

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 56th Legislature (2017)

4   ENGROSSED SENATE  
5   BILL NO. 469

                              By: Standridge and Pittman of  
                              the Senate

6   and

7   Martin of the House

8  
9  
10       An Act relating to the Oklahoma Funeral Board;  
11       amending 59 O.S. 2011, Section 396.2a and Section  
12       396.3, as amended by Section 2, Chapter 97, O.S.L.  
13       2013 (59 O.S. Supp. 2016, Section 396.3), which  
14       relate to powers of the board and qualifications of  
15       licensees; providing alternative qualifications for  
16       licensure; stating qualifications; setting minimum  
17       and equivalent course hours; stating content of  
18       courses; requiring fees for licensure; requiring  
19       certain qualifications to be set by the Board; and  
20       providing an effective date.

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

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

24       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        1. Prescribe and promulgate rules necessary to effectuate the  
2 provisions of the Funeral Services Licensing Act, and to make orders  
3 as it may deem necessary or expedient in the performance of its  
4 duties;

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

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

10       4. Determine eligibility for licenses and certificates of  
11 apprenticeship;

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

15       6. Issue certificates of apprenticeship;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19        Section 396.3. A. The Oklahoma Funeral Board shall determine  
20 the qualifications necessary to enable any person to practice as a  
21 funeral director or embalmer, and prescribe the requirements for a  
22 funeral establishment or commercial embalming establishment. The  
23 Board shall examine all applicants for licenses to practice as a  
24 funeral director or embalmer. The Board shall issue the proper

1 licenses to applicants who successfully pass such examination and  
2 qualify pursuant to any additional requirements the Board may  
3 prescribe.

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

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

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

1       C. 1. If a person chooses not to meet the qualifications in  
2 subsection B of this section for a funeral director, the person may  
3 alternatively qualify for a license to practice funeral directing,  
4 but not embalming, upon meeting the eligibility requirements of this  
5 subsection as follows: An applicant for a license to practice  
6 funeral directing shall be at least twenty (20) years of age, a  
7 legal resident of this state, a citizen or permanent resident of the  
8 United States, and of good moral character. An applicant is  
9 required to complete a funeral director course of study approved by  
10 the Oklahoma Funeral Board and that is administered by program of  
11 mortuary science accredited by the American Board of Funeral Service  
12 Education (ABFSE). The funeral director course of study shall  
13 include at least thirty (30) semester hours or equivalent closely  
14 following the ABFSE curriculum standard, limited to only: Business  
15 Management, Cremation, Social Sciences/Humanities, Legal, Ethical,  
16 Regulatory, plus essential elements of embalming, restorative art,  
17 general concerns when dealing with human remains, a practicum  
18 experience, and preparation for the required board exams. In  
19 addition to the funeral director course of study the applicant is  
20 required to complete at least sixty (60) additional semester hours  
21 of study earned, measured in quarter or clock hours, from a  
22 regionally accredited college or university and must complete a  
23 twelve-month minimum term as a registered apprentice with employment  
24 at a licensed establishment and must have assisted with (25)

1 arrangement conferences and assisted with twenty five (25) separate  
2 funeral or memorial services under the supervision of a licensed  
3 funeral director in this state. The applicant may serve as a  
4 registered apprentice prior to enrollment in an approved school of  
5 mortuary science, concurrently while in mortuary school, or  
6 subsequent to completion of the funeral director course of study.

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

18 D. The Board shall issue the appropriate license to any  
19 qualified applicant whose application has been approved by the  
20 Board, and who has paid the fees required by Section 396.4 of this  
21 title, has passed the required ~~examination~~ examinations with a  
22 ~~general average of not less than seventy-five percent (75%)~~ (75) or  
23 higher score and has demonstrated to the Board proficiency as an  
24 embalmer or funeral director.

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

3       ~~E.~~ F.   Each funeral director in charge as defined in Section  
4 396.2 of this title shall have a current dual funeral director and  
5 embalmer license. A funeral director in charge of a funeral service  
6 establishment or crematory that does not have a current dual funeral  
7 director and embalmer license on the effective date of this act  
8 shall be considered to be grandfathered and may serve as funeral  
9 director in charge of any funeral service establishment or crematory  
10 in accordance with rules prescribed by the Board, but shall not  
11 serve as funeral director in charge of a commercial embalming  
12 establishment which shall require a current dual funeral director  
13 and embalmer license.

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

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16 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM,  
17 dated 04/12/2017 - DO PASS.  
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