees. Each such fee shall not be in excess of Two Hundred Dollars (\$200.00).

~~D. E.~~ E. If any renewal fee required by this section is not paid on or before January December 31 of each year, the amount of said the fee shall be doubled and if said the fee is not paid on or before April 30 of each the subsequent year, such license the licensee shall be in default and the license shall terminate automatically.

F. All examinations of the Oklahoma Funeral Board shall be exempt from the Oklahoma Open Records Act in order to maintain the integrity of the examination process. Copies of completed examinations shall only be released upon receipt of a court order from a court of competent jurisdiction.

SECTION 7. AMENDATORY 59 O.S. 2001, Section 396.5a, is amended to read as follows:

Section 396.5a All funeral directors and/or embalmers regularly licensed in this state, who are or become members of the armed forces of the United States, shall upon proper notification to the ~~secretary~~ executive director of the ~~State Oklahoma Funeral Board of Embalmers and Funeral Directors~~ be placed upon the inactive military service list to be kept by ~~such secretary~~ the executive director and shall not be subject to the payment of renewal fees upon their licenses as funeral directors and/or embalmers until ~~such time as~~ they have been discharged from the military service of the United States and desire to practice their profession in this state. Upon the discharge of ~~such~~ licensees from military service, they shall be reinstated as active funeral directors and/or embalmers upon the payment of the then current year's license fee.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 396.5b of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Beginning July 1, 2006, as a condition of renewal or reactivation of a license, each licensee shall submit to the Oklahoma Funeral Board evidence of the completion of clock hours of continuing education courses approved by the Board within the twelve (12) months immediately preceding the term for which the license is issued. The number of hours, or its equivalent, required for each licensed term shall be determined by the Board and promulgated by rule. Each licensee shall be required to complete and include as part of the continuing education provision a certain number of required subjects as provided by rule.

B. The continuing education courses required by this section shall be satisfied by courses approved by the Board or the Academy of Professional Funeral Service Practice.

C. The Board shall maintain a listing of courses approved by the Board.

D. The Board shall not issue an active renewal license or reactivate a license unless the continuing education requirement set forth in this section is satisfied within the prescribed time period.

E. The provisions of this section shall not apply:

1. During the period a licensee is on inactive status;

2. To a nonresident licensee licensed in this state if the licensee is not engaged in funeral service or embalming practice in Oklahoma; and

3. To classes of licensees exempted by rules of the Board.

SECTION 9. AMENDATORY 59 O.S. 2001, Section 396.6, is amended to read as follows:

Section 396.6 A. No person shall operate a funeral establishment ~~or~~, commercial embalming establishment, or crematory, engage in the sale of any funeral service merchandise to the public, provide funeral services, carry on the business or profession of embalming or funeral directing or perform any of the functions, duties, or powers prescribed for funeral directors or embalmers pursuant to the provisions of the Funeral Services Licensing Act unless ~~such~~ the person has obtained the license specified by rules promulgated pursuant to the Funeral Services Licensing Act and has otherwise complied with the provisions of the Funeral Services Licensing Act. ~~Said~~ The license shall be nontransferable and nonnegotiable.

B. A license shall not be issued to any person for the operation of a funeral or embalming establishment which does not employ an embalmer licensed pursuant to the provisions of Section 396.3 of this title. An individual who supervises a funeral or embalming establishment shall be licensed pursuant to the provisions of Section 396.3 of this title.

C. The holder of any license or certificate issued pursuant to the Funeral Services Licensing Act, or any rules promulgated pursuant thereto, shall have ~~such~~ the license ~~recorded or certificate displayed conspicuously~~ in the office of the county clerk in the county in which the licensee is engaged in such funeral place of business of the holder.

SECTION 10. AMENDATORY 59 O.S. 2001, Section 396.10, is amended to read as follows:

Section 396.10 Any person desiring to engage in the profession or business of embalming or funeral directing or both, as defined herein, shall make application, be required to show ~~such~~ all preliminary requisites, comply with the rules of ~~said~~ the Board, and take ~~such~~ all examinations as shall be deemed necessary by the Board in its rules. The Board shall publish in its rules the subject to be covered in ~~said~~ the examination and the standards to be attained thereon. Changes in the rules ~~and regulations~~ shall be published ~~and be given due publicity at least fifteen (15) days before coming effective~~ pursuant to the Administrative Procedures Act.

