

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 SENATE BILL 1637

By: Pemberton

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5
6 AS INTRODUCED

7 An Act relating to the Funeral Services Licensing
8 Act; amending 59 O.S. 2021, Sections 396.2, 396.3, as
9 last amended by Section 1, Chapter 54, O.S.L. 2023,
10 396.3a, 396.4, 396.12, 396.12c, 396.29, 396.32, and
11 396.33 (59 O.S. Supp. 2023, Section 396.3), which
12 relate to definitions, licensure requirement, license
13 fees, licensing for funeral directors, embalmers, and
14 funeral establishments; defining terms; authorizing
15 licensed directors, embalmers, and funeral
16 establishments to use organic natural reduction of
17 deceased persons in this state; allowing for
18 additional requirements to be promulgated by the
19 Oklahoma Funeral Board for reduction of human
20 remains; prohibiting natural organic reduction
21 without license; providing for application;
22 authorizing certain establishments to use reduction
23 under certain circumstances; requiring establishments
24 to follow certain requirements to perform reductions;
25 authorizing Board to inspect; updating statutory
26 references; providing for codification; and providing
27 an effective date.

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

31 SECTION 1. AMENDATORY 59 O.S. 2021, Section 396.2, is
32 amended to read as follows:

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

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

6 2. "Funeral director" means a person who:

7 a. is engaged in or conducts or represents themselves as
8 being engaged in preparing for the burial or disposal
9 and directing and supervising the burial or disposal
10 of dead human remains,

11 b. is engaged in or conducts or represents themselves as
12 being engaged in maintaining a funeral establishment
13 for the preparation and the disposition, or for the
14 care of dead human remains,

15 c. uses, in connection with the name of the person or
16 funeral establishment, the words "funeral director" or
17 "undertaker" or "mortician" or any other title
18 implying that the person is engaged as a funeral
19 director,

20 d. sells funeral service merchandise to the public, or

21 e. is responsible for the legal and ethical operation of
22 a crematory or natural organic reduction facility;

23 3. "Funeral establishment" means a place of business used in
24 the care and preparation for burial, commercial embalming, or

1 transportation of dead human remains, or any place where any person
2 or persons shall hold forth and be engaged in the profession of
3 undertaking or funeral directing;

4 4. "Apprentice" means a person who is engaged in learning the
5 practice of embalming or the practice of funeral directing, as the
6 case may be, under the instruction and personal supervision of a
7 duly licensed embalmer or a duly licensed funeral director of and in
8 the State of Oklahoma, pursuant to the provisions of the Funeral
9 Services Licensing Act, and who is duly registered as such with said
10 Board;

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

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

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

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

4 9. "Commercial embalming establishment" means a fixed place of
5 business consisting of an equipped preparation room, and other rooms
6 as necessary, for the specified purpose of performing preparation
7 and shipping services of dead human remains to funeral
8 establishments inside and outside this state;

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

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

19 12. "Funeral director in charge" means an individual licensed
20 as both a funeral director and embalmer designated by a funeral
21 service establishment, commercial embalming establishment, ~~or~~
22 crematory, or natural organic reduction facility who is responsible
23 for the legal and ethical operation of the establishment and is
24 accountable to the Board;

1 13. "Authorizing agent" means a person legally entitled to
2 order the cremation, reduction, or final disposition of particular
3 human remains pursuant to Section 1151 or 1158 of Title 21 of the
4 Oklahoma Statutes;

5 14. "Cremation" means the technical process, using heat and
6 flame, or heat and pressure, that reduces human remains to essential
7 elements, including bone fragments. The ~~reduction~~ process takes
8 place through heat and evaporation. Cremation shall include, but
9 not be limited to, the processing and pulverization of the bone
10 fragments, or through alkaline hydrolysis. Cremation shall not
11 include natural organic reduction;

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

16 16. "Alkaline hydrolysis" means the ~~reduction of~~ technical
17 process for reducing human remains to bone fragments and essential
18 elements in a licensed crematory using heat, pressure, water and
19 base chemical agents;

20 17. "Natural organic reduction" means the contained,
21 accelerated conversion of human remains to soil in a licensed
22 natural organic reduction facility;

1 18. "Natural organic reduction facility" means a structure
2 containing equipment used or intended to be used for natural organic
3 reduction; and

4 19. "Reduction" means the method of final disposition of human
5 remains by natural organic reduction. The term shall not include
6 methods defined by cremation.

