

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 4322

By: Kendrix

AS INTRODUCED

An Act relating to professions and occupations;  
amending 59 O.S. 2021, Section 396.2, which relates  
to the Funeral Services Licensing Act definitions;  
modifying definition for funeral director in charge;  
amending 59 O.S. 2021, Section 396.3, as last amended  
by Section 1, Chapter 50, O.S.L. 2025 (59 O.S. Supp.  
2025, Section 396.3), which relates to funeral  
director in charge duties; removing requirement for  
funeral directors to be dually licensed; 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 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

1 duly licensed embalmer or a duly licensed funeral director of and in  
2 the State of Oklahoma, pursuant to the provisions of the Funeral  
3 Services Licensing Act, and who is duly registered as such with said  
4 Board;

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

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

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

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

21 9. "Commercial embalming establishment" means a fixed place of  
22 business consisting of an equipped preparation room, and other rooms  
23 as necessary, for the specified purpose of performing preparation  
24

1 and shipping services of dead human remains to funeral  
2 establishments inside and outside this state;

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

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

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

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

22 14. "Cremation" means the technical process, using heat and  
23 flame, or heat and pressure, that reduces human remains to essential  
24 elements, including bone fragments. The reduction takes place

1 through heat and evaporation. Cremation shall include, but not be  
2 limited to, the processing and pulverization of the bone fragments,  
3 or through alkaline hydrolysis;

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

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

11 SECTION 2. AMENDATORY 59 O.S. 2021, Section 396.3, as  
12 last amended by Section 1, Chapter 50, O.S.L. 2025 (59 O.S. Supp.  
13 2025, Section 396.3), is amended to read as follows:

14 Section 396.3 A. The Oklahoma Funeral Board shall determine  
15 the qualifications necessary to enable any person to practice as a  
16 funeral director or embalmer, and prescribe the requirements for a  
17 funeral establishment or commercial embalming establishment. The  
18 Board shall examine all applicants for licenses to practice as a  
19 funeral director or embalmer. The Board shall issue the proper  
20 licenses to applicants who successfully pass such examination and  
21 qualify pursuant to any additional requirements the Board may  
22 prescribe.

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

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

19       2. Curriculum of study for an embalmer or funeral director is a  
20 program of mortuary science which shall be that prescribed by the  
21 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:

3 An applicant for a license to practice funeral directing shall  
4 be at least eighteen (18) years of age, a legal resident of this  
5 state, and a citizen or permanent resident of the United States. An  
6 applicant is required to complete a funeral director course of study  
7 approved by the Oklahoma Funeral Board and that is administered by a  
8 program of funeral service/mortuary science accredited by the  
9 American Board of Funeral Service Education (ABFSE). The funeral  
10 director course of study shall include at least thirty (30) semester  
11 hours or equivalent closely following the ABFSE curriculum standard,  
12 limited to only: Business Management, Cremation, Social  
13 Sciences/Humanities, Legal, Ethical, Regulatory, plus essential  
14 elements of embalming, restorative art, general concerns when  
15 dealing with human remains, a practicum experience, and preparation  
16 for the required board exams. In addition to the funeral director  
17 course of study, the applicant is required to complete a twelve-  
18 month minimum term as a registered apprentice with employment at a  
19 licensed establishment and must have assisted with twenty-five  
20 arrangement conferences and assisted with twenty-five separate  
21 funeral or memorial services under the supervision of a licensed  
22 funeral director in this state. The applicant may serve as a  
23 registered apprentice prior to enrollment in an approved school of  
24

1 mortuary science, concurrently while in mortuary school, or  
2 subsequent to completion of the funeral director 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 or  
8 the Oklahoma Funeral Directors Exam with a score of seventy-five  
9 (75) or higher as well as pass a law exam provided by the Oklahoma  
10 Funeral Board, with a score of seventy-five (75) or higher. A  
11 license to practice as a funeral director issued pursuant to this  
12 subsection shall be restricted to funeral director,~~and the licensee~~  
13 ~~shall not be eligible to practice as the funeral director in charge~~  
14 ~~as defined in Section 396.2 of 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 or the Oklahoma Embalmers Exam with  
21 a score of seventy-five (75) or higher as well as pass a law exam  
22 provided by the Oklahoma Funeral Board with a score of seventy-five  
23 (75) or higher. A license to practice as an embalmer issued  
24 pursuant to this subsection shall be restricted to embalmer, and the

1 licensee shall not be eligible to practice as the funeral director  
2 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. F.~~ Upon April 23, 2021, and for one (1) year thereafter, the  
23 Board may issue a temporary funeral director or embalmer license in  
24

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

3 SECTION 3. This act shall become effective November 1, 2026.

4

5 60-2-14330 TKR 01/12/26

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24