

1 ENGROSSED HOUSE
2 BILL NO. 2766

By: Renegar of the House

3 and

4 Wyrick of the Senate

5
6 An Act relating to animal cremation; requiring
7 license to cremate body of deceased animal; providing
8 license application requirements; establishing
9 license term; setting license fee; establishing
10 conditions for license; requiring annual report;
11 subjecting animal crematories to inspections and to
12 enforcement for violations; providing for disposal of
13 residue; providing exceptions to licensing
14 requirement; requiring compliance with other
15 applicable laws; authorizing Oklahoma Environmental
16 Quality Board to promulgate rules; providing for
17 codification; and providing an effective date.

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

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

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

B. An application for an animal crematory license shall be made
to the Department on a form prescribed by the Department. The

1 application shall specify the location of the animal crematory; the
2 name and address of the owner; a detailed description of the
3 equipment used for cremation, including manufacturer and model
4 number; and any other information the Department may require to
5 assist in performing its duties under this section.

6 C. A license shall be issued for a term of one (1) year from
7 date of issuance, and may be renewed for successive one-year
8 periods. An application for a license or license renewal shall be
9 accompanied by an animal crematory license fee. The annual license
10 fee initially shall be Five Hundred Dollars (\$500.00). The
11 Environmental Quality Board may establish by rule a different fee
12 pursuant to Section 2-3-402 of Title 27A of the Oklahoma Statutes.

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

16 1. The animal crematory has at least one operable cremation
17 unit; and

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

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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 Title 27A of the
12 Oklahoma Statutes, all animal crematories shall be subject to
13 inspection, at all reasonable times, by the Department or its duly
14 authorized agents or employees.

15 G. Pursuant to the provisions of the Environmental Quality Code
16 including, without limitation, Sections 2-3-502 and 2-3-504 of Title
17 27A of the Oklahoma Statutes, the Department may take enforcement
18 action against any person for violation of this section or rules
19 adopted thereunder.

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

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

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

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

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

13 Passed the House of Representatives the 4th day of March, 2014.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ____ day of _____, 2014.

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Presiding Officer of the Senate

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