SECTION 11. AMENDATORY 59 O.S. 2001, Section 396.11, as amended by Section 1, Chapter 161, O.S.L. 2002 (59 O.S. Supp. 2002, Section 396.11), is amended to read as follows:

Section 396.11 A. The term for an apprenticeship in embalming and the term for an apprenticeship in funeral directing may be served concurrently. Applications for an apprenticeship in funeral directing or embalming shall be made to the Board in writing on a form and in a manner prescribed by the Board. The Board shall issue a certificate of apprenticeship to any person applying for said certificate who submits to the Board satisfactory evidence that said person is seventeen (17) years of age or older, of good moral character, and a graduate of an accredited high school or has earned a G.E.D. credential. The application shall be accompanied by a registration fee as required by Section 396.4 of this title.

B. The Board shall prescribe and enforce such rules as necessary to qualify apprentice applicants as embalmers or funeral directors. A license to practice embalming or funeral directing shall not be issued until said applicant has complied with the rules of the Board, and said applicant has embalmed at least twenty-five dead human bodies for burial or shipment during apprenticeship.

C. The certificate of apprenticeship shall expire one (1) year from the date of issuance but may be renewed by the Board for four additional one-year periods, ~~if the individual is enrolled in and making satisfactory academic progress or has graduated from a mortuary science program accredited by the American Board of Funeral Service Education.~~

SECTION 12. AMENDATORY 59 O.S. 2001, Section 396.12, is amended to read as follows:

Section 396.12 A. Any place where a person shall hold forth by word or act that ~~such~~ the person is engaged in the profession of undertaking or funeral directing shall be deemed as a funeral establishment and shall be licensed as such pursuant to the provisions of the Funeral Services Licensing Act.

~~In addition, every~~ B. A funeral establishment shall not do business in a location that is not licensed as a funeral establishment, shall not advertise a service that is available from an unlicensed location, and shall advertise itself by the name that the establishment is licensed as pursuant to the Funeral Services Licensing Act.

C. Every funeral establishment, commercial embalming establishment, and crematory shall be operated by a ~~fulltime person holding a valid funeral director's license~~ director in charge. Each establishment license shall ~~have be~~ conspicuously displayed at the entrance ~~the name of the person licensed to conduct such establishment location~~.

~~B. D.~~ The Oklahoma ~~State Board of Embalmers and Funeral Directors~~ Board shall have the power to inspect the premises in which funeral directing is conducted or where embalming or cremation is practiced or where an applicant proposed to practice, and ~~such~~ the Board is hereby empowered to prescribe and endorse rules for reasonable sanitation of such establishments, including necessary drainage, ventilation, and necessary and suitable instruments for ~~such~~ the business or profession of embalming and funeral directing.

~~C. E.~~ Any place where a person shall hold forth by word or act that such person is engaged in preparing and shipping of dead human remains to funeral establishments inside and outside this state shall be deemed a commercial embalming establishment and shall be licensed as such pursuant to the provisions of the Funeral Services Licensing Act.

SECTION 13. AMENDATORY 59 O.S. 2001, Section 396.12b, is amended to read as follows:

Section 396.12b A. Each funeral conducted within this state shall be under the personal supervision of a ~~duly-licensed~~ duly licensed funeral director who holds a valid license from the Oklahoma State Funeral Board of Embalmers and Funeral Directors. A

registered apprentice may assist in conducting funerals. To conduct a funeral shall require the personal supervision of a licensed funeral director from the time of the first call until interment is completed. A funeral director conducting a funeral in this state shall ensure that the casket or other container holding the deceased human remains shall not incur any damage other than that which is normally incurred in the burial or final disposition of human remains.

B. The embalming of dead human remains shall require the presence and the direct supervision of a ~~duly-licensed~~ duly licensed embalmer, however, a licensed registered apprentice embalmer may perform the embalming of a dead human provided said registered apprentice embalmer is under the direct supervision of a ~~duly-licensed~~ duly licensed embalmer.

C. Nothing in this section regarding the conduct of funerals or personal supervision of a licensed director, a registered apprentice embalmer, or licensed embalmer, shall apply to persons related to the deceased by blood or marriage. Further, nothing in this section shall apply or in any manner interfere with the duties of any state officer or any employee of a local state institution.

D. Dead human remains shall be picked up on first call only under the direction and personal supervision of a licensed funeral director or embalmer. Dead human remains may be transferred from one funeral home to another funeral home and from a funeral home to and from a morgue where an autopsy is to be performed without a licensed funeral director personally making the transfer. In circumstances in which there is no reasonable probability that unlicensed personnel will encounter family members or other persons with whom funeral arrangements are normally made by licensed funeral directors or embalmers, dead human remains may be picked up or transferred without the personal supervision of a funeral director or embalmer. Dead human remains may be picked up or transferred by a currently registered apprentice without the personal supervision of a funeral director or embalmer, provided however, any inadvertent contact with family members or other persons shall be restricted to the currently registered apprentice identifying the employer to the person, arranging an appointment with the employer for any person who indicates a desire to make funeral arrangements for the deceased and making any disclosure to the person that is required by any federal or state regulation. A funeral director or embalmer who directs the removal or transfer of dead human remains without providing personal supervision shall be held strictly accountable for compliance with the requirements of, and exceptions to, first call as provided by the Funeral Services Licensing Act.

