

STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 2766

By: Renegar

COMMITTEE SUBSTITUTE

An Act relating to animal cremation; requiring license to cremate body of deceased animal; providing license application requirements; establishing license term; setting license fee; establishing conditions for license; requiring annual report; subjecting animal crematories to inspections and to enforcement for violations; providing for disposal of residue; providing exceptions to licensing requirement; requiring compliance with other applicable laws; authorizing Oklahoma Environmental Quality Board to promulgate rules; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-13-101 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. Except as otherwise provided in this section, no person shall dispose of the body of any deceased animal by cremation within this state without a valid license from the Oklahoma Department of Environmental Quality.

1 B. An application for an animal crematory license shall be made
2 to the Department on a form prescribed by the Department. The
3 application shall specify the location of the animal crematory; the
4 name and address of the owner; a detailed description of the
5 equipment used for cremation, including manufacturer and model
6 number; and any other information the Department may require to
7 assist in performing its duties under this section.

8 C. A license shall be issued for a term of one year from date
9 of issuance, and may be renewed for successive one-year periods. An
10 application for a license or license renewal shall be accompanied by
11 an animal crematory license fee. The annual license fee initially
12 shall be Five Hundred Dollars (\$500). The Environmental Quality
13 Board may establish by rule a different fee pursuant to Section 2-3-
14 402 of this title.

15 D. The initial license for an animal crematory at any location
16 shall not be issued by the Department until the Department is
17 satisfied that:

18 1. The animal crematory has at least one operable cremation
19 unit; and

20 2. There is reasonable assurance, based on manufacturer's
21 specifications or other information satisfactory to the Department,
22 that the cremation unit is capable of reducing the body of a
23 deceased animal to a residue which shall not weigh more than five
24 percent (5%) of the weight of the body immediately after death.

1 The requirement of paragraph 2 of this subsection may, but need
2 not, be waived by the Department for any subsequent annual license
3 issued for the same crematory.

4 E. The owner of the animal crematory shall annually file with
5 the Department a report in the form prescribed by the Department
6 describing the operations of the licensee, including the number of
7 animal cremations performed, the disposition thereof, and any other
8 information that the Department may require to assist in performing
9 its duties under this section.

10 F. Pursuant to the provisions of the Environmental Quality Code
11 including, without limitation, Section 2-3-501 of this title, all
12 animal crematories shall be subject to inspection, at all reasonable
13 times, by the Department or its duly authorized agents or employees.

14 G. Pursuant to the provisions of the Environmental Quality Code
15 including, without limitation, Sections 2-3-502 and 2-3-504 of this
16 title, the Department may take enforcement action against any person
17 for violation of this section or rules adopted thereunder.

18 H. The residue resulting from the cremation of an animal by a
19 licensed crematory may be disposed of in any manner that will not
20 create a public or private nuisance.

21 I. Nothing in this section shall be construed to exempt a
22 licensee from any other licenses, permits or regulatory
23 authorizations required under other provisions of law.

1 J. Veterinary hospitals and political subdivisions that perform
2 animal cremation services shall be exempt from the requirements of
3 this section. This section also shall not apply to the cremation of
4 an animal by the person who owned the animal at the time of its
5 death.

6 K. The Environmental Quality Board is authorized, pursuant to
7 the Administrative Procedures Act, to adopt and promulgate rules to
8 implement the provisions of this section.

9 SECTION 2. This act shall become effective November 1, 2014.

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