

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 HOUSE BILL 1235

By: Condit

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5
6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 amending 59 O.S. 2011, Section 396.12b, which relates
9 to the Funeral Services Licensing Act; allowing
certain person to conduct funeral; and providing an
effective date.

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

13 SECTION 1. AMENDATORY 59 O.S. 2011, Section 396.12b, is
14 amended to read as follows:

15 Section 396.12b A. Each funeral conducted within this state
16 shall be under the personal supervision of a duly licensed funeral
17 director who holds a valid license from the Oklahoma Funeral Board.
18 ~~A or a registered apprentice may assist in conducting funerals, if a~~
19 licensed funeral director is unavailable. To conduct a funeral
20 shall require the personal supervision of a licensed funeral
21 director or a registered apprentice, if a licensed funeral director
22 is unavailable, from the time of the first call until interment is
23 completed. A funeral director or registered apprentice conducting a
24 funeral in this state shall ensure that the casket or other

1 container holding the deceased human remains shall not incur any
2 damage other than that which is normally incurred in the burial or
3 final disposition of human remains.

4 B. The embalming of dead human remains shall require the
5 presence and the direct supervision of a duly licensed embalmer,
6 however, a licensed registered apprentice embalmer may perform the
7 embalming of a dead human provided said registered apprentice
8 embalmer is under the direct supervision of a duly licensed
9 embalmer.

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

16 D. Dead human remains shall be picked up on first call only
17 under the direction and personal supervision of a licensed funeral
18 director or embalmer. Dead human remains may be transferred from
19 one funeral home to another funeral home and from a funeral home to
20 and from a morgue where an autopsy is to be performed without a
21 licensed funeral director personally making the transfer. In
22 circumstances in which there is no reasonable probability that
23 unlicensed personnel will encounter family members or other persons
24 with whom funeral arrangements are normally made by licensed funeral

1 directors or embalmers, dead human remains may be picked up or
2 transferred without the personal supervision of a funeral director
3 or embalmer. Dead human remains may be picked up or transferred by
4 a currently registered apprentice without the personal supervision
5 of a funeral director or embalmer, provided however, any inadvertent
6 contact with family members or other persons shall be restricted to
7 the currently registered apprentice identifying the employer to the
8 person, arranging an appointment with the employer for any person
9 who indicates a desire to make funeral arrangements for the deceased
10 and making any disclosure to the person that is required by any
11 federal or state regulation. A funeral director or embalmer who
12 directs the removal or transfer of dead human remains without
13 providing personal supervision shall be held strictly accountable
14 for compliance with the requirements of, and exceptions to, first
15 call as provided by the Funeral Services Licensing Act.

16 SECTION 2. This act shall become effective November 1, 2013.

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18 54-1-5299 LRB 01/06/13
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