SECTION 14. AMENDATORY 59 O.S. 2001, Section 396.12c, is amended to read as follows:

Section 396.12c After notice and hearing pursuant to Article II of the Administrative Procedures Act, the Oklahoma ~~State Board of Embalmers and Funeral Directors~~ Board may refuse to issue or renew, or may revoke or suspend, any license or registration for any one or combination of the following:

1. Conviction of a felony shown by a certified copy of the record of the court of conviction;

2. Conviction of a misdemeanor involving funeral services;

3. Gross malpractice or gross incompetency, which shall be determined by the Board;

4. False or misleading advertising as a funeral director or embalmer;

~~5. Employment by the licensee of a person or persons to solicit funeral directing or embalming; provided, however, that this paragraph shall have no application to the operation of burial associations;~~

~~6.~~ Violation of any of the provisions of the Funeral Services Licensing Act or any violation of Sections 201 through 231 of Title 8 of the Oklahoma Statutes;

~~7.~~ 6. Fraud or misrepresentation in obtaining a license;

~~8.~~ 7. Using any casket or part thereof which has previously been used as a receptacle for, or in connection with, the burial or other disposition of dead human remains, unless ~~such~~ the disclosure is made to the purchaser;

~~9.~~ 8. Violation of any rules of the Board in administering the purposes of the Funeral Services Licensing Act;

~~10.~~ 9. Use of intoxicating liquor sufficient to produce drunkenness in public, or habitual addiction to the use of habit-forming drugs or either;

~~11. Payment or causing to be paid, directly or indirectly, for the securing of business, or direct or indirect solicitation~~

10. Solicitation of business, either personally or by an agent, from a dying individual or the relatives of a dead or individual with a terminal condition, as defined by the Oklahoma Rights of the Terminally Ill or Persistently Unconscious Act, other than through general advertising;

~~12.~~ 11. Refusing to properly release a dead human body to the custody of the person entitled to custody;

~~13.~~ 12. Violating applicable state laws relating to the failure to file a death certificate, cremation permit, or prearrangement or prefinancing of a funeral;

~~14.~~ 13. Failing to obtain other necessary permits as required by law in a timely manner;

~~15.~~ 14. Failing to comply with the Funeral Rules of the Federal Trade Commission, 15 U.S.C., Section 57a(a);

~~16.~~ 15. Failing to comply with any applicable provisions of the Funeral Services Licensing Act at the time of issuance or renewal;  
or

~~17.~~ 16. Improper issuance or renewal of a license or registration;

17. Violating the provisions of subsection B of Section 396.12 of this title regarding advertisement of services at locations not licensed by the Board;

18. The abuse of a corpse whereby a person knowingly and willfully signs a certificate as having embalmed, cremated, or prepared a dead human body for disposition when, in fact, the services were not performed as indicated;

19. Simultaneous cremating of more than one human dead body without express written approval of the authorizing agent; or

20. Cremating human remains without the permit required by Section 1-329.1 of Title 63 of the Oklahoma Statutes.

SECTION 15. AMENDATORY 59 O.S. 2001, Section 396.12e, is amended to read as follows:

Section 396.12e A. Any person or entity who has been determined by the Oklahoma State Funeral Board of ~~Embalmers and Funeral Directors~~ to have violated any provision of the Funeral Services Licensing Act or any rule or order issued pursuant thereto may be liable for an administrative penalty. The maximum administrative penalty shall not exceed Ten Thousand Dollars (\$10,000.00) for any related series of violations.

B. The Board shall be authorized, at its discretion, to take ~~such~~ action as the nature of the violation requires. The Board shall have the authority to impose on the licensee, or certificate holder, as a condition of any adverse disciplinary action, the payment of costs expended by the Board in investigating and prosecuting ~~said cause~~ the violation. The costs may include but are not limited to staff time, salary and travel expenses, witness fees and attorney fees, and ~~the same~~ shall be considered part of the order of the Board.

