

**COMMITTEE AMENDMENT**

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3359 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by  
inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Charles McCall

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 PROPOSED COMMITTEE  
4 SUBSTITUTE

5 FOR

6 HOUSE BILL NO. 3359

By: McCall

7  
8 PROPOSED COMMITTEE SUBSTITUTE

9 An Act relating to professions and occupations;  
10 amending 59 O.S. 2021, Sections 396.3 and 396.8,  
11 which relate to the Funeral Services Licensing Act;  
12 modifying qualifications and examination  
13 requirements; and declaring an emergency.

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

15 SECTION 1. AMENDATORY 59 O.S. 2021, Section 396.3, is  
16 amended to read as follows:

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

1 qualify pursuant to any additional requirements the Board may  
2 prescribe.

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

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

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

23 C. 1. If a person chooses not to meet the qualifications in  
24 subsection B of this section for a funeral director, the person may

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

1 funeral director in this state. The applicant may serve as a  
2 registered apprentice prior to enrollment in an approved school of  
3 mortuary science, concurrently while in mortuary school, or  
4 subsequent to completion of the funeral director course of study.

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

16 3. If a person chooses not to meet the qualifications in  
17 subsection B of this section for an embalmer, the person may  
18 alternatively qualify for a license to practice embalming, upon  
19 meeting the eligibility requirements of this subsection as follows:  
20 An applicant for a license of this state, a citizen or permanent  
21 resident of the United States, and of good moral character. An  
22 applicant is required to complete an embalmer course of study  
23 approved by the Oklahoma Funeral Board and that is administered by a  
24 program of funeral service/mortuary science accredited by the

1 American Board of Funeral Service Education (ABFSE). The embalmer  
2 course of study shall include at least thirty (30) semester hours or  
3 equivalent closely following the ABFSE curriculum standard, limited  
4 to only: Biology, Chemistry, Microbiology, Human Anatomy,  
5 Pathology, Embalming, Embalming Chemistry, and Restorative Art, plus  
6 essential elements of grief, communication, and preparation for the  
7 required board examinations. The applicant must also complete a  
8 twelve-month minimum term as a registered apprentice with full-time  
9 employment at a licensed establishment or licensed commercial  
10 embalming establishment and must have assisted with twenty-five  
11 embalmings under the supervision of a licensed embalmer in this  
12 state. The applicant may serve as a registered apprentice prior to  
13 enrollment in an approved school of mortuary science, concurrently  
14 while in mortuary school, or subsequent to completion of the  
15 embalmer course of study.

16 4. Curriculum of study for an embalmer license shall be in a  
17 program of funeral service/mortuary science which shall be that  
18 prescribed by the Oklahoma Funeral Board. An applicant must pay all  
19 fees as provided in Section 396.4 of this title and pass the  
20 embalmer examination provided by the International Conference of  
21 Funeral Service Examining Board with a seventy-five or higher as  
22 well as pass a law exam provided by the Oklahoma Funeral Board with  
23 a seventy-five or higher. A license to practice as an embalmer  
24 issued pursuant to this subsection shall be restricted to embalmer,

1 and the licensee shall not be eligible to practice as the funeral  
2 director in charge as defined in Section 396.2 of this title.

3 D. The Board shall issue the appropriate license to any  
4 qualified applicant whose application has been approved by the  
5 Board, and who has paid the fees required by Section 396.4 of this  
6 title, has passed the required examinations with a seventy-five (75)  
7 or higher score and has demonstrated to the Board proficiency as an  
8 embalmer or funeral director.

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

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

22 G. Upon the effective date of this act, and for one (1) year  
23 thereafter, the Board may issue a temporary funeral director or  
24 embalmer license in the event a statewide state of emergency is

1 declared by the Governor and during such time as the state of  
2 emergency is in effect.

3 SECTION 2. AMENDATORY 59 O.S. 2021, Section 396.8, is  
4 amended to read as follows:

5 Section 396.8 A. The Oklahoma Funeral Board shall have the  
6 power to issue reciprocal licenses to applicants licensed in other  
7 states which have equal or like educational requirements as required  
8 by this state or the Board.

9 B. A license as an embalmer or funeral director shall be issued  
10 without examination to an out-of-state resident intending to become  
11 a resident of this state, who submits to the Board satisfactory  
12 evidence that said applicant has met all the requirements of the  
13 Funeral Services Licensing Act and pays the fees required by Section  
14 396.4 of this title.

15 C. The Board may issue an appropriate license without further  
16 apprenticeship to a resident of a state which does not have the same  
17 educational requirements necessary for reciprocity with this state,  
18 if said applicant:

19 1. Has a current license to practice as an embalmer or funeral  
20 director in the state of residence of the person;

21 2. Has been an active embalmer or funeral director practicing  
22 in the state of residence of the person for at least five (5) years;

23 3. Has never been convicted of a felony crime that  
24 substantially relates to the occupation of an embalmer or funeral

1 director and poses a reasonable threat to public safety, and has  
2 never been convicted of a misdemeanor related to funeral service;

3 4. Has never had said license revoked or suspended;

4 5. Is not currently facing disciplinary action;

5 6. Intends to practice in this state;

6 7. Has filed such documents as are required by the Board;

7 8. Has paid the fees as required by Section 396.4 of this  
8 title;

9 9. Is a citizen or permanent resident of the United States;

10 10. Is a graduate of an accredited program of mortuary science;

11 11. Has passed the National Board Examination or State Board  
12 Examination administered by the International Conference of Funeral  
13 Service Examination Board; and

14 12. Has passed the Oklahoma State Law Examination.

15 D. As used in this section:

16 1. "Substantially relates" means the nature of criminal conduct  
17 for which the person was convicted has a direct bearing on the  
18 fitness or ability to perform one or more of the duties or  
19 responsibilities necessarily related to the occupation; and

20 2. "Poses a reasonable threat" means the nature of criminal  
21 conduct for which the person was convicted involved an act or threat  
22 of harm against another and has a bearing on the fitness or ability  
23 to serve the public or work with others in the occupation.

1       SECTION 3. It being immediately necessary for the preservation  
2 of the public peace, health or safety, an emergency is hereby  
3 declared to exist, by reason whereof this act shall take effect and  
4 be in full force from and after its passage and approval.

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