

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

HOUSE BILL 2924

By: Frix

AS INTRODUCED

An Act relating to professions and occupations;  
amending 59 O.S. 2011, Sections 396, as amended by  
Section 1, Chapter 61, O.S.L. 2014 and Section  
396.2a, as amended by Section 1, Chapter 204, O.S.L.  
2017 (59 O.S. Supp. 2017, Sections 396 and 396.2a),  
which relate to the Funeral Services Licensing Act;  
adding two additional members to the Oklahoma Funeral  
Board; authorizing the Board to regulate cemeteries  
of this state; 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, as  
amended by Section 1, Chapter 61, O.S.L. 2014 (59 O.S. Supp. 2017,  
Section 396), is amended to read as follows:

Section 396. A. There is hereby re-created, to continue until  
July 1, 2020, in accordance with the provisions of the Oklahoma  
Sunset Law, the Oklahoma Funeral Board. Any reference in the  
statutes to the Oklahoma State Board of Embalmers and Funeral  
Directors shall be a reference to the Oklahoma Funeral Board. The  
Board shall consist of ~~seven (7)~~ nine (9) persons, who shall be  
appointed as follows:

1        1. Seven (7) members shall be appointed by the Governor as  
2 follows:

- 3            a. five of the members shall have been actively engaged  
4 in the practice of embalming and funeral directing in  
5 this state for not less than seven (7) consecutive  
6 years immediately prior to the appointment of the  
7 person, shall have an active license as provided by  
8 the Funeral Services Licensing Act, shall keep the  
9 license effective, and remain a resident of this state  
10 during the entire time the person serves on the Board.  
11 Upon request of the Governor, appointments of a  
12 licensed embalmer and funeral director member of the  
13 Board shall be made from a list of five qualified  
14 persons submitted by the Oklahoma Funeral Directors  
15 Association, and
- 16            b. two of the members shall be chosen from the general  
17 public, one of whom shall, if possible, be a person  
18 licensed and actively engaged in the health care  
19 field, and shall not be licensed funeral directors or  
20 embalmers or have any interest, directly or  
21 indirectly, in any funeral establishment or any  
22 business dealing in funeral services, supplies or  
23 equipment;

1        2. One member shall be appointed by the Speaker of the Oklahoma  
2 House of Representatives; and

3        3. One member shall be appointed by the President Pro Tempore  
4 of the Oklahoma Senate.

5        B. The term of membership of each member of the Board shall be  
6 five (5) years from the expiration of the term of the member  
7 succeeded. Any member having served as a member of the Board shall  
8 be eligible for reappointment. Provided that, a member of the Board  
9 shall serve no more than two consecutive terms and any unexpired  
10 term that a member is appointed to shall not apply to this limit.

11        C. The Governor, Speaker of the House and President Pro Tempore  
12 shall appoint the necessary respective members to the Board upon  
13 vacancies and immediately prior to the expiration of the various  
14 terms.

15        ~~Upon request of the Governor, appointments of a licensed~~  
16 ~~embalmer and funeral director member of the Board shall be made from~~  
17 ~~a list of five qualified persons submitted by the Oklahoma Funeral~~  
18 ~~Directors Association.~~ An appointment to fill a vacancy shall be  
19 for the unexpired term. A member of the Board shall serve until a  
20 successor is appointed and qualified. No person shall be a member  
21 of the Board, unless, at the time of appointment, the person is of  
22 good moral character and a resident of this state. ~~Five of the~~  
23 ~~members shall have been actively engaged in the practice of~~  
24 ~~embalming and funeral directing in this state for not less than~~

1 ~~seven (7) consecutive years immediately prior to the appointment of~~  
2 ~~the person, shall have an active license as provided by the Funeral~~  
3 ~~Services Licensing Act, shall keep the license effective, and remain~~  
4 ~~a resident of this state during the entire time the person serves on~~  
5 ~~the Board. Two of the members of the Board shall be chosen from the~~  
6 ~~general public, one of whom shall, if possible, be a person licensed~~  
7 ~~and actively engaged in the health care field, and shall not be~~  
8 ~~licensed funeral directors or embalmers or have any interest,~~  
9 ~~directly or indirectly, in any funeral establishment or any business~~  
10 ~~dealing in funeral services, supplies or equipment. These two~~  
11 ~~members shall be appointed to serve for five-year terms.~~

12 SECTION 2. AMENDATORY 59 O.S. 2011, Section 396.2a, as  
13 amended by Section 1, Chapter 204, O.S.L. 2017 (59 O.S. Supp. 2017,  
14 Section 396.2a), is amended to read as follows:

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

18 1. Prescribe and promulgate rules necessary to effectuate the  
19 provisions of the Funeral Services Licensing Act, and to make orders  
20 as it may deem necessary or expedient in the performance of its  
21 duties;

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

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

4        4. Determine eligibility for licenses and certificates of  
5 apprenticeship;

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

9        6. Issue certificates of apprenticeship;

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

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

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

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

23       11. Initiate disciplinary, prosecution and injunctive  
24 proceedings against any person or entity who violates any of the

1 provisions of the Funeral Services Licensing Act or any rule  
2 promulgated pursuant thereto;

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

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

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

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

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

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

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

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

1 requirements if the funeral establishment is making a good faith  
2 effort to rebuild or restore its operations in order to meet all  
3 licensing requirements;

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

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

8 22. Regulate cemeteries of this state in any manner the Board  
9 chooses and to promulgate rules to governing cemeteries.

10 SECTION 3. This act shall become effective November 1, 2018.

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