C. The amount of the penalty shall be assessed by the Board pursuant to the provisions of subsection A of this section, after notice and hearing. In determining the amount of the penalty, the Board shall include, but not be limited to, consideration of the nature, circumstances and gravity of the violation and, with respect to the person or entity found to have committed the violation, the degree of culpability, the effect on ability of the person or entity to continue to do business and any show of good faith in attempting to achieve compliance with the provisions of the Funeral Services Licensing Act. The Board shall make a report of any action to any entity deemed appropriate for transmittal of the public record but shall in no cause be held liable for the content of the reported action or be made a party to any civil liability action taken as a result of the discipline imposed by the Board. All monies collected from ~~such the~~ administrative penalties shall be deposited with the State Treasurer and by the State Treasurer placed in the "Fund of the State Oklahoma Funeral Board of ~~Embalmers and Funeral Directors~~", created pursuant to Section ~~396.14~~ 17 of this ~~title~~ act.

D. Any license or certificate of apprenticeship holder may elect to surrender the license or certificate of apprenticeship of the person in lieu of said penalty but shall be forever barred from obtaining a reissuance of said license or certificate of apprenticeship.

SECTION 16. AMENDATORY 59 O.S. 2001, Section 396.12f, is amended to read as follows:

Section 396.12f A. Complaints against any person for alleged violations of the Funeral Services Licensing Act or of any of the rules ~~and regulations~~ issued pursuant thereto shall be in writing, signed by the complainant and filed with the executive ~~secretary-treasurer~~ director of the Oklahoma ~~State Board of Embalmers and Funeral Directors Board~~. In addition to the general public, any member or employee of the Board, or the executive ~~secretary-treasurer thereof~~ director of the Oklahoma Funeral Board, may sign a complaint for any violation of which ~~he~~ the executive director has knowledge. All complaints shall name the person complained of, and shall state the time and place of the alleged violations and the facts of which the complainant has knowledge. Upon receiving a complaint, the Board shall examine the ~~same~~ complaint, and determine whether there is a reasonable cause to believe the charges to be true.

B. If upon inspection, investigation or complaint, or whenever the Board determines that there are reasonable grounds to believe that a violation of the Funeral Services Licensing Act or of any rule ~~or regulation~~ promulgated pursuant thereto has occurred, the Board shall give written notice to the alleged violator specifying the cause of complaint. ~~Such~~ The notice shall require that the matters complained of be corrected immediately or that the alleged violator appear before the Board at a time and place specified in the notice and answer the charges. The notice shall be delivered to the alleged violator in accordance with the provisions of subsection E of this section.

C. The Board shall afford the alleged violator an opportunity for a fair hearing in accordance with the provisions of subsection F of this section ~~within~~ not less than fifteen (15) days ~~of~~ after receipt of the notice provided for in subsection B of this section. On the basis of the evidence produced at the hearing, the Board shall make findings of fact and conclusions of law and enter an order thereon. The Board shall give written notice of the order to the alleged violator and to any other persons who appeared at the hearing and made written request for notice of the order. If the hearing is held before a hearing officer as provided for in subsection F of this section, ~~such person~~ the hearing officer shall transmit the record of the hearing together with recommendations for findings of fact and conclusions of law to the Board which shall thereupon enter its order. The Board may enter its order on the basis of such record or, before issuing its order, require additional hearings or further evidence to be presented. The order of the Board shall become final and binding on all parties unless appealed to the district court pursuant to Article II of the Administrative Procedures Act, within thirty (30) days after notice has been sent to the parties.

D. Whenever the Board finds that as a result of a violation of the Funeral Services Licensing Act or any rule ~~or regulation~~ promulgated thereto an emergency exists requiring immediate action to protect the public health or welfare, the Board may without notice or hearing issue an order stating the existence of ~~such~~ an emergency and requiring that ~~such~~ action be taken as it deems necessary to meet the emergency. ~~Such~~ The order shall be effective

immediately. Any person to whom ~~such~~ an order is directed shall comply with the order immediately but on application to the Board shall be afforded a hearing within ten (10) days of receipt of ~~said~~ the notice. On the basis of ~~such~~ a hearing, the Board shall continue the order in effect, revoke it or modify it. Any person aggrieved by ~~such~~ an order continued after the hearing provided for in this subsection may appeal to the district court of the county in which ~~said~~ the person resides, or in which ~~his~~ the business of the person is located, within thirty (30) days of the Board's action. ~~Such~~ The appeal when docketed shall have priority over all cases pending on ~~said~~ the docket, except criminal cases.

