

An Act

ENROLLED HOUSE
BILL NO. 3359

By: McCall of the House

and

Pederson of the Senate

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

SUBJECT: Professions and occupations

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

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

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

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

An applicant for a license to practice funeral directing or embalming shall be at least twenty (20) years of age, a legal

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

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

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

mortuary science, concurrently while in mortuary school, or subsequent to completion of the funeral director course of study.

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

3. If a person chooses not to meet the qualifications in subsection B of this section for an embalmer, the person may alternatively qualify for a license to practice embalming, upon meeting the eligibility requirements of this subsection as follows: An applicant for a license of this state, a citizen or permanent resident of the United States, and of good moral character. An applicant is required to complete an embalmer course of study approved by the Oklahoma Funeral Board and that is administered by a program of funeral service/mortuary science accredited by the American Board of Funeral Service Education (ABFSE). The embalmer course of study shall include at least thirty (30) semester hours or equivalent closely following the ABFSE curriculum standard, limited to only: Biology, Chemistry, Microbiology, Human Anatomy, Pathology, Embalming, Embalming Chemistry, and Restorative Art, plus essential elements of grief, communication, and preparation for the required board examinations. The applicant must also complete a twelve-month minimum term as a registered apprentice with full-time employment at a licensed establishment or licensed commercial embalming establishment and must have assisted with twenty-five embalmings under the supervision of a licensed embalmer in this state. The applicant may serve as a registered apprentice prior to enrollment in an approved school of mortuary science, concurrently while in mortuary school, or subsequent to completion of the embalmer course of study.

4. Curriculum of study for an embalmer license shall be in a program of funeral service/mortuary science which shall be that prescribed by the Oklahoma Funeral Board. An applicant must pay all fees as provided in Section 396.4 of this title and pass the embalmer examination provided by the International Conference of

Funeral Service Examining Board with a score of seventy-five (75) or higher as well as pass a law exam provided by the Oklahoma Funeral Board with a score of seventy-five (75) or higher. A license to practice as an embalmer issued pursuant to this subsection shall be restricted to embalmer, and the licensee shall not be eligible to practice as the funeral director in charge as defined in Section 396.2 of this title.

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

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

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

G. Upon the effective date of this act, and for one (1) year thereafter, the Board may issue a temporary funeral director or embalmer license in the event a statewide state of emergency is declared by the Governor and during such time as the state of emergency is in effect.

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

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

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

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

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

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

3. Has never been convicted of a felony crime that substantially relates to the occupation of an embalmer or funeral director and poses a reasonable threat to public safety, and has never been convicted of a misdemeanor related to funeral service;

4. Has never had said license revoked or suspended;

5. Is not currently facing disciplinary action;

6. Intends to practice in this state;

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

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

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

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

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

12. Has passed the Oklahoma State Law Examination.

D. As used in this section:

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

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

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

Passed the House of Representatives the 22nd day of March, 2022.

Presiding Officer of the House
of Representatives

Passed the Senate the 28th day of April, 2022.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____