

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3359

By: McCall

7
8
9 COMMITTEE SUBSTITUTE

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

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

16 SECTION 1. AMENDATORY 59 O.S. 2021, Section 396.3, is
17 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 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.

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.

COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03/03/2022 - DO PASS, As Amended.