E. Except as otherwise expressly provided by law, any notice, order or other instrument issued by or pursuant to authority of the Board may be served on any person affected thereby personally, by publication or by mailing a copy of the notice, order or other instrument by registered mail directed to the person affected at his last-known post office address as shown by the files or records of the Board. Proof of service shall be made as in the case of service of a summons or by publication in a civil action or may be made by the affidavit of the person who did the mailing. ~~Such proof~~ Proof of service shall be filed in the office of the Board.

Every certificate or affidavit of service made and filed as provided for in this subsection shall be prima facie evidence of the facts therein stated. A certified copy thereof shall have like force and effect.

F. The hearings authorized by this section may be conducted by the Board. The Board may designate hearing officers who shall have the power and authority to conduct ~~such~~ hearings in the name of the Board at any time and place. ~~Such~~ The hearings shall be conducted in conformity with and records made thereof pursuant to Article II of the Administrative Procedures Act.

G. All records on complaints filed against any licensee pursuant to the Funeral Services Licensing Act shall be exempt from the Oklahoma Open Records Act unless the Board gave written notice of the complaint pursuant to subsection B of this section.

SECTION 17. AMENDATORY 59 O.S. 2001, Section 396.14, is amended to read as follows:

Section 396.14 The executive ~~secretary-treasurer~~ director of the Board shall keep and preserve all records of the Board, issue all necessary notices to the embalmers, funeral directors and apprentices of the state, and perform such other duties as may be imposed upon the executive ~~secretary-treasurer~~ director by ~~said~~ the Board. The executive ~~secretary-treasurer~~ director is hereby authorized and empowered to collect, in the name and on behalf of the Board, the fees prescribed in the Funeral Services Licensing Act, and all fees so collected shall at the end of each month be deposited by the executive ~~secretary-treasurer~~ director with the State Treasurer. The State Treasurer shall place ten percent (10%) of the money so received in the general fund of the state, and the balance in a special fund to be known as the "Fund of the State Oklahoma Funeral Board of Funeral Directors and Embalmers". Payment from ~~said~~ the fund shall be upon warrants drawn by the State Treasurer against claims submitted by the Board to the Director of State Finance for audit and payment. All monies so received in ~~said~~

by the fund may be used by the Board in carrying out the provisions of the Funeral Services Licensing Act.

~~An accounting of the funds accumulated under the provisions of the Funeral Services Licensing Act shall be rendered semiannually of receipts and disbursements to the Secretary of the State of Oklahoma.~~

SECTION 18. AMENDATORY 59 O.S. 2001, Section 396.17, is amended to read as follows:

Section 396.17 The Oklahoma ~~State Board of Embalmers and Funeral Directors Board~~ shall have the power to select from its own members a president and a ~~secretary-treasurer~~ vice-president and to make, adopt, promulgate and enforce reasonable rules ~~and regulations~~ for the:

1. Transaction of its business;
2. Sanitary management of funeral homes;
3. Work of embalmers and apprentices;
4. Management of the Board's affairs;

5. Betterment and promotion of the educational standards of the profession of embalming and the standards of service and practice to be followed in the profession of embalming and funeral directing in this state; and

6. Carrying into effect of any of the provisions of the Funeral Services Licensing Act, as ~~it~~ the Board may deem expedient, just and reasonable and consistent with the laws of this state.

SECTION 19. AMENDATORY 59 O.S. 2001, Section 396.18, is amended to read as follows:

Section 396.18 All of the members of ~~said~~ the Oklahoma Funeral Board shall be reimbursed for travel expenses incident to attendance upon the business of the Board as provided in the State Travel Reimbursement Act. The Board is hereby authorized to employ an executive ~~secretary-treasurer~~ director at an annual salary to be set by the Board, payable monthly, and to rent and equip an office therefor in some city in the state to be selected by the Board. The Board shall not employ any of its members for a period of three (3) years following their expiration of term of office. The executive ~~secretary-treasurer~~ director shall keep such books, records, and perform such other lawful duties as are required by or placed upon the executive ~~secretary-treasurer~~ director by the Board, and shall be entitled to receive traveling expenses while in the performance of the duties as directed and prescribed by the Board. The executive ~~secretary-treasurer~~ director shall not accept any employment from any funeral home or wholesale house dealing in funeral supplies or equipment while acting as ~~such~~ the executive ~~secretary-treasurer~~ director. The Board shall have the right and authority to employ necessary personnel to carry out the provisions of the Funeral Services Licensing Act. The ~~expense~~ expenses of the Board shall at no time exceed the ~~receipt thereof~~ monies available to the Fund of the Oklahoma Funeral Board.

