

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 860

By: Anderson

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5
6 AS INTRODUCED

7 An Act relating to funeral directors; amending 59
8 O.S. 2001, Section 396.2a, as amended by Section 4,
9 Chapter 57, O.S.L. 2003 (59 O.S. Supp. 2010, Section
10 396.2a), which relates to Oklahoma Funeral Board;
11 modifying duties of Board; authorizing approval of
12 course providers and curriculum for mortuary
13 assistants; amending 59 O.S. 2001, Section 396.3, as
14 amended by Section 5, Chapter 57, O.S.L. 2003 (59
15 O.S. Supp. 2010, Section 396.3), which relates to
16 qualifications for funeral directors; providing
17 alternative qualifications; setting qualifications
18 for funeral director in charge; providing grandfather
19 clause for certain licensees on certain date;
20 establishing qualifications for mortuary assistant;
21 directing Board to examine certain applicants;
22 defining term; stating minimal qualifications;
23 requiring payment of certain fees; setting minimal
24 examination score; making certificate expire on
certain date; providing for renewal, continuing
education and compliance with law; amending 59 O.S.
2001, Section 396.4, as amended by Section 6, Chapter
57, O.S.L. 2003 (59 O.S. Supp. 2010, Section 396.4),
which relates to fees; adding fee for mortuary
assistant; changing date for double fee; modifying
language; amending Section 8, Chapter 57, O.S.L. 2003
(59 O.S. Supp. 2010, Section 396.5b), which relates
to continuing education courses; requiring continuing
education for certain certificate holder; amending 59
O.S. 2001, Section 396.10, as amended by Section 10,
Chapter 57, O.S.L. 2003 (59 O.S. Supp. 2010, Section
396.10), which relates to rules of the Board,
including mortuary assistant; amending 59 O.S. 2001,
Section 396.11, as last amended by Section 11,
Chapter 57, O.S.L. 2003 (59 O.S. Supp. 2010, Section
396.11), which relates to apprenticeships; adding

1 mortuary assistant apprentice; modifying language;
2 amending 59 O.S. 2001, Section 396.12b, as amended by
3 Section 13, Chapter 57, O.S.L. 2003 (59 O.S. Supp.
4 2010, Section 396.12b), which relates to removal of
5 remains; authorizing mortuary assistant to pick up
6 dead body with and without supervision; deleting
7 circumstance for unlicensed person to pick up or
8 transfer dead human remains; amending 59 O.S. 2001,
9 Section 396.12c, as amended by Section 14, Chapter
10 57, O.S.L. 2003 (59 O.S. Supp. 2010, Section
11 396.12c), which relates to refusal to renew license;
12 adding prohibited conduct; amending 63 O.S. 2001,
13 Section 1-331, as amended by Section 25, Chapter 57,
14 O.S.L. 2003, and as renumbered by Section 31, Chapter
15 57, O.S.L. 2003 (59 O.S. Supp. 2010, Section 396.30),
16 which relates to license qualifications; prohibiting
17 crematory license without funeral or embalming
18 establishment license; providing for codification;
19 and providing an effective date.
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21 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

22 SECTION 1. AMENDATORY 59 O.S. 2001, Section 396.2a, as
23 amended by Section 4, Chapter 57, O.S.L. 2003 (59 O.S. Supp. 2010,
24 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 Funeral Board 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;

- 1 2. Prepare, conduct and grade examinations, written or oral, of
2 persons who apply for the issuance of licenses to them;
- 3 3. Determine the satisfactory passing score on such
4 examinations and issue licenses to persons who pass the examinations
5 or are otherwise entitled to licensure;
- 6 4. Determine eligibility for licenses and certificates of
7 apprenticeship and mortuary assistants;
- 8 5. Issue licenses for funeral directors, embalmers, funeral
9 establishments, commercial embalming establishments, and
10 crematories;
- 11 6. Issue certificates of apprenticeship and certificates for
12 mortuary assistants;
- 13 7. Upon good cause shown, as hereinafter provided, deny the
14 issuance of a license or certificate of apprenticeship or mortuary
15 assistant, or suspend, revoke or refuse to renew licenses or
16 certificates of apprenticeship or mortuary assistant, and upon
17 proper showing, to reinstate them;
- 18 8. Review, affirm, reverse, vacate or modify its order with
19 respect to any such denial, suspension, revocation or refusal to
20 renew;
- 21 9. Establish and levy administrative penalties against any
22 person or entity who violates any of the provisions of the Funeral
23 Services Licensing Act or any rule promulgated pursuant thereto;
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1 10. Obtain an office, secure facilities and employ, direct,
2 discharge and define the duties and set the salaries of office
3 personnel as deemed necessary by the Board;

