

An Act

ENROLLED HOUSE
BILL NO. 1742

By: Dills of the House

and

Newhouse of the Senate

An Act relating to professions and occupations; amending 59 O.S. 2011, Sections 396.2, as amended by Section 1, Chapter 97, O.S.L. 2013 and 396.5 (59 O.S. Supp. 2020, Section 396.2), which relate to the Funeral Services Licensing Act; modifying and adding definitions; modifying fee; and providing an effective date.

SUBJECT: Professions and occupations

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

SECTION 1. AMENDATORY 59 O.S. 2011, Section 396.2, as amended by Section 1, Chapter 97, O.S.L. 2013 (59 O.S. Supp. 2020, Section 396.2), is amended to read as follows:

Section 396.2 As used in the Funeral Services Licensing Act:

1. "Embalmer" means a person who disinfects or preserves dead human remains, entire or in part, by the use of chemical substances, fluids or gases in the remains, or by the introduction of same into the remains by vascular or hypodermic injection, or by direct application into organs or cavities;

2. "Funeral director" means a person who:

- a. is engaged in or conducts or represents themselves as being engaged in preparing for the burial or disposal and directing and supervising the burial or disposal of dead human remains,

- b. is engaged in or conducts or represents themselves as being engaged in maintaining a funeral establishment for the preparation and the disposition, or for the care of dead human remains,
- c. uses, in connection with the name of the person or funeral establishment, the words "funeral director" or "undertaker" or "mortician" or any other title implying that the person is engaged as a funeral director,
- d. sells funeral service merchandise to the public, or
- e. is responsible for the legal and ethical operation of a crematory;

3. "Funeral establishment" means a place of business used in the care and preparation for burial, commercial embalming, or transportation of dead human remains, or any place where any person or persons shall hold forth and be engaged in the profession of undertaking or funeral directing;

4. "Apprentice" means a person who is engaged in learning the practice of embalming or the practice of funeral directing, as the case may be, under the instruction and personal supervision of a duly licensed embalmer or a duly licensed funeral director of and in the State of Oklahoma, pursuant to the provisions of the Funeral Services Licensing Act, and who is duly registered as such with said Board;

5. "Board" means the Oklahoma Funeral Board;

6. "Directing a funeral" or "funeral directing" means directing funeral services from the time of the first call until final disposition or release to a common carrier or release to next of kin of the deceased or the designee of the next of kin;

7. "First call" means the beginning of the relationship and duty of the funeral director to take charge of dead human remains and have such remains prepared by embalming, cremation, or otherwise, for burial or disposition, provided all laws pertaining to public health in this state are complied with. First call does not include calls made by ambulance, when the person dispatching the ambulance does not know whether or not dead human remains are to be picked up;

8. "Personal supervision" means the physical presence of a licensed funeral director or embalmer at the specified time and place of the providing of acts of funeral service;

9. "Commercial embalming establishment" means a fixed place of business consisting of an equipped preparation room, and other rooms as necessary, for the specified purpose of performing preparation and shipping services of dead human remains to funeral establishments inside and outside this state;

10. "Funeral service merchandise or funeral services" means those products and services normally provided by funeral establishments and required to be listed on the General Price List of the Federal Trade Commission, 15 U.S.C., Section 57a(a), including, but not limited to, the sale of burial supplies and equipment, but excluding the sale by a cemetery of lands or interests therein, services incidental thereto, markers, memorials, monuments, equipment, crypts, niches or outer enclosures;

11. "Outer enclosure" means a grave liner, grave box, or grave vault;

12. "Funeral director in charge" means an individual licensed as both a funeral director and embalmer designated by a funeral service establishment, commercial embalming establishment, or crematory who is responsible for the legal and ethical operation of the establishment and is accountable to the Board;

13. "Authorizing agent" means a person legally entitled to order the cremation or final disposition of particular human remains pursuant to Section 1151 or 1158 of Title 21 of the Oklahoma Statutes; ~~and~~

14. "Cremation" means the technical process, using heat and flame, or heat and pressure, that reduces human remains to essential elements, including bone fragments. The reduction takes place through heat and evaporation. Cremation shall include, but not be limited to, the processing and pulverization of the bone fragments, or through alkaline hydrolysis;

15. "Crematory" means a structure containing a furnace or alkaline hydrolysis vessel used or intended to be used for the cremation of human remains. The term includes a facility that cremates human remains through alkaline hydrolysis; and

16. "Alkaline hydrolysis" means the reduction of human remains to bone fragments and essential elements in a licensed crematory using heat, pressure, water and base chemical agents.

SECTION 2. AMENDATORY 59 O.S. 2011, Section 396.5, is amended to read as follows:

Section 396.5 All licenses issued by the Board shall expire on the 31st day of December of each year. The Board shall issue a renewal for such license without further examination upon the payment of a renewal fee as required by Section 396.4 of this title. A funeral director or embalmer who fails to apply for a renewal license for a period of three (3) years or more, shall be reinstated by taking a written and oral examination, as required by the Board, and by paying a fee ~~of Twenty-five Dollars (\$25.00)~~ and the current years' dues as required by Section 396.4 of this title.

SECTION 3. This act shall become effective November 1, 2021.

Passed the House of Representatives the 10th day of March, 2021.

Presiding Officer of the House
of Representatives

Passed the Senate the 15th day of April, 2021.

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: _____