SECTION 20. AMENDATORY 59 O.S. 2001, Section 396.20, is amended to read as follows:

Section 396.20 It shall be unlawful to embalm a dead human body when any fact within the knowledge or brought to the attention of the embalmer is sufficient to arouse suspicion of crime in connection with the cause of death of the deceased, until permission of the ~~coroner, or a justice of the peace, if there be no coroner,~~ Chief Medical Examiner has been first obtained.

SECTION 21. AMENDATORY 59 O.S. 2001, Section 396.21, is amended to read as follows:

Section 396.21 The Governor shall remove from membership of ~~said~~ the Oklahoma Funeral Board, at any time, any member of ~~said~~ the Board for continued neglect of duty required by ~~this act~~ the Funeral Services Licensing Act, conduct involving moral turpitude or any violation of the provisions of Section ~~14~~ 396.12c of this ~~act~~ title.

SECTION 22. AMENDATORY 59 O.S. 2001, Section 396.27, is amended to read as follows:

Section 396.27 ~~A. Each funeral director shall notify employees concerning risk exposures pursuant to Section 1 of this act and the rules and guidelines promulgated by the State Board of Health.~~

~~B. Each funeral director and each employee of such funeral director shall adhere to the universal~~ In handling and preparing dead human remains for final disposition, any person who comes in direct contact with an unembalmed dead human body or who enters a room where dead human bodies are being embalmed shall exercise all reasonable precautions for the prevention of the transmission of communicable diseases published by the Centers for Disease Control, U.S. Public Health Service, in the Morbidity and Mortality Weekly Report, Volume 36, Number 25 or as subsequently amended, during the handling of any body to minimize the risk of transmitting any communicable disease from the body in accordance with federal regulations regarding the control of infectious diseases and occupational and workplace health and safety.

SECTION 23. AMENDATORY 59 O.S. 2001, Section 396.28, is amended to read as follows:

Section 396.28 In case of a catastrophe as declared by the executive ~~secretary-treasurer~~ director of the Board, funeral directors and embalmers from other states may be allowed to practice in this state. A temporary permit may be issued to those persons, and the permit shall allow the persons to practice for a length of time as determined by the Board.

SECTION 24. AMENDATORY 63 O.S. 2001, Section 1-328, is amended to read as follows:

Section 1-328. A. The person charged by law with the duty of burying the body of a deceased person may discharge such duty by causing the body to be cremated as authorized and provided for in the following sections of this article, but the body of a deceased person shall not be disposed of by cremation, ~~dehydration,~~ ~~combustion,~~ or other similar means, within the State of Oklahoma, except in a crematory duly licensed as provided for herein, and then

only under a special permit for cremation issued in accordance with the provisions hereof.

B. Upon the completion of each cremation, and insofar as is practicable, all of the recoverable residue of the cremation process shall be removed from the crematory and placed in a separate container so that the residue may not be commingled with the cremated remains of other persons. Cremated remains of a dead human shall not be divided or separated without the prior written consent of the authorizing agent.

C. A funeral director or funeral establishment that has received express written authorization for final disposition or cremation from the authorizing agent shall not be liable if the final disposition or cremation is performed in accordance with the provisions of the Funeral Services Licensing Act. The funeral director or funeral establishment shall not be liable for following in a reasonable fashion the instructions of any persons who falsely represent themselves as the proper authorizing agents.

D. Absent the receipt of a court order or other suitable confirmation of resolution, a funeral director or funeral establishment shall not be liable for refusing to accept human remains for final disposition or cremation if the funeral director or other agent of the funeral establishment:

1. Is aware of any dispute concerning the final disposition or cremation of the human remains; or

2. Has a reasonable basis for questioning any of the representations made by the authorizing agent.

E. Each funeral establishment which offers or performs cremations shall maintain an identification system that ensures the ability of the funeral establishment to identify the human remains in its possession throughout all phases of the cremation process. Upon completion of the cremation process, the crematory operator shall attest to the identity of the cremated remains and the date, time, and place the cremation process occurred on a form prescribed by rule of the Oklahoma Funeral Board. The form shall accompany the human remains in all phases of transportation, cremation, and return of the cremated remains.

F. The authorizing agent is responsible for the disposition of the cremated remains. If, after sixty (60) calendar days from the date of cremation, the authorizing agent or the representative of the agent has not specified the ultimate disposition or claimed the cremated remains, the funeral establishment in possession of the cremated remains may dispose of the cremated remains in a dignified and humane manner in accordance with any state, county, or municipal laws or provisions regarding the disposition of cremated remains. A record of this disposition shall be made and kept by the entity making the disposition. Upon the disposition of unclaimed cremated remains in accordance with this subsection, the funeral establishment and entity which disposed the cremated remains shall be discharged from any legal obligation or liability concerning the disposition of the cremated remains.

