

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 59th Legislature (2023)

4 HOUSE BILL 2240

                                  By: Dobrinski

7                                   AS INTRODUCED

8                   An Act relating to professions and occupations;  
9                   amending 59 O.S. 2021, Section 396.3, as amended by  
10                  Section 1, Chapter 217, O.S.L. 2022 (59 O.S. Supp.  
11                  2022, Section 396.3), which relates to the Funeral  
12                  Services Licensing Act; lowering age qualification  
13                  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  
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1 qualify pursuant to any additional requirements the Board may  
2 prescribe.

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

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

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

21 C. 1. If a person chooses not to meet the qualifications in  
22 subsection B of this section for a funeral director, the person may  
23 alternatively qualify for a license to practice funeral directing,  
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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 ~~twenty (20)~~ eighteen (18) years of age, a legal resident  
5 of this state, and a citizen or permanent resident of the United  
6 States. An applicant is required to complete a funeral director  
7 course of study approved by the Oklahoma Funeral Board and that is  
8 administered by a program of funeral service/mortuary science  
9 accredited by the American Board of Funeral Service Education  
10 (ABFSE). The funeral director course of study shall include at  
11 least thirty (30) semester hours or equivalent closely following the  
12 ABFSE curriculum standard, limited to only: Business Management,  
13 Cremation, Social Sciences/Humanities, Legal, Ethical, Regulatory,  
14 plus essential elements of embalming, restorative art, general  
15 concerns when dealing with human remains, a practicum experience,  
16 and preparation for the required board exams. In addition to the  
17 funeral director course of study, the applicant is required to  
18 complete a twelve-month minimum term as a registered apprentice with  
19 employment at a licensed establishment and must have assisted with  
20 twenty-five arrangement conferences and assisted with twenty-five  
21 separate funeral or memorial services under the supervision of a  
22 licensed funeral director in this state. The applicant may serve as  
23 a registered apprentice prior to enrollment in an approved school of  
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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 with  
8 a score of seventy-five (75) or higher as well as pass a law exam  
9 provided by the Oklahoma Funeral Board, with a score of seventy-five  
10 (75) or higher. A license to practice as a funeral director issued  
11 pursuant to this subsection shall be restricted to funeral director,  
12 and the licensee shall not be eligible to practice as the funeral  
13 director in charge as defined in Section 396.2 of this title.

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

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

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

14 4. Curriculum of study for an embalmer license shall be in a  
15 program of funeral service/mortuary science which shall be that  
16 prescribed by the Oklahoma Funeral Board. An applicant must pay all  
17 fees as provided in Section 396.4 of this title and pass the  
18 embalmer examination provided by the International Conference of  
19 Funeral Service Examining Board with a score of seventy-five (75) or  
20 higher as well as pass a law exam provided by the Oklahoma Funeral  
21 Board with a score of seventy-five (75) or higher. A license to  
22 practice as an embalmer issued pursuant to this subsection shall be  
23 restricted to embalmer, and the licensee shall not be eligible to  
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1 practice as the funeral director in charge as defined in Section  
2 396.2 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. Upon the effective date of this act, and for one (1) year  
23 thereafter, the Board may issue a temporary funeral director or  
24 embalmer license in the event a statewide state of emergency is

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

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

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8 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE, dated  
9 02/15/2023 - DO PASS.

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