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

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

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

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

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

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

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

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

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

10 20. Promulgate rules for continuing education for licensees
11 pursuant to Section & 396.5b of this ~~act~~ title; and

12 21. Approve course providers and course curriculum for
13 certification of mortuary assistants in funeral services.

14 SECTION 2. AMENDATORY 59 O.S. 2001, Section 396.3, as
15 amended by Section 5, Chapter 57, O.S.L. 2003 (59 O.S. Supp. 2010,
16 Section 396.3), is amended to read as follows:

17 Section 396.3 A. The Oklahoma Funeral Board shall determine
18 the qualifications necessary to enable any person to practice as a
19 funeral director or embalmer, and prescribe the requirements for a
20 funeral establishment or commercial embalming establishment. The
21 Board shall examine all applicants for licenses to practice as a
22 funeral director or embalmer. The Board shall issue the proper
23 licenses to applicants who successfully pass such examination and
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1 qualify pursuant to any additional requirements the Board may
2 prescribe.

3 B. The 1. Except as provided in subsection C of this section,
4 the minimum requirements for a license to practice funeral directing
5 or embalming, or both, are as follows:

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

17 2. Curriculum of study for an embalmer and/or funeral director
18 is a program of mortuary science which shall be that prescribed by
19 the American Board of Funeral Service Education.

20 C. If a person cannot meet the qualifications in subsection B
21 of this section for a funeral director, the person may alternatively
22 qualify for a license to practice funeral directing, upon meeting
23 the eligibility requirements of this subsection as follows:

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1 An applicant must be at least eighteen (18) years of age, a
2 legal resident of this state, a citizen or permanent resident of the
3 United States, and of good moral character. The applicant must be a
4 graduate of a funeral director course approved by the Oklahoma
5 Funeral Board. The funeral director course of study shall be
6 administered by a program of mortuary science accredited by the
7 American Board of Funeral Service Education. The applicant must
8 complete a twelve-month minimum term as a registered apprentice with
9 full-time employment at a licensed establishment and must have
10 assisted with fifty (50) separate funeral services with casketed
11 remains under the supervision of a licensed funeral director in this
12 state. An applicant must pay all fees as provided in Section 396.4
13 of this title and pass the funeral director examination with a score
14 of seventy-five percent (75%) or greater. A license to practice as
15 a funeral director issued pursuant to this subsection shall be
16 restricted to funeral director, and the licensee shall not be
17 eligible to practice as the funeral director in charge as defined in
18 Section 396.2 of this title.

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

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

3 F. Each funeral director in charge as defined in Section 396.2
4 of this title shall have a minimum education level of a bachelor's
5 degree from a college or university with accreditation by an
6 accrediting agency recognized by the United States Secretary of
7 Education accrediting program, and shall hold a current dual funeral
8 director and embalmer license. Any person holding a dual funeral
9 director and embalmer license on November 1, 2011, regardless of
10 education level, shall automatically be eligible to serve as a
11 funeral director in charge, as defined in Section 396.2 of this
12 title, if both funeral director and embalmer licenses are
13 continually renewed.

14 SECTION 3. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 396.3b of Title 59, unless there
16 is created a duplication in numbering, reads as follows:

17 A. The Oklahoma Funeral Board shall determine the
18 qualifications necessary to enable any person to practice as a
19 mortuary assistant or mortuary assistant apprentice, and prescribe
20 the requirements for a funeral establishment to employ mortuary
21 assistants and apprentice mortuary assistants. The Board shall
22 examine all applicants for mortuary assistant certification or
23 apprenticeships. The Board shall issue the proper certification to
24 applicants who successfully pass such examination and qualify

1 pursuant to any additional requirements the Board may prescribe.
2 For purposes of the Funeral Services Act, "mortuary assistant" means
3 a person who under the supervision of a licensed funeral director
4 engages in or conducts or supervises interment after the conclusion
5 of a graveside ceremony, who assists in first call human remains
6 pickups and transfers, and who may assist in other funeral services
7 as established by the Board and directed and supervised by the
8 funeral director or funeral director in charge.

