

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               2nd Session of the 54th Legislature (2014)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2766

By: Renegar of the House

and

Wyrick of the Senate

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10                               COMMITTEE SUBSTITUTE

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

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

24           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

1 this state without a valid license from the Oklahoma Department of  
2 Environmental Quality.

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

10 C. A license shall be issued for a term of one year from date  
11 of issuance, and may be renewed for successive one-year periods. An  
12 application for a license or license renewal shall be accompanied by  
13 an animal crematory license fee. The annual license fee initially  
14 shall be Five Hundred Dollars (\$500). The Environmental Quality  
15 Board may establish by rule a different fee pursuant to Section 2-3-  
16 402 of this title.

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

20 1. The animal crematory has at least one operable cremation  
21 unit; and

22 2. There is reasonable assurance, based on manufacturer's  
23 specifications or other information satisfactory to the Department,  
24 that the cremation unit is capable of reducing the body of a

1 deceased animal to a residue which shall not weigh more than five  
2 percent (5%) of the weight of the body immediately after death.

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

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

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

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

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14 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT AND FINANCIAL  
15 SERVICES, dated 02/20/2014 - DO PASS, As Amended and Coauthored.  
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