

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 2240

By: Dobrinski

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5  
6 AS INTRODUCED

7 An Act relating to professions and occupations;  
8 amending 59 O.S. 2021, Section 396.3, as amended by  
9 Section 1, Chapter 217, O.S.L. 2022 (59 O.S. Supp.  
10 2022, Section 396.3), which relates to the Funeral  
11 Services Licensing Act; lowering age qualification  
12 for licensure; and declaring an emergency.

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

14 SECTION 1. AMENDATORY 59 O.S. 2021, Section 396.3, as  
15 amended by Section 1, Chapter 217, O.S.L. 2022 (59 O.S. Supp. 2022,  
16 Section 396.3), is amended to read as follows:

17 Section 396.3 A. The Oklahoma Funeral Board shall determine  
18 the qualifications necessary to enable any person to practice as a  
19 funeral director or embalmer, and prescribe the requirements for a  
20 funeral establishment or commercial embalming establishment. The  
21 Board shall examine all applicants for licenses to practice as a  
22 funeral director or embalmer. The Board shall issue the proper  
23 licenses to applicants who successfully pass such examination and  
24 qualify pursuant to any additional requirements the Board may  
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 ~~twenty (20)~~ eighteen (18) years of age,  
6 a legal resident of this state, and a citizen or permanent resident  
7 of the United States. In addition, an applicant shall be a graduate  
8 of a 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 the  
13 International Conference of Funeral Service Examining Board National  
14 Board Science Examination and/or Arts Examination with a seventy-  
15 five (75) or higher score on each exam.

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

19 C. 1. If a person chooses not to meet the qualifications in  
20 subsection B of this section for a funeral director, the person may  
21 alternatively qualify for a license to practice funeral directing,  
22 but not embalming, upon meeting the eligibility requirements of this  
23 subsection as follows:

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

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

12        3. If a person chooses not to meet the qualifications in  
13 subsection B of this section for an embalmer, the person may  
14 alternatively qualify for a license to practice embalming, upon  
15 meeting the eligibility requirements of this subsection as follows:

16        An applicant for a license of this state, a citizen or permanent  
17 resident of the United States, and of good moral character. An  
18 applicant is required to complete an embalmer course of study  
19 approved by the Oklahoma Funeral Board and that is administered by a  
20 program of funeral service/mortuary science accredited by the  
21 American Board of Funeral Service Education (ABFSE). The embalmer  
22 course of study shall include at least thirty (30) semester hours or  
23 equivalent closely following the ABFSE curriculum standard, limited  
24 to only: Biology, Chemistry, Microbiology, Human Anatomy,

1 Pathology, Embalming, Embalming Chemistry, and Restorative Art, plus  
2 essential elements of grief, communication, and preparation for the  
3 required board examinations. The applicant must also complete a  
4 twelve-month minimum term as a registered apprentice with full-time  
5 employment at a licensed establishment or licensed commercial  
6 embalming establishment and must have assisted with twenty-five  
7 embalmings under the supervision of a licensed embalmer in this  
8 state. The applicant may serve as a registered apprentice prior to  
9 enrollment in an approved school of mortuary science, concurrently  
10 while in mortuary school, or subsequent to completion of the  
11 embalmer course of study.

12 4. Curriculum of study for an embalmer license shall be in a  
13 program of funeral service/mortuary science which shall be that  
14 prescribed by the Oklahoma Funeral Board. An applicant must pay all  
15 fees as provided in Section 396.4 of this title and pass the  
16 embalmer examination provided by the International Conference of  
17 Funeral Service Examining Board with a score of seventy-five (75) or  
18 higher as well as pass a law exam provided by the Oklahoma Funeral  
19 Board with a score of seventy-five (75) or higher. A license to  
20 practice as an embalmer issued pursuant to this subsection shall be  
21 restricted to embalmer, and the licensee shall not be eligible to  
22 practice as the funeral director in charge as defined in Section  
23 396.2 of this title.

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1 D. The Board shall issue the appropriate license to any  
2 qualified applicant whose application has been approved by the  
3 Board, and who has paid the fees required by Section 396.4 of this  
4 title, has passed the required examinations with a seventy-five (75)  
5 or higher score and has demonstrated to the Board proficiency as an  
6 embalmer or funeral director.

7 E. The Board shall maintain for public inspection a list of all  
8 accredited schools of embalming and mortuary science.

9 F. Each funeral director in charge as defined in Section 396.2  
10 of this title shall have a current dual funeral director and  
11 embalmer license. A funeral director in charge of a funeral service  
12 establishment or crematory that does not have a current dual funeral  
13 director and embalmer license on the effective date of this act  
14 shall be considered to be grandfathered and may serve as funeral  
15 director in charge of any funeral service establishment or crematory  
16 in accordance with rules prescribed by the Board, but shall not  
17 serve as funeral director in charge of a commercial embalming  
18 establishment which shall require a current dual funeral director  
19 and embalmer license.

20 G. Upon the effective date of this act, and for one (1) year  
21 thereafter, the Board may issue a temporary funeral director or  
22 embalmer license in the event a statewide state of emergency is  
23 declared by the Governor and during such time as the state of  
24 emergency is in effect.

1       SECTION 2. It being immediately necessary for the preservation  
2 of the public peace, health or safety, an emergency is hereby  
3 declared to exist, by reason whereof this act shall take effect and  
4 be in full force from and after its passage and approval.

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6       59-1-6538       LRB       01/07/23

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