9 B. 1. The minimum requirement for a mortuary assistant
10 certification shall be as follows: The applicant shall be at least
11 seventeen (17) years of age, a legal resident of this state, a
12 citizen or permanent resident of the United States, and of good
13 moral character. An applicant shall be a graduate of an accredited
14 high school or has earned a Graduate Equivalency Degree (G.E.D.)
15 credential. An applicant must complete a class of specified
16 instruction on funeral service that is approved by the Board. An
17 applicant must complete a minimum of twelve (12) months in an
18 apprenticeship as an apprentice mortuary assistant with full-time
19 employment at a licensed establishment and in such position shall
20 have assisted in at least twenty-five (25) removals and twenty-five
21 (25) interments under the direct supervision of a licensed funeral
22 director.

23 2. An applicant shall pay the fees required in Section 396.4 of
24 Title 59 of the Oklahoma Statutes and must pass an examination

1 approved by the Board with a score of not less than seventy-five
2 percent (75%), in addition to the requirement of paragraph 1 of this
3 subsection.

4 3. The mortuary assistant certificate shall expire December 31
5 and may be renewed by paying the required renewal fees; completing
6 the required hours of continuing education for renewal as set by
7 rule pursuant to Section 396.5b of Title 59 of the Oklahoma
8 Statutes, including one (1) hour covering the topic of ethics; and
9 being in compliance with the provisions of Section 396.12c of Title
10 59 of the Oklahoma Statutes.

11 SECTION 4. AMENDATORY 59 O.S. 2001, Section 396.4, as
12 amended by Section 6, Chapter 57, O.S.L. 2003 (59 O.S. Supp. 2010,
13 Section 396.4), is amended to read as follows:

14 Section 396.4 A. Until the Oklahoma Funeral Board sets fees
15 pursuant to subsection B of this section, the following shall be the
16 fees charged for the licenses, registrations, and examinations
17 required by the Funeral Services Licensing Act:

18	Funeral Director License or Renewal	\$75.00
19	Embalmer License or Renewal	\$75.00
20	Registration for Funeral Director/Embalmer Apprentice	\$150.00
21	Extension of Funeral Director/Embalmer Apprentice	\$150.00
22	<u>Mortuary Assistant</u>	<u>\$150.00</u>
23	Embalmer Examination	\$100.00
24	Funeral Director Examination	\$100.00

1	State Law Examination	\$100.00
2	Funeral Establishment License or Renewal	\$250.00
3	Commercial Embalming Establishment License or Renewal	\$250.00
4	Reciprocal License for Funeral Director or Embalmer	\$150.00
5	Change of Funeral Director in Charge	\$150.00
6	Crematory License	\$250.00

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

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

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

15 E. If any renewal fee required by this section is not paid on
16 or before December 31 of each year, the amount of the fee shall be
17 doubled and if the fee is not paid on or before ~~April 30~~ January 30
18 of the subsequent year, the licensee or certificate holder shall be
19 in default and the license or certificate shall terminate
20 automatically.

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

3 SECTION 5. AMENDATORY 59 O.S. 2001, Section 396.5b, as
4 amended by Section 8, Chapter 57, O.S.L. 2003 (59 O.S. Supp. 2010,
5 Section 396.5b), is amended to read as follows:

6 Section 396.5b A. Beginning July 1, 2006, as a condition of
7 renewal or reactivation of a license or certification, each licensee
8 or certificate holder shall submit to the Oklahoma Funeral Board
9 evidence of the completion of clock hours of continuing education
10 courses approved by the Board within the twelve (12) months
11 immediately preceding the term for which the license or
12 certification is issued. The number of hours, or its equivalent,
13 required for each licensed or certificate term shall be determined
14 by the Board and promulgated by rule. Each licensee or certificate
15 holder shall be required to complete and include as part of the
16 continuing education provision a certain number of required subjects
17 as provided by rule.

