

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

SENATE BILL 469

By: Standridge

AS INTRODUCED

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.

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;

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

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

6 4. Determine eligibility for licenses and certificates of
7 apprenticeship;

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

11 6. Issue certificates of apprenticeship;

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

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

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

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

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

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

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

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

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

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

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

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

23 19. Issue temporary licenses to a funeral establishment when
24 its facilities are destroyed or damaged in order that the funeral

1 establishment can continue to operate. During the effective period
2 of the temporary license, the Board may waive certain licensing
3 requirements if the funeral establishment is making a good faith
4 effort to rebuild or restore its operations in order to meet all
5 licensing requirements; ~~and~~

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

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

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

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

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

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

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

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

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

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

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

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

21 ~~E.~~ F. Each funeral director in charge as defined in Section
22 396.2 of this title shall have a current dual funeral director and
23 embalmer license. A funeral director in charge of a funeral service
24 establishment or crematory that does not have a current dual funeral

1 director and embalmer license on the effective date of this act
2 shall be considered to be grandfathered and may serve as funeral
3 director in charge of any funeral service establishment or crematory
4 in accordance with rules prescribed by the Board, but shall not
5 serve as funeral director in charge of a commercial embalming
6 establishment which shall require a current dual funeral director
7 and embalmer license.

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

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