

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 957

By: Jett

AS INTRODUCED

An Act relating to Funeral Services Licensing Act; amending 59 O.S. 2021, Section 396.3, as amended by Section 1, Chapter 217, O.S.L. 2022 (59 O.S. Supp. 2022, Section 396.3), which relates to the qualifications and examination of funeral directors and embalmers; removing required accreditation for education of certain licensure; amending 59 O.S. 2021, Section 396.8, as amended by Section 2, Chapter 217, O.S.L. 2022 (59 O.S. Supp. 2022, Section 396.8), which relates to reciprocity; providing exception; updating statutory language; updating statutory reference; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2021, Section 396.3, as amended by Section 1, Chapter 217, O.S.L. 2022 (59 O.S. Supp. 2022, 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

1 licenses to applicants who successfully pass such examination and
2 qualify pursuant to any additional requirements the Board may
3 prescribe.

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

7 An applicant for a license to practice funeral directing or
8 embalming shall be at least twenty (20) years of age, a legal
9 resident of this state, and a citizen or permanent resident of the
10 United States. In addition, an applicant shall be a graduate of a
11 program of mortuary science accredited by the American Board of
12 Funeral Service Education (ABFSE), and have served one (1) year as a
13 registered apprentice. The applicant may serve as a registered
14 apprentice prior to enrollment in an approved school of mortuary
15 science, or subsequent to graduation from the school, and pass the
16 International Conference of Funeral Service Examining ~~Board~~ Boards
17 National Board Science Examination and/or Arts Examination with a
18 seventy-five (75) or higher score on each exam.

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

22 C. 1. If a person chooses not to meet the qualifications in
23 subsection B of this section for a funeral director, the person may
24 alternatively qualify for a license to practice funeral directing,

1 but not embalming, upon meeting the eligibility requirements of this
2 subsection as follows: An applicant for a license to practice
3 funeral directing shall be at least twenty (20) years of age, a
4 legal resident of this state, and a citizen or permanent resident of
5 the United States. An applicant is required to complete a funeral
6 director course of study approved by the Oklahoma Funeral Board and
7 that is administered by a program of funeral service/mortuary
8 science ~~accredited by the American Board of Funeral Service~~
9 ~~Education (ABFSE)~~. The funeral director course of study shall
10 include at least thirty (30) semester hours or equivalent ~~closely~~
11 ~~following the ABFSE curriculum standard~~, limited to only: Business
12 Management, Cremation, Social Sciences/Humanities, Legal, Ethical,
13 Regulatory, plus essential elements of embalming, restorative art,
14 general concerns when dealing with human remains, a practicum
15 experience, and preparation for the required board exams. In
16 addition to the funeral director course of study the applicant is
17 required to complete a twelve-month minimum term as a registered
18 apprentice with employment at a licensed establishment and must have
19 assisted with twenty-five arrangement conferences and assisted with
20 twenty-five separate funeral or memorial services under the
21 supervision of a licensed funeral director in this state. The
22 applicant may serve as a registered apprentice prior to enrollment
23 in an approved school of mortuary science, concurrently while in
24

1 mortuary school, or subsequent to completion of the funeral director
2 course of study.

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

15 3. If a person chooses not to meet the qualifications in
16 subsection B of this section for an embalmer, the person may
17 alternatively qualify for a license to practice embalming, upon
18 meeting the eligibility requirements of this subsection as follows:
19 An applicant for a license of this state, a citizen or permanent
20 resident of the United States, and of good moral character. An
21 applicant is required to complete an embalmer course of study
22 approved by the Oklahoma Funeral Board and that is administered by a
23 program of funeral service/mortuary science accredited by the
24 American Board of Funeral Service Education (ABFSE). The embalmer

1 course of study shall include at least thirty (30) semester hours or
2 equivalent closely following the ABFSE curriculum standard, limited
3 to only: Biology, Chemistry, Microbiology, Human Anatomy,
4 Pathology, Embalming, Embalming Chemistry, and Restorative Art, plus
5 essential elements of grief, communication, and preparation for the
6 required board examinations. The applicant must also complete a
7 twelve-month minimum term as a registered apprentice with full-time
8 employment at a licensed establishment or licensed commercial
9 embalming establishment and must have assisted with twenty-five
10 embalmings under the supervision of a licensed embalmer in this
11 state. The applicant may serve as a registered apprentice prior to
12 enrollment in an approved school of mortuary science, concurrently
13 while in mortuary school, or subsequent to completion of the
14 embalmer course of study.

15 4. Curriculum of study for an embalmer license shall be in a
16 program of funeral service/mortuary science which shall be that
17 prescribed by the Oklahoma Funeral Board. An applicant must pay all
18 fees as provided in Section 396.4 of this title and pass the
19 embalmer examination provided by the International Conference of
20 Funeral Service Examining ~~Board~~ Boards with a score of seventy-five
21 (75) or higher as well as pass a law exam provided by the Oklahoma
22 Funeral Board with a score of seventy-five (75) or higher. A
23 license to practice as an embalmer issued pursuant to this
24 subsection shall be restricted to embalmer, and the licensee shall

1 not be eligible to practice as the funeral director in charge as
2 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 November 1, 2013, shall be considered to be grandfathered and may
17 serve as funeral director in charge of any funeral service
18 establishment or crematory in accordance with rules prescribed by
19 the Board, but shall not serve as funeral director in charge of a
20 commercial embalming establishment which shall require a current
21 dual funeral director and embalmer license.

22 G. Upon ~~the effective date of this act~~ April 23, 2021, and for
23 one (1) year thereafter, the Board may issue a temporary funeral
24 director or embalmer license in the event a statewide state of
25

1 emergency is declared by the Governor and during such time as the
2 state of emergency is in effect.

3 SECTION 2. AMENDATORY 59 O.S. 2021, Section 396.8, as
4 amended by Section 2, Chapter 217, O.S.L. 2022 (59 O.S. Supp. 2022,
5 Section 396.8), is amended to read as follows:

6 Section 396.8. A. The Oklahoma Funeral Board shall have the
7 power to issue reciprocal licenses to applicants licensed in other
8 states which have equal or like educational requirements as required
9 by this state or the Board; provided that, the education
10 requirements for reciprocity for a funeral director shall not be
11 accredited by the American Board of Funeral Service Education.

12 B. A license as an embalmer or funeral director shall be issued
13 without examination to an out-of-state resident intending to become
14 a resident of this state, who submits to the Board satisfactory
15 evidence that said applicant has met all the requirements of the
16 Funeral Services Licensing Act and pays the fees required by Section
17 396.4 of this title.

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

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

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

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

7 4. Has never had said license revoked or suspended;

8 5. Is not currently facing disciplinary action;

9 6. Intends to practice in this state;

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

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

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

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

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

18 12. Has passed the Oklahoma State Law Examination.

19 D. As used in this section:

20 1. "Substantially relates" means the nature of criminal conduct
21 for which the person was convicted has a direct bearing on the
22 fitness or ability to perform one or more of the duties or
23 responsibilities necessarily related to the occupation; and
24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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. This act shall become effective November 1, 2023.

59-1-1630 MR 1/19/2023 11:28:03 AM