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

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

23 D. The Board shall not issue an active renewal license or
24 certificate or reactivate a license or certificate unless the

1 continuing education requirement set forth in this section is
2 satisfied within the prescribed time period.

3 E. The provisions of this section shall not apply:

4 1. During the period a licensee or certificate holder is on
5 inactive status;

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

9 3. To classes of licensees or certificate holders exempted by
10 rules of the Board.

11 SECTION 6. AMENDATORY 59 O.S. 2001, Section 396.10, as
12 amended by Section 10, Chapter 57, O.S.L. 2003 (59 O.S. Supp. 2010,
13 Section 396.10), is amended to read as follows:

14 Section 396.10 Any person desiring to engage in the profession
15 or business of embalming or funeral directing or both, ~~as defined~~
16 ~~herein,~~ or as a mortuary assistant shall make application, be
17 required to show all preliminary requisites, comply with the rules
18 of the Oklahoma Funeral Board, and take all examinations as shall be
19 deemed necessary by the Board in its rules. The Board shall publish
20 in its rules the subject to be covered in the examination and the
21 standards to be attained thereon. Changes in the rules shall be
22 published pursuant to the Administrative Procedures Act.

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1 SECTION 7. AMENDATORY 59 O.S. 2001, Section 396.11, as
2 last amended by Section 11, Chapter 57, O.S.L. 2003 (59 O.S. Supp.
3 2010, Section 396.11), is amended to read as follows:

4 Section 396.11. A. The term for an apprenticeship in embalming
5 ~~and the term for an apprenticeship in,~~ funeral directing, or
6 mortuary assistant may be served concurrently. Applications for an
7 apprenticeship in funeral directing ~~or,~~ embalming, or mortuary
8 assistant shall be made to the Oklahoma Funeral Board in writing on
9 a form and in a manner prescribed by the Board. The Board shall
10 issue a certificate of apprenticeship to any person applying for
11 ~~said certificate~~ certification as an apprentice in embalming,
12 funeral directing, or mortuary assistant who submits to the Board
13 satisfactory evidence that ~~said person~~ he or she is seventeen (17)
14 years of age or older, of good moral character, and a graduate of an
15 accredited high school or has earned a G.E.D. credential. The
16 application shall be accompanied by a registration fee as required
17 by Section 396.4 of this title.

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

1 C. The certificate of apprenticeship shall expire one (1) year
2 from the date of issuance but may be renewed by the Board for four
3 additional one-year periods.

4 SECTION 8. AMENDATORY 59 O.S. 2001, Section 396.12b, as
5 amended by Section 13, Chapter 57, O.S.L. 2003 (59 O.S. Supp. 2010,
6 Section 396.12b), is amended to read as follows:

7 Section 396.12b A. Each funeral conducted within this state
8 shall be under the personal supervision of a duly licensed funeral
9 director who holds a valid license from the Oklahoma Funeral Board.
10 A registered apprentice or certified mortuary assistant may assist
11 in conducting funerals. To conduct a funeral ~~shall require,~~ the
12 personal supervision of a licensed funeral director from the time of
13 the first call until interment is completed shall be required,
14 except as provided in subsection D of this section for embalmers or
15 certified mortuary assistants to pick up or transfer dead human
16 remains. A funeral director conducting a funeral in this state
17 shall ensure that the casket or other container holding the deceased
18 human remains shall not incur any damage other than that which is
19 normally incurred in the burial or final disposition of human
20 remains.

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

1 embalmer is under the direct supervision of a duly licensed
2 embalmer.

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

9 D. Dead human remains shall be picked up on first call only
10 under the direction and personal supervision of a licensed funeral
11 director or embalmer or a certified mortuary assistant. Dead human
12 remains may be transferred from one funeral home to another funeral
13 home and from a funeral home to and from a morgue where an autopsy
14 is to be performed without a licensed funeral director personally
15 making the transfer. ~~In circumstances in which there is no~~
16 ~~reasonable probability that unlicensed personnel will encounter~~
17 ~~family members or other persons with whom funeral arrangements are~~
18 ~~normally made by licensed funeral directors or embalmers, dead human~~
19 ~~remains may be picked up or transferred without the personal~~
20 ~~supervision of a funeral director or embalmer.~~ Dead human remains
21 may be picked up or transferred by a currently registered apprentice
22 or mortuary assistant without the personal supervision of a funeral
23 director or embalmer, provided however, any inadvertent contact with
24 family members or other persons shall be restricted to the currently

1 registered apprentice or mortuary assistant identifying the employer
2 to the person, arranging an appointment with the employer for any
3 person who indicates a desire to make funeral arrangements for the
4 deceased and making any disclosure to the person that is required by
5 any federal or state regulation. A funeral director or embalmer who
6 directs the removal or transfer of dead human remains without
7 providing personal supervision shall be held strictly accountable
8 for compliance with the requirements of, and exceptions to, first
9 call as provided by the Funeral Services Licensing Act.