7 SECTION 2. AMENDATORY 59 O.S. 2021, Section 396.3, as
8 last amended by Section 1, Chapter 54, O.S.L. 2023 (59 O.S. Supp.
9 2023, Section 396.3), is amended to read as follows:

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

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

22 An applicant for a license to practice funeral directing or
23 embalming shall be at least eighteen (18) years of age, a legal
24 resident of this state, and a citizen or permanent resident of the

1 United States. In addition, an applicant shall be a graduate of a
2 program of mortuary science accredited by the American Board of
3 Funeral Service Education, and have served one (1) year as a
4 registered apprentice. The applicant may serve as a registered
5 apprentice prior to enrollment in an approved school of mortuary
6 science, or subsequent to graduation from the school, and pass the
7 International Conference of Funeral Service Examining Board National
8 Board Science Examination and/or Arts Examination with a seventy-
9 five (75) or higher score on each exam.

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

13 C. 1. If a person chooses not to meet the qualifications in
14 subsection B of this section for a funeral director, the person may
15 alternatively qualify for a license to practice funeral directing,
16 but not embalming, upon meeting the eligibility requirements of this
17 subsection as follows: An applicant for a license to practice
18 funeral directing shall be at least eighteen (18) years of age, a
19 legal resident of this state, and a citizen or permanent resident of
20 the United States. An applicant is required to complete a funeral
21 director course of study approved by the Oklahoma Funeral Board and
22 that is administered by a program of funeral service/mortuary
23 science accredited by the American Board of Funeral Service
24 Education (ABFSE). The funeral director course of study shall

1 include at least thirty (30) semester hours or equivalent closely
2 following the ABFSE curriculum standard, limited to only: Business
3 Management, Cremation, Reduction, Social Sciences/Humanities, Legal,
4 Ethical, Regulatory, plus essential elements of embalming,
5 restorative art, general concerns when dealing with human remains, a
6 practicum experience, and preparation for the required board exams.
7 In addition to the funeral director course of study, the applicant
8 is required to complete a twelve-month minimum term as a registered
9 apprentice with employment at a licensed establishment and must have
10 assisted with twenty-five arrangement conferences and assisted with
11 twenty-five separate funeral or memorial services under the
12 supervision of a licensed funeral director in this state. The
13 applicant may serve as a registered apprentice prior to enrollment
14 in an approved school of mortuary science, concurrently while in
15 mortuary school, or subsequent to completion of the funeral director
16 course of study.

17 2. Curriculum of study for a funeral director license shall be
18 in a program of mortuary science which shall be that prescribed by
19 the Oklahoma Funeral Board. An applicant must pay all fees as
20 provided in Section 396.4 of this title and pass an exam provided by
21 the International Conference of Funeral Service Examining Board with
22 a score of seventy-five (75) or higher as well as pass a law exam
23 provided by the Oklahoma Funeral Board, with a score of seventy-five
24 (75) or higher. A license to practice as a funeral director issued

1 pursuant to this subsection shall be restricted to funeral director,
2 and the licensee shall not be eligible to practice as the funeral
3 director in charge as defined in Section 396.2 of this title.

4 3. If a person chooses not to meet the qualifications in
5 subsection B of this section for an embalmer, the person may
6 alternatively qualify for a license to practice embalming, upon
7 meeting the eligibility requirements of this subsection as follows:
8 An applicant for a license of this state, a citizen or permanent
9 resident of the United States, and of good moral character. An
10 applicant is required to complete an embalmer course of study
11 approved by the Oklahoma Funeral Board and that is administered by a
12 program of funeral service/mortuary science accredited by the
13 American Board of Funeral Service Education (ABFSE). The embalmer
14 course of study shall include at least thirty (30) semester hours or
15 equivalent closely following the ABFSE curriculum standard, limited
16 to only: Biology, Chemistry, Microbiology, Human Anatomy,
17 Pathology, Embalming, Embalming Chemistry, and Restorative Art, plus
18 essential elements of grief, communication, and preparation for the
19 required board examinations. The applicant must also complete a
20 twelve-month minimum term as a registered apprentice with full-time
21 employment at a licensed establishment or licensed commercial
22 embalming establishment and must have assisted with twenty-five
23 embalmings under the supervision of a licensed embalmer in this
24 state. The applicant may serve as a registered apprentice prior to

1 enrollment in an approved school of mortuary science, concurrently
2 while in mortuary school, or subsequent to completion of the
3 embalmer course of study.

