

An Act

ENROLLED HOUSE
BILL NO. 2286

By: Hilbert of the House

and

Coleman of the Senate

An Act relating to professions and occupations; amending 59 O.S. 2021, Section 396, as amended by Section 1, Chapter 32, O.S.L. 2023 (59 O.S. Supp. 2024, Section 396), which relates to Oklahoma Funeral Board appointment; modifying sunset date; creating the assistant funeral director license; establishing license application requirements; creating license procedures; amending 59 O.S. 2021, Section 396.4, which relates to term and qualifications of directors and fees; establishing certain fees; updating statutory language; providing for codification; providing an effective date; and declaring an emergency.

SUBJECT: Professions and occupations

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

SECTION 1. AMENDATORY 59 O.S. 2021, Section 396, as amended by Section 1, Chapter 32, O.S.L. 2023 (59 O.S. Supp. 2024, Section 396), is amended to read as follows:

Section 396. There is hereby re-created, to continue until ~~July 1, 2024~~ July 1, 2029, in accordance with the provisions of the Oklahoma Sunset Law, the Oklahoma Funeral Board. Any reference in the statutes to the Oklahoma State Board of Embalmers and Funeral Directors shall be a reference to the Oklahoma Funeral Board. The Board shall consist of seven (7) persons, who shall be appointed by the Governor. The term of membership of each member of the Board shall be five (5) years from the expiration of the term of the member succeeded. Any member having served as a member of the Board shall be eligible for reappointment. Provided, that, a member of

the Board shall serve no more than two consecutive terms and any unexpired term that a member is appointed to shall not apply to this limit. The Governor shall appoint the necessary members to the Board upon vacancies and immediately prior to the expiration of the various terms. Upon request of the Governor, appointments of a licensed embalmer and funeral director member of the Board shall be made from a list of five qualified persons submitted by the Oklahoma Funeral Directors Association. An appointment to fill a vacancy shall be for the unexpired term. A member of the Board shall serve until a successor is appointed and qualified. No person shall be a member of the Board, unless, at the time of appointment, the person is of good moral character and a resident of this state. Five of the members shall have been actively engaged in the practice of embalming and funeral directing in this state for not less than seven (7) consecutive years immediately prior to the appointment of the person, shall have an active license as provided by the Funeral Services Licensing Act, shall keep the license effective, and shall remain a resident of this state during the entire time the person serves on the Board. Two of the members of the Board shall be chosen from the general public, one of whom shall, if possible, be a person licensed and actively engaged in the health care field, and shall not be licensed funeral directors or embalmers or have any interest, directly or indirectly, in any funeral establishment or any business dealing in funeral services, supplies, or equipment. These two members shall be appointed to serve for five-year terms.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 396.3b of Title 59, unless there is created a duplication in numbering, reads as follows:

A. As used in this section, "assistant funeral director" means a person who assists a funeral director duly licensed in this state in one or more of the principal functions of funeral directing and is actively engaged in such work. An assistant funeral director shall be an employee of the funeral director in charge under whom the employee is registered, and shall be a person to whom the funeral director in charge delegates the responsibility of conducting funeral services, making funeral arrangements, and making interments.

B. The Oklahoma Funeral Board may license assistant funeral directors to each Oklahoma-licensed funeral director in charge. The funeral director in charge shall have only one assistant funeral director. Licensure as an assistant funeral director shall be separate and distinct from registration as an apprentice funeral