10 SECTION 9. AMENDATORY 59 O.S. 2001, Section 396.12c, as
11 amended by Section 14, Chapter 57, O.S.L. 2003 (59 O.S. Supp. 2010,
12 Section 396.12c), is amended to read as follows:

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

17 1. Conviction of or plea of guilty or nolo contendere to a
18 ~~felony shown by a certified copy of the record of the court of~~
19 ~~conviction~~ offense;

20 2. Conviction of or plea of guilty or nolo contendere to a
21 misdemeanor involving funeral services;

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

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

3 5. Violation of any of the provisions of the Funeral Services
4 Licensing Act or any violation of ~~Sections 201 through 231 of Title~~
5 ~~8 of the Oklahoma Statutes~~ the Burial Association Act;

6 6. Fraud or misrepresentation in obtaining a license;

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

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

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

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

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

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

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

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

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

10 16. Improper issuance or renewal of a license or registration;

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

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

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

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

22 21. Intentional interference with an investigation by the Board
23 or failure to allow access to funeral records during an
24 investigation or to produce records for an investigation;

1 22. Nonpayment of taxes to the Oklahoma Tax Commission pursuant
2 to Section 238.1 of Title 68 of the Oklahoma Statutes; or

3 23. Failure to properly discharge financial obligations as
4 established by rule of the Board.

5 SECTION 10. AMENDATORY 63 O.S. 2001, Section 1-331, as
6 amended by Section 25, Chapter 57, O.S.L. 2003, and as renumbered by
7 Section 31, Chapter 57, O.S.L. 2003 (59 O.S. Supp. 2010, Section
8 396.30), is amended to read as follows:

9 Section 396.30. A. No person shall dispose of the body of any
10 deceased person by cremation or other similar means, within this
11 state, without first having obtained from the Oklahoma Funeral Board
12 an annual license to operate a crematory.

13 B. Application for an annual license shall be made to the
14 executive director of the Board upon forms prescribed and furnished
15 by the executive director, shall give the location of the crematory,
16 and any other information as the executive director shall require,
17 and shall be accompanied by the crematory license fee pursuant to
18 Section 396.4 of ~~Title 59 of the Oklahoma Statutes~~ this title. A
19 crematory shall not be licensed separately from a funeral or
20 commercial embalming establishment. Annual licenses shall expire on
21 the 31st day of December each year, shall specify the name or names
22 of the owners of the crematory and the location thereof, the funeral
23 director in charge, and shall not be transferable either as to the
24 ownership of the crematory, the funeral director in charge or as to

1 the location thereof. The first annual license issued for any
2 crematory at any location shall not be issued by the executive
3 director until the executive director has been satisfied:

4 1. That the crematory is, or will be, so constructed as to be
5 capable of reducing the body of a deceased person to a residue which
6 shall not weigh more than five percent (5%) of the weight of the
7 body immediately after death; and

8 2. That the crematory has at least one operable crematory for
9 cremation.

10 The requirement of paragraph 1 of this subsection may, but need not,
11 be waived by the executive director for any subsequent annual
12 license issued for the same crematory.

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

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

22 E. A funeral establishment performing cremation services shall
23 be subject to all local, state, and federal health and environmental
24 requirements and shall obtain all necessary licenses and permits

1 from the Oklahoma Funeral Board, and the appropriate federal and
2 state health and environmental authorities.

3 F. Crematories licensed by the Board on ~~the effective date of~~
4 ~~this act~~ April 10, 2003, shall be exempt from the provisions of
5 subsections C, D and E of this section until July 1, 2005.

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

9 SECTION 11. This act shall become effective November 1, 2011.

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