SECTION 25. AMENDATORY 63 O.S. 2001, Section 1-331, is amended to read as follows:

Section 1-331. A. No person shall dispose of the body of any deceased person by cremation, ~~dehydration, combustion,~~ or other similar means, within this state, without first having obtained from the ~~Oklahoma State Board of Embalmers and Funeral Directors~~ Board an annual license to operate a crematory.

B. Application for ~~such an~~ annual license shall be made to the ~~Executive-Secretary~~ executive director of the Board upon forms prescribed and furnished by the ~~Executive-Secretary~~ executive director, shall give the location of the crematory, and ~~such any~~ other information as the ~~Executive-Secretary~~ executive director shall require, and shall be accompanied by the crematory license fee ~~not pursuant to exceed Twenty-five Dollars (\$25.00), to be determined by Section 396.4 of Title 59 of the Board Oklahoma Statutes.~~ 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, the funeral director in charge, and shall not be transferable either as to the ownership of the crematory, the funeral director in charge or as to the location thereof. The first annual license issued for any crematory at any location shall not be issued by the ~~Executive-Secretary~~ executive director until the ~~Executive-Secretary~~ executive director has been satisfied ~~that~~:

1. 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; and

2. That the crematory has at least one operable crematory for cremation. ~~Such a showing~~

The requirement of paragraph 1 of this subsection may, but need not, be ~~required~~ waived by the ~~Executive-Secretary~~ executive director for any subsequent annual license issued for the same crematory.

C. All funeral establishments performing cremations shall have a licensed funeral director in charge.

D. Each funeral establishment performing cremation services shall keep records as required by the Board to assure compliance with all laws relating to the disposition of dead human remains and shall file annually with the Board a report in the form prescribed by the Board describing the operations of the licensee, including the number of cremations performed, the disposition thereof, and any other information that the Board may require by rule.

E. A funeral establishment performing cremation services shall be subject to all local, state, and federal health and environmental requirements and shall obtain all necessary licenses and permits from the Oklahoma Funeral Board, and the appropriate federal and state health and environmental authorities.

F. Crematories licensed by the Board on the effective date of this act shall be exempt from the provisions of subsections C, D and E of this section until July 1, 2005.

G. All crematories shall be subject to inspection, at all reasonable times, by the Board or its duly authorized agents or employees.

SECTION 26. AMENDATORY 63 O.S. 2001, Section 1-333, is amended to read as follows:

Section 1-333. ~~Disposing of the body of a deceased person by cremation, dehydration, combustion or other similar means, within the State of Oklahoma, except in a crematory duly licensed as provided for in Section 1-331 25 of this title act and under a special permit for cremation issued in accordance with the provisions of Section 1-329.1 of this title~~ Title 63 of the Oklahoma Statutes, is hereby declared to be a felony.

SECTION 27. AMENDATORY 8 O.S. 2001, Section 304, is amended to read as follows:

Section 304. A. The Cemetery Merchandise Trust Act, Section 302 et seq. of this title, shall be administered by the State Banking Commissioner. The Commissioner is authorized to promulgate reasonable rules concerning the keeping and inspection of records, the filing of contracts and reports, investments of and handling of the trust funds, and all other matters incidental to the orderly administration of this law. Any reference to the Oklahoma Banking Board in rules promulgated pursuant to the Cemetery Merchandise Trust Act shall mean the State Banking Commissioner. The rules promulgated by the Oklahoma Banking Board prior to the effective date of this act shall continue in effect until such rules are amended or repealed by rule of the Commissioner promulgated pursuant to the provisions of Article I of the Administrative Procedures Act. All prepaid cemetery merchandise contracts must be in writing, and no such contract form shall be used without first being submitted to the Commissioner.

B. An organization aggrieved by an action or order of the Commissioner may appeal the action or order to the State Banking Board which may then affirm, modify or reverse the action or order of the Commissioner as provided by the Administrative Procedures Act.

C. The provisions of the Cemetery Merchandise Trust Act shall not be applicable to any organization that has obtained a permit pursuant to Section 6121 of Title 36 of the Oklahoma Statutes if the organization is in compliance with the provisions of Sections 6121 through 6136.18 of Title 36 of the Oklahoma Statutes with respect to items that are considered cemetery merchandise pursuant to the Cemetery Merchandise Trust Act.

