

1 **SENATE FLOOR VERSION**

2 March 30, 2021

3 ENGROSSED HOUSE
4 BILL NO. 1742

By: Dills of the House

5 and

6 Newhouse of the Senate

7
8 An Act relating to professions and occupations;
9 amending 59 O.S. 2011, Sections 396.2, as amended by
10 Section 1, Chapter 97, O.S.L. 2013, and 396.5 (59
11 O.S. Supp. 2020, Section 396.2), which relate to the
12 Funeral Services Licensing Act; modifying and adding
13 definitions; modifying fee; and providing an
14 effective date.

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

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

19 Section 396.2. As used in the Funeral Services Licensing Act:

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

2. "Funeral director" means a person who:

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

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

22 4. "Apprentice" means a person who is engaged in learning the
23 practice of embalming or the practice of funeral directing, as the
24 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; and

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. 2011, Section 396.5, is
12 amended to read as follows:

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

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

23 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM
24 March 30, 2021 - DO PASS