

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1602

By: McCortney

AS INTRODUCED

An Act relating to the Funeral Services Licensing Act; amending 59 O.S. 2021, Section 396.2, which relates to definitions; modifying definition; updating statutory language; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2021, 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 the 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,

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

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

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

1       5. "Board" means the Oklahoma Funeral Board;

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

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

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

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

22       10. "Funeral service merchandise or funeral services" means  
23 those products and services normally provided by funeral  
24 establishments and required to be listed on the General Price List

1 of the Federal Trade Commission, 15 U.S.C., Section 57a(a),  
2 including, but not limited to, the sale of burial supplies and  
3 equipment, but excluding the sale by a cemetery of lands or  
4 interests therein, services incidental thereto, markers, memorials,  
5 monuments, equipment, crypts, niches or outer enclosures. Any  
6 person, organization, or business that sells funeral service  
7 merchandise to the public without providing any other funeral  
8 services shall not be subject to the Funeral Services Licensing Act;

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

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

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

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

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

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

10 SECTION 2. This act shall become effective November 1, 2024.

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