

An Act

ENROLLED SENATE
BILL NO. 469

By: Standridge and Pittman of
the Senate

and

Martin of the House

An Act relating to the Oklahoma Funeral Board; amending 59 O.S. 2011, Section 396.2a and Section 396.3, as amended by Section 2, Chapter 97, O.S.L. 2013 (59 O.S. Supp. 2016, Section 396.3), which relate to powers of the board and qualifications of licensees; providing alternative qualifications for licensure; stating qualifications; setting minimum and equivalent course hours; stating content of courses; requiring fees for licensure; requiring certain qualifications to be set by the Board; and providing an effective date.

SUBJECT: Oklahoma Funeral Board requirements

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

SECTION 1. AMENDATORY 59 O.S. 2011, Section 396.2a, is amended to read as follows:

Section 396.2a. In addition to any other powers and duties imposed by law, the Oklahoma Funeral Board shall have the power and duty to:

1. Prescribe and promulgate rules necessary to effectuate the provisions of the Funeral Services Licensing Act, and to make orders

as it may deem necessary or expedient in the performance of its duties;

2. Prepare, conduct and grade examinations, written or oral, of persons who apply for the issuance of licenses to them;

3. Determine the satisfactory passing score on such examinations and issue licenses to persons who pass the examinations or are otherwise entitled to licensure;

4. Determine eligibility for licenses and certificates of apprenticeship;

5. Issue licenses for funeral directors, embalmers, funeral establishments, commercial embalming establishments, and crematories;

6. Issue certificates of apprenticeship;

7. Upon good cause shown, as hereinafter provided, deny the issuance of a license or certificate of apprenticeship or suspend, revoke or refuse to renew licenses or certificates of apprenticeship, and upon proper showing, to reinstate them;

8. Review, affirm, reverse, vacate or modify its order with respect to any such denial, suspension, revocation or refusal to renew;

9. Establish and levy administrative penalties against any person or entity who violates any of the provisions of the Funeral Services Licensing Act or any rule promulgated pursuant thereto;

10. Obtain an office, secure facilities and employ, direct, discharge and define the duties and set the salaries of office personnel as deemed necessary by the Board;

11. Initiate disciplinary, prosecution and injunctive proceedings against any person or entity who violates any of the provisions of the Funeral Services Licensing Act or any rule promulgated pursuant thereto;

12. Investigate alleged violations of the Funeral Services Licensing Act or of the rules, orders or final orders of the Board;

13. Promulgate rules of conduct governing the practice of licensed funeral directors, embalmers, funeral establishments, and commercial embalming establishments and sale of funeral service merchandise;

14. Keep accurate and complete records of its proceedings and certify the same as may be appropriate;

15. Request prosecution by the district attorney or the Attorney General of this state of any person or any violation of the Funeral Services Licensing Act;

16. When it deems appropriate, confer with the Attorney General of this state or the assistants of the Attorney General in connection with all legal matters and questions;

17. Take such other action as may be reasonably necessary or appropriate to effectuate the Funeral Services Licensing Act;

18. Promulgate rules, issue licenses, and regulate crematories pursuant to the Funeral Services Licensing Act;

19. Issue temporary licenses to a funeral establishment when its facilities are destroyed or damaged in order that the funeral establishment can continue to operate. During the effective period of the temporary license, the Board may waive certain licensing requirements if the funeral establishment is making a good faith effort to rebuild or restore its operations in order to meet all licensing requirements; ~~and~~

20. Promulgate rules for continuing education for licensees pursuant to Section ~~8~~ 396.5b of this ~~act~~ title; and

21. Approve course providers and course curriculum for licensure of a funeral director.

SECTION 2. AMENDATORY 59 O.S. 2011, Section 396.3, as amended by Section 2, Chapter 97, O.S.L. 2013 (59 O.S. Supp. 2016, Section 396.3), is amended to read as follows:

Section 396.3. A. The Oklahoma Funeral Board shall determine the qualifications necessary to enable any person to practice as a funeral director or embalmer, and prescribe the requirements for a funeral establishment or commercial embalming establishment. The Board shall examine all applicants for licenses to practice as a funeral director or embalmer. The Board shall issue the proper licenses to applicants who successfully pass such examination and qualify pursuant to any additional requirements the Board may prescribe.