director or embalmer. The Board may issue an assistant funeral director license upon successful completion of the Oklahoma State Law Examination for Funeral Directors, the manner and form of which shall be determined by the Board, and upon payment of the application fee which shall include the license fee for the current year or portion thereof. Such application and registration and renewal fee shall be in the amount fixed by the Board in accordance with the provisions of Section 396.4 of Title 59 of the Oklahoma Statutes. Before issuing a license to an applicant for an assistant funeral director's license, the Board shall require satisfactory proof that the applicant is capable and trustworthy to act as such and that the applicant is a person of good moral character, has a good standing in the community, and is qualified to engage in the business. In determining the moral character of any such applicant, the Board shall take into consideration any felony conviction of such person; provided, however, any such conviction shall not automatically operate as a bar to licensure. Each person applying for an assistant funeral director's license shall make application and be recommended in writing on forms provided by the Board. The application shall show that the applicant is at least eighteen (18) years of age and shall have at least sixty (60) semester hours of study earned, measured in quarter or clock hours, from a regionally accredited college or university before such license can be issued to the applicant. Upon issuing a license to an assistant funeral director, the Board shall cause the licensee to be registered under the supervision of the Oklahoma-licensed funeral director by whom such licensee is employed and under whom such licensee is registered. The funeral director under whom the assistant funeral director has been registered shall immediately notify the Board when the licensee has left the employment of the director. Upon reemployment of the licensee by any other funeral director in charge, such licensee shall be reinstated by the Board. The work of an assistant funeral director shall at all times be under the supervision and control of the Oklahoma-licensed funeral director under whom the licensee is registered. Licenses of assistant funeral directors may be suspended or revoked, or the Board may refuse to issue or renew a license, for any of the reasons and in the manner stated in this section for funeral directors' licenses.

C. The expiration date of each license shall be December 31. Subject to the provisions of this section, each license shall be renewable on an annual basis upon the filing of a renewal application prior to the expiration date of the license and upon payment of the renewal fee.

D. The assistant funeral director shall complete continuing education in accordance with the provisions of Section 396.5b of Title 59 of the Oklahoma Statutes.

SECTION 3. AMENDATORY 59 O.S. 2021, Section 396.4, is amended to read as follows:

Section 396.4. A. 1. The Oklahoma Funeral Board shall set fees pursuant to rule for all licenses, registrations, examinations, and renewals required by the Funeral Services Licensing Act.

2. Until the Oklahoma Funeral Board sets fees pursuant to rule, the following shall be the fees charged for the licenses, registrations, and examinations required by the Funeral Services Licensing Act:

Funeral Director License or Renewal	\$75.00
<u>Assistant Funeral Director License or Renewal</u>	<u>\$150.00</u>
Embalmer License or Renewal	\$75.00
Registration for Funeral Director/Embalmer Apprentice	\$150.00
Extension of Funeral Director/Embalmer Apprentice	\$150.00
Embalmer Examination	\$100.00
Funeral Director Examination	\$100.00
State Law Examination	\$100.00
Funeral Establishment License or Renewal	\$250.00
Commercial Embalming Establishment License or Renewal	\$250.00
Reciprocal License for Funeral Director or Embalmer	\$150.00
Change of Funeral Director in Charge	\$150.00
Crematory License or Renewal	\$250.00

B. The Oklahoma Funeral Board shall assess Three Dollars (\$3.00) for each disposition performed by the licensed funeral establishment or commercial embalming establishment. The

disposition fee shall be payable upon renewal of the license as provided in subsection E of this section and shall be calculated from November 1 of the preceding calendar year to October 31 of the current calendar year for each licensee. For purposes of this subsection, "disposition" means each time the licensed establishment files an original death certificate pursuant to Section 1-317 of Title 63 of the Oklahoma Statutes.

C. Fees for funeral director, embalmer, and state law examinations shall be paid prior to the scheduled examination. An examination fee shall not be refundable.

D. The Oklahoma Funeral Board is authorized to determine and fix special administrative service fees. Each such fee shall not be in excess of Two Hundred Dollars (\$200.00).

E. If any renewal fee required by this section is not paid on or before December 31 of each year, the amount of the fee shall be doubled and if the fee is not paid on or before April 30 of the subsequent year, the licensee shall be in default and the license shall terminate automatically.

F. All examinations of the Oklahoma Funeral Board shall be exempt from the Oklahoma Open Records Act in order to maintain the integrity of the examination process. Copies of completed examinations shall only be released upon receipt of a court order from a court of competent jurisdiction.

SECTION 4. This act shall become effective July 1, 2025.

SECTION 5. 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.

Passed the House of Representatives the 15th day of May, 2025.

Presiding Officer of the House
of Representatives

Passed the Senate the 5th day of May, 2025.

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: _____