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February 23, 2017

AS AMENDED

SENATE BILL NO. 469

By: Standridge

[Oklahoma Funeral Board - alternative qualifications
for licensure - effective date]

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;

- 1 4. Determine eligibility for licenses and certificates of
2 apprenticeship;
- 3 5. Issue licenses for funeral directors, embalmers, funeral
4 establishments, commercial embalming establishments, and
5 crematories;
- 6 6. Issue certificates of apprenticeship;
- 7 7. Upon good cause shown, as hereinafter provided, deny the
8 issuance of a license or certificate of apprenticeship or suspend,
9 revoke or refuse to renew licenses or certificates of
10 apprenticeship, and upon proper showing, to reinstate them;
- 11 8. Review, affirm, reverse, vacate or modify its order with
12 respect to any such denial, suspension, revocation or refusal to
13 renew;
- 14 9. Establish and levy administrative penalties against any
15 person or entity who violates any of the provisions of the Funeral
16 Services Licensing Act or any rule promulgated pursuant thereto;
- 17 10. Obtain an office, secure facilities and employ, direct,
18 discharge and define the duties and set the salaries of office
19 personnel as deemed necessary by the Board;
- 20 11. Initiate disciplinary, prosecution and injunctive
21 proceedings against any person or entity who violates any of the
22 provisions of the Funeral Services Licensing Act or any rule
23 promulgated pursuant thereto;
- 24

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

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

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

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

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

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

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

19 19. Issue temporary licenses to a funeral establishment when
20 its facilities are destroyed or damaged in order that the funeral
21 establishment can continue to operate. During the effective period
22 of the temporary license, the Board may waive certain licensing
23 requirements if the funeral establishment is making a good faith
24

1 effort to rebuild or restore its operations in order to meet all
2 licensing requirements; ~~and~~

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

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

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

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

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

22 An applicant for a license to practice funeral directing or
23 embalming shall be at least twenty (20) years of age, a legal
24 resident of this state, a citizen or permanent resident of the

1 United States, and of good moral character. In addition, an
2 applicant shall have at least sixty (60) semester hours of study
3 earned, measured in quarter or clock hours, from a regionally
4 accredited college or university, shall be a graduate of a program
5 of mortuary science accredited by the American Board of Funeral
6 Service Education, and have served one (1) year as a registered
7 apprentice. The applicant may serve as a registered apprentice
8 prior to enrollment in an approved school of mortuary science, or
9 subsequent to graduation from ~~said~~ the school, and pass the
10 International Conference of Funeral Service Examining Board National
11 Board Science Examination and/or Arts Examination with a seventy-
12 five (75) or higher score on each exam.

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

16 C. 1. If a person chooses not to meet the qualifications in
17 subsection B of this section for a funeral director, the person may
18 alternatively qualify for a license to practice funeral directing,
19 but not embalming, upon meeting the eligibility requirements of this
20 subsection as follows: An applicant for a license to practice
21 funeral directing shall be at least twenty (20) years of age, a
22 legal resident of this state, a citizen or permanent resident of the
23 United States, and of good moral character. An applicant is
24 required to complete a funeral director course of study approved by

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

22 2. Curriculum of study for a funeral director license shall be
23 in a program of mortuary science which shall be that prescribed by
24 the Oklahoma Funeral Board. An applicant must pay all fees as

1 provided in Section 396.4 of this title and pass an exam provided by
2 the International Conference of Funeral Service Examining Board with
3 a seventy-five (75) or higher as well as pass a law exam provided by
4 the Oklahoma Funeral Board, with a seventy-five (75) or higher. A
5 license to practice as a funeral director issued pursuant to this
6 subsection shall be restricted to funeral director, and the licensee
7 shall not be eligible to practice as the funeral director in charge
8 as defined in Section 396.2 of this title.

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

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

18 ~~E.~~ F. Each funeral director in charge as defined in Section
19 396.2 of this title shall have a current dual funeral director and
20 embalmer license. A funeral director in charge of a funeral service
21 establishment or crematory that does not have a current dual funeral
22 director and embalmer license on the effective date of this act
23 shall be considered to be grandfathered and may serve as funeral
24 director in charge of any funeral service establishment or crematory

1 in accordance with rules prescribed by the Board, but shall not
2 serve as funeral director in charge of a commercial embalming
3 establishment which shall require a current dual funeral director
4 and embalmer license.

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

6 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM
7 February 23, 2017 - DO PASS AS AMENDED
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