SECTION 28. AMENDATORY 25 O.S. 2001, Section 307.1, is amended to read as follows:

Section 307.1 A. No public body shall hold meetings by teleconference except:

1. Oklahoma Futures;
2. The Oklahoma State Regents for Higher Education;

3. The ~~Oklahoma~~ Oklahoma State Board of Medical Licensure and Supervision;

4. The State Board of Osteopathic Examiners;

5. The Board of Dentistry;

6. The Variance and Appeals Boards created in Sections 1021.1, 1697 and 1850.16 of Title 59 of the Oklahoma Statutes;

7. A public trust whose beneficiary is a municipality; however, no more than twenty percent (20%) of a quorum of the trustees may participate by teleconference and during any such meetings all votes shall be roll call votes;

8. The Native American Cultural and Educational Authority;

9. The Corporation Commission; ~~and~~

10. The State Board of ~~Vocational~~ Career and ~~Technical~~ Technology Education; and

11. The Oklahoma Funeral Board.

B. No public body authorized to hold meetings by teleconference shall conduct an executive session by teleconference.

SECTION 29. AMENDATORY 36 O.S. 2001, Section 6124, is amended to read as follows:

Section 6124. A. Each organization desiring to accept money or anything of value for prepaid funeral benefits or an agreement to provide funeral benefits in the future at a fixed or predetermined cost, shall file an application for a permit with the Insurance Commissioner, and shall at the time of filing ~~such an~~ an application pay one initial filing fee of Fifty Dollars (\$50.00). The Insurance Commissioner shall issue a permit upon ~~the~~ the:

1. The receipt of the application and payment of the filing fee;

2. Determination that the applicant is in good standing as a funeral establishment with the Oklahoma Funeral Board; and upon making

3. Making a finding that the applicant has complied with the rules and regulations as may be established promulgated under this act by the Insurance Commissioner. Additionally, after January 1, 1994, the Insurance Commissioner shall be required to confirm compliance of the applicant with the Funeral Services Licensing Act, Section 395.1 et seq. of Title 59 of the Oklahoma Statutes, and the rules and regulations established pursuant to said act, or the Agents Licensing Act, Section 1421 et seq. of this title, prior to the issuance of the permit. Provided that all such All applications shall be signed by the organization requesting the permit, and shall contain a statement that the applicant will comply with all the requirements as established by this act. All permits shall expire on the 31st day of December 31 of the year said the permit is first issued, unless renewed; permits may be renewed for a period not to exceed the succeeding December 31 upon the payment of a renewal fee

of Fifty Dollars (\$50.00). Late application for renewal of a license shall require a fee of double the renewal fee. No application for renewal of a license shall be accepted after January 31 of each year. Applicants shall be required to reapply as if they were a new applicant.

B. The Insurance Commissioner may cancel a permit or refuse to issue a permit or refuse to issue a renewal of ~~such a permit~~ for failure to comply with any provision of this act, or any valid rule ~~or regulation~~, which the Insurance Commissioner has ~~prescribed~~ promulgated, after reasonable notice to the permittee and after hearing if the permittee requests a hearing. When the Insurance Commissioner cancels a permit or refuses to issue a renewal of ~~such a permit~~ for a violation as provided by this subsection, the Insurance Commissioner shall notify the Oklahoma ~~State Funeral Board of Embalmers and Funeral Directors~~ of ~~such~~ the action and the nature of any violations.

C. No organization shall be entitled to a new permit for a period of one (1) year after cancellation, or refusal by the Insurance Commissioner to renew ~~his~~ the permit of the organization but shall thereafter be entitled to a new permit upon satisfactory proof of compliance with this law, after the expiration of said one (1) year.

D. Any person or organization aggrieved by the actions of the Insurance Commissioner may appeal therefrom as provided by Article II of the Administrative Procedures Act, ~~Section 301 et seq. of Title 75 of the Oklahoma Statutes~~.

SECTION 30. REPEALER 59 O.S. 2001, Section 396.15 and 63 O.S. 2001, Section 1-330, are hereby repealed.

SECTION 31. RECODIFICATION 59 O.S. 2001, Sections 396.14, as amended by Section 17 of this act, 396.18, as amended by Section 19 of this act, and 396.21, as amended by Section 21 of this act and 63 O.S. 2001, Sections 1-328, as amended by Section 24 of this act, 1-331, as amended by Section 25 of this act, 1-331.1, 1-332 and 1-333, as amended by Section 26 of this act, shall be recodified as Sections 396.1C, 396.1B, 396.1A, 396.29, 396.30, 396.31, 396.32 and 396.33 of Title 59 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 32. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 4th day of March, 2003.

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Presiding Officer of the House of  
Representatives

Passed the Senate the 7th day of April, 2003.

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Presiding Officer of the Senate