B. ~~The~~ 1. Except as provided in subsection C of this section, the minimum requirements for a license to practice funeral directing or embalming, or both, are as follows:

An applicant for a license to practice funeral directing or embalming shall be at least twenty (20) years of age, a legal resident of this state, a citizen or permanent resident of the United States, and of good moral character. In addition, an applicant shall have at least sixty (60) semester hours of study earned, measured in quarter or clock hours, from a regionally accredited college or university, shall be a graduate of a program of mortuary science accredited by the American Board of Funeral Service Education, and have served one (1) year as a registered apprentice. The applicant may serve as a registered apprentice prior to enrollment in an approved school of mortuary science, or subsequent to graduation from ~~said~~ the school, and pass the International Conference of Funeral Service Examining Board National Board Science Examination and/or Arts Examination with a seventy-five (75) or higher score on each exam.

2. Curriculum of study for an embalmer and/or funeral director is a program of mortuary science which shall be that prescribed by the American Board of Funeral Service Education.

C. 1. If a person chooses not to meet the qualifications in subsection B of this section for a funeral director, the person may alternatively qualify for a license to practice funeral directing, but not embalming, upon meeting the eligibility requirements of this subsection as follows: An applicant for a license to practice funeral directing shall be at least twenty (20) years of age, a legal resident of this state, a citizen or permanent resident of the

United States, and of good moral character. An applicant is required to complete a funeral director course of study approved by the Oklahoma Funeral Board and that is administered by program of mortuary science accredited by the American Board of Funeral Service Education (ABFSE). The funeral director course of study shall include at least thirty (30) semester hours or equivalent closely following the ABFSE curriculum standard, limited to only: Business Management, Cremation, Social Sciences/Humanities, Legal, Ethical, Regulatory, plus essential elements of embalming, restorative art, general concerns when dealing with human remains, a practicum experience, and preparation for the required board exams. In addition to the funeral director course of study the applicant is required to complete at least sixty (60) additional semester hours of study earned, measured in quarter or clock hours, from a regionally accredited college or university and must complete a twelve-month minimum term as a registered apprentice with employment at a licensed establishment and must have assisted with (25) arrangement conferences and assisted with twenty five (25) separate funeral or memorial services under the supervision of a licensed funeral director in this state. The applicant may serve as a registered apprentice prior to enrollment in an approved school of mortuary science, concurrently while in mortuary school, or subsequent to completion of the funeral director course of study.

2. Curriculum of study for a funeral director license shall be in a program of mortuary science which shall be that prescribed by the Oklahoma Funeral Board. An applicant must pay all fees as provided in Section 396.4 of this title and pass an exam provided by the International Conference of Funeral Service Examining Board with a seventy-five (75) or higher as well as pass a law exam provided by the Oklahoma Funeral Board, with a seventy-five (75) or higher. A license to practice as a funeral director issued pursuant to this subsection shall be restricted to funeral director, and the licensee shall not be eligible to practice as the funeral director in charge as defined in Section 396.2 of this title.

D. The Board shall issue the appropriate license to any qualified applicant whose application has been approved by the Board, and who has paid the fees required by Section 396.4 of this title, has passed the required ~~examination~~ examinations with a ~~general average of not less than seventy-five percent (75%)~~ (75) or

higher score and has demonstrated to the Board proficiency as an embalmer or funeral director.

~~D.~~ E. The Board shall maintain for public inspection a list of all accredited schools of embalming and mortuary science.

~~E.~~ F. Each funeral director in charge as defined in Section 396.2 of this title shall have a current dual funeral director and embalmer license. A funeral director in charge of a funeral service establishment or crematory that does not have a current dual funeral director and embalmer license on the effective date of this act shall be considered to be grandfathered and may serve as funeral director in charge of any funeral service establishment or crematory in accordance with rules prescribed by the Board, but shall not serve as funeral director in charge of a commercial embalming establishment which shall require a current dual funeral director and embalmer license.

SECTION 3. This act shall become effective November 1, 2017.

Passed the Senate the 15th day of March, 2017.

Presiding Officer of the Senate

Passed the House of Representatives the 26th day of April, 2017.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____