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

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

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

1 F. Each funeral director in charge as defined in Section 396.2
2 of this title shall have a current dual funeral director and
3 embalmer license. A funeral director in charge of a funeral service
4 establishment ~~or~~, crematory, or natural organic reduction facility
5 that does not have a current dual funeral director and embalmer
6 license on ~~the effective date of this act~~ November 1, 2013, shall be
7 considered to be grandfathered and may serve as funeral director in
8 charge of any funeral service establishment ~~or~~, crematory, or
9 natural organic reduction facility in accordance with rules
10 prescribed by the Board, but shall not serve as funeral director in
11 charge of a commercial embalming establishment which shall require a
12 current dual funeral director and embalmer license.

13 G. Upon ~~the effective date of this act~~ April 23, 2021, and for
14 one (1) year thereafter, the Board may issue a temporary funeral
15 director or embalmer license in the event a statewide state of
16 emergency is declared by the Governor and during such time as the
17 state of emergency is in effect.

18 SECTION 3. AMENDATORY 59 O.S. 2021, Section 396.3a, is
19 amended to read as follows:

20 Section 396.3a. The following persons, professions and
21 businesses shall be required to be licensed pursuant to the Funeral
22 Services Licensing Act:

- 23 1. Any person engaged or who may engage in:
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- a. the practice or profession of funeral directing,
natural organic reduction, or embalming,
- b. maintaining the business of a funeral establishment or commercial embalming establishment,
- c. the sale of any funeral service merchandise, or
- d. providing funeral services; and

2. Any funeral establishment or commercial embalming establishment.

SECTION 4. 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
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

1	Funeral Establishment License or Renewal	\$250.00
2	Commercial Embalming Establishment License or Renewal	\$250.00
3	Reciprocal License for Funeral Director or Embalmer	\$150.00
4	Change of Funeral Director in Charge	\$150.00
5	Crematory License or Renewal	\$250.00
6	<u>Natural Organic Reduction Facility License</u>	<u>\$750.00</u>

7 B. The Oklahoma Funeral Board shall assess Three Dollars
8 (\$3.00) for each disposition performed by the licensed funeral
9 establishment or commercial embalming establishment. The
10 disposition fee shall be payable upon renewal of the license as
11 provided in subsection E of this section and shall be calculated
12 from November 1 of the preceding calendar year to October 31 of the
13 current calendar year for each licensee. For purposes of this
14 subsection, "disposition" means each time the licensed establishment
15 files an original death certificate pursuant to Section 1-317 of
16 Title 63 of the Oklahoma Statutes.

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

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

23 E. If any renewal fee required by this section is not paid on
24 or before December 31 of each year, the amount of the fee shall be

1 doubled and if the fee is not paid on or before April 30 of the
2 subsequent year, the licensee shall be in default and the license
3 shall terminate automatically.

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

9 SECTION 5. AMENDATORY 59 O.S. 2021, Section 396.12, is
10 amended to read as follows:

11 Section 396.12. A. Any place where a person shall hold forth
12 by word or act that the person is engaged in the profession of
13 undertaking or funeral directing shall be deemed as a funeral
14 establishment and shall be licensed as such pursuant to the
15 provisions of the Funeral Services Licensing Act.

16 B. A funeral establishment shall not do business in a location
17 that is not licensed as a funeral establishment, shall not advertise
18 a service that is available from an unlicensed location, and shall
19 advertise itself by the name that the establishment is licensed as
20 pursuant to the Funeral Services Licensing Act.

21 C. Every funeral establishment, commercial embalming
22 establishment, ~~and~~ crematory, and natural organic reduction facility
23 shall be operated by a funeral director in charge. Each
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1 establishment license shall be conspicuously displayed at the
2 location.

3 D. The Oklahoma Funeral Board shall have the power to inspect
4 the premises in which funeral directing is conducted or where
5 embalming ~~or~~, cremation, or reduction is practiced or where an
6 applicant proposed to practice, and the Board is hereby empowered to
7 prescribe and endorse rules for reasonable sanitation of such
8 establishments, including necessary drainage, ventilation, and
9 necessary and suitable instruments for the business or profession of
10 embalming and funeral directing.

