

STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

HOUSE BILL 2766

By: Renegar

AS INTRODUCED

An Act relating to animal cremation; requiring license to cremate body of dead animal; providing license application requirements; requiring animal report; subjecting animal crematories to inspections; providing exception to licensing requirement; authorizing State Board of Embalmers and Funeral Directors to promulgate rules; providing for disposal of residue; providing that cremating animal without license is a felony; amending 59 O.S. 2011, Section 396.4, which relates to fees under the Funeral Services Licensing Act; providing animal crematory license fee; 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 396.34 of Title 59, unless there is created a duplication in numbering, reads as follows:

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

1       B. Application for an annual license shall be made to the  
2 executive director of the Board upon forms prescribed and furnished  
3 by the executive director, shall give the location of the animal  
4 crematory, and any other information as the executive director shall  
5 require, and shall be accompanied by the animal crematory license  
6 fee pursuant to Section 396.4 of Title 59 of the Oklahoma Statutes.  
7 Annual licenses shall expire on December 31 each year, and shall  
8 specify the name or names of the owners of the crematory and the  
9 location thereof. The first annual license issued for any animal  
10 crematory at any location shall not be issued by the executive  
11 director until the executive director has been satisfied:

12       1. That the animal crematory is, or will be, so constructed as  
13 to be capable of reducing the body of a deceased animal to a residue  
14 which shall not weigh more than five percent (5%) of the weight of  
15 the body immediately after death; and

16       2. That the animal crematory has at least one operable  
17 crematory for cremation.

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

21       C. The owner shall file annually with the Board a report in the  
22 form prescribed by the Board describing the operations of the  
23 licensee, including the number of animal cremations performed, the  
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1 disposition thereof, and any other information that the Board may  
2 require by rule.

3 D. All animal crematories shall be subject to inspection, at  
4 all reasonable times, by the Board or its duly authorized agents or  
5 employees.

6 E. Veterinary hospitals that also perform animal cremation  
7 services shall be exempt from the requirements of this section.

8 F. The Oklahoma Funeral Board is authorized, pursuant to the  
9 Administrative Procedures Act, to adopt and promulgate rules  
10 necessary for the licensing, inspection, and regulation of  
11 crematories.

12 G. The residue resulting from the cremation of an animal may be  
13 disposed of in any manner desired.

14 H. Disposing of the body of a deceased animal by cremation or  
15 other similar means within the State of Oklahoma is hereby declared  
16 to be a felony.

17 SECTION 2. AMENDATORY 59 O.S. 2011, Section 396.4, is  
18 amended to read as follows:

19 Section 396.4 A. Until the Oklahoma Funeral Board sets fees  
20 pursuant to subsection B of this section, the following shall be the  
21 fees charged for the licenses, registrations, and examinations  
22 required by the Funeral Services Licensing Act:

23 Funeral Director License or Renewal	\$75.00
24 Embalmer License or Renewal	\$75.00

1	Registration for Funeral Director/Embalmer Apprentice	\$150.00
2	Extension of Funeral Director/Embalmer Apprentice	\$150.00
3	Embalmer Examination	\$100.00
4	Funeral Director Examination	\$100.00
5	State Law Examination	\$100.00
6	Funeral Establishment License or Renewal	\$250.00
7	Commercial Embalming Establishment License or Renewal	\$250.00
8	Reciprocal License for Funeral Director or Embalmer	\$150.00
9	Change of Funeral Director in Charge	\$150.00
10	Crematory License	\$250.00
11	<u>Animal Crematory License</u>	<u>\$250.00</u>

12       B. The Oklahoma Funeral Board shall set the fees by rule for  
13 those activities listed in subsection A of this section.

14       C. Fees for funeral director, embalmer, and state law  
15 examinations shall be paid prior to the scheduled examination. An  
16 examination fee shall not be refundable.

17       D. The Oklahoma Funeral Board is authorized to determine and  
18 fix special administrative service fees. Each such fee shall not be  
19 in excess of Two Hundred Dollars (\$200.00).

20       E. If any renewal fee required by this section is not paid on  
21 or before December 31 of each year, the amount of the fee shall be  
22 doubled and if the fee is not paid on or before April 30 of the  
23 subsequent year, the licensee shall be in default and the license  
24 shall terminate automatically.

1 F. All examinations of the Oklahoma Funeral Board shall be  
2 exempt from the Oklahoma Open Records Act in order to maintain the  
3 integrity of the examination process. Copies of completed  
4 examinations shall only be released upon receipt of a court order  
5 from a court of competent jurisdiction.

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