

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 HOUSE BILL 2072

 By: McCall

7 AS INTRODUCED

8 An Act relating to professions and occupations;
9 amending 59 O.S. 2011, Section 396.3, as last amended
10 by Section 14, Chapter 363, O.S.L. 2019 (59 O.S.
11 Supp. 2020, Section 396.3), which relates to licenses
12 for funeral directors and embalmers; authorizing
13 issuance of temporary licenses during state of
14 emergency; and declaring an emergency.

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

15 SECTION 1. AMENDATORY 59 O.S. 2011, Section 396.3, as
16 last amended by Section 14, Chapter 363, O.S.L. 2019 (59 O.S. Supp.
17 2020, Section 396.3), is amended to read as follows:

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

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

1 applicant may serve as a registered apprentice prior to enrollment
2 in an approved school of mortuary science, concurrently while in
3 mortuary school, or subsequent to completion of the funeral director
4 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 D. The Board shall issue the appropriate license to any
17 qualified applicant whose application has been approved by the
18 Board, and who has paid the fees required by Section 396.4 of this
19 title, has passed the required examinations with a seventy-five (75)
20 or higher score and has demonstrated to the Board proficiency as an
21 embalmer or funeral director.

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

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

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

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

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22 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02/10/2021 - DO PASS.
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