

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 SENATE BILL 1405

By: McAffrey

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6 AS INTRODUCED

7 An Act relating to funeral directors; amending 59
8 O.S. 2011, Section 396.12b, as amended by Section 3,
9 Chapter 97, O.S.L. 2013 (59 O.S. Supp. 2013, Section
10 396.12b), which relates to conducting funerals;
11 requiring supervision of licensed funeral directors
12 for cremations; amending 59 O.S. 2011, Section
13 396.30, as amended by Section 5, Chapter 97, O.S.L.
14 2013 (59 O.S. Supp. 2013, Section 396.30), which
15 relates to cremations; deleting certain exception;
16 requiring licensed funeral director for cremation
17 arrangements; and providing an effective date.

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

19 SECTION 1. AMENDATORY 59 O.S. 2011, Section 396.12b, as
20 amended by Section 3, Chapter 97, O.S.L. 2013 (59 O.S. Supp. 2013,
21 Section 396.12b), is amended to read as follows:

22 Section 396.12b. A. Each funeral or cremation conducted within
23 this state shall be under the personal supervision of a duly
24 licensed funeral director who holds a valid license from the
Oklahoma Funeral Board. 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

1 the first call until interment is completed. A funeral director
2 conducting a funeral in this state shall ensure that the casket or
3 other container holding the deceased human remains shall not incur
4 any damage other than that which is normally incurred in the burial
5 or final disposition of human remains.

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

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

18 D. Dead human remains shall be picked up on first call only
19 under the direction and supervision of a licensed funeral director
20 or embalmer. Dead human remains may be picked up or transferred
21 without the personal supervision of a funeral director or embalmer;
22 provided, however, any inadvertent contact with family members or
23 other persons shall be restricted to identifying the employer to the
24 person, arranging an appointment with the employer for any person

1 who indicates a desire to make funeral arrangements for the deceased
2 and making any disclosure to the person that is required by any
3 federal or state regulation. A funeral director or embalmer who
4 directs the removal or transfer of dead human remains without
5 providing personal supervision shall be held strictly accountable
6 for compliance with the requirements of the Funeral Services
7 Licensing Act.

8 SECTION 2. AMENDATORY 59 O.S. 2011, Section 396.30, as
9 amended by Section 5, Chapter 97, O.S.L. 2013 (59 O.S. Supp. 2013,
10 Section 396.30), is amended to read as follows:

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

15 B. Application for an annual license shall be made to the
16 executive director of the Board upon forms prescribed and furnished
17 by the executive director, shall give the location of the crematory,
18 and any other information as the executive director shall require,
19 and shall be accompanied by the crematory license fee pursuant to
20 Section 396.4 of this title. A crematory shall not be licensed
21 separately from a funeral or commercial embalming establishment but
22 shall be licensed in conjunction with and operated by a funeral
23 service or commercial embalming establishment. Annual licenses
24 shall expire on December 31 each year, shall specify the name or

1 names of the owners of the crematory and the location thereof, the
2 funeral director in charge, and shall not be transferable either as
3 to the ownership of the crematory, the funeral director in charge or
4 as to the location thereof. The first annual license issued for any
5 crematory at any location shall not be issued by the executive
6 director until the executive director has been satisfied:

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

11 2. That the crematory has at least one operable crematory for
12 cremation.

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

16 C. All funeral establishments and crematories performing
17 cremations shall have a licensed funeral director in charge. All
18 arrangements for cremations made with family members or other
19 persons with whom funeral or cremation arrangements are usually made
20 shall be supervised by a licensed funeral director.

21 D. Each funeral establishment performing cremation services
22 shall keep records as required by the Board to assure compliance
23 with all laws relating to the disposition of dead human remains and
24 shall file annually with the Board a report in the form prescribed

1 by the Board describing the operations of the licensee, including
2 the number of cremations performed, the disposition thereof, and any
3 other information that the Board may require by rule.

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

9 ~~F. Crematories licensed by the Board on the effective date of
10 this act shall be exempt from the provisions of subsections C, D and
11 E of this section.~~

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

15 SECTION 3. This act shall become effective November 1, 2014.

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