11 E. Any place where a person shall hold forth by word or act
12 that such person is engaged in preparing and shipping of dead human
13 remains to funeral establishments inside and outside this state
14 shall be deemed a commercial embalming establishment and shall be
15 licensed as such pursuant to the provisions of the Funeral Services
16 Licensing Act.

17 SECTION 6. AMENDATORY 59 O.S. 2021, Section 396.12c, is
18 amended to read as follows:

19 Section 396.12c. A. After notice and hearing pursuant to
20 Article II of the Administrative Procedures Act, the Oklahoma
21 Funeral Board may refuse to issue or renew, or may revoke or
22 suspend, any license or registration for any one or combination of
23 the following:
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- 1 1. Conviction of a felony crime that substantially relates to
2 the occupation of a funeral director and poses a reasonable threat
3 to public safety;
- 4 2. Conviction of a misdemeanor involving funeral services;
- 5 3. Gross malpractice or gross incompetency, which shall be
6 determined by the Board;
- 7 4. False or misleading advertising as a funeral director or
8 embalmer;
- 9 5. Violation of any of the provisions of the Funeral Services
10 Licensing Act or any violation of Sections 201 through 231 of Title
11 8 of the Oklahoma Statutes;
- 12 6. Fraud or misrepresentation in obtaining a license;
- 13 7. Using any casket or part thereof which has previously been
14 used as a receptacle for, or in connection with, the burial or other
15 disposition of dead human remains, unless the disclosure is made to
16 the purchaser;
- 17 8. Violation of any rules of the Board in administering the
18 purposes of the Funeral Services Licensing Act;
- 19 9. Use of intoxicating liquor sufficient to produce drunkenness
20 in public, or habitual addiction to the use of habit-forming drugs
21 or either;
- 22 10. Solicitation of business, either personally or by an agent,
23 from a dying individual or the relatives of a dead or individual
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1 with a terminal condition, as defined by the Oklahoma Advance
2 Directive Act, other than through general advertising;

3 11. Refusing to properly release a dead human body to the
4 custody of the person entitled to custody;

5 12. Violating applicable state laws relating to the failure to
6 file a death certificate, cremation or reduction permit, or
7 prearrangement or prefinancing of a funeral;

8 13. Failing to obtain other necessary permits as required by
9 law in a timely manner;

10 14. Failing to comply with the Funeral Rules of the Federal
11 Trade Commission, 15 U.S.C., Section 57a(a);

12 15. Failing to comply with any applicable provisions of the
13 Funeral Services Licensing Act at the time of issuance or renewal;

14 16. Improper issuance or renewal of a license or registration;

15 17. Violating the provisions of subsection B of Section 396.12
16 of this title regarding advertisement of services at locations not
17 licensed by the Board;

18 18. The abuse of a corpse whereby a person knowingly and
19 willfully signs a certificate as having embalmed, cremated, reduced,
20 or prepared a dead human body for disposition when, in fact, the
21 services were not performed as indicated;

22 19. Simultaneous cremating of more than one human dead body
23 without express written approval of the authorizing agent;

1 20. Cremating human remains without the permit required by
2 Section 1-329.1 of Title 63 of the Oklahoma Statutes;

3 21. Intentional interference with an investigation by the Board
4 or failure to allow access to funeral records during an
5 investigation or to produce records for an investigation; or

6 22. Failure to properly discharge financial obligations as
7 established by rule of the Board.

8 B. As used in this section:

9 1. "Substantially relates" means the nature of criminal conduct
10 for which the person was convicted has a direct bearing on the
11 fitness or ability to perform one or more of the duties or
12 responsibilities necessarily related to the occupation; and

13 2. "Poses a reasonable threat" means the nature of criminal
14 conduct for which the person was convicted involved an act or threat
15 of harm against another and has a bearing on the fitness or ability
16 to serve the public or work with others in the occupation.

17 SECTION 7. AMENDATORY 59 O.S. 2021, Section 396.29, is
18 amended to read as follows:

19 Section 396.29. A. The person charged by law with the duty of
20 burying the body of a deceased person may discharge such duty by
21 causing the body to be cremated or reduced as authorized and
22 provided for in the following sections of this ~~article~~ title, but
23 the body of a deceased person shall not be disposed of by cremation,
24 reduction, or other similar means, within the State of Oklahoma,

1 except in a crematory or natural organic reduction facility duly
2 licensed as provided for herein, and then only under a special
3 permit for cremation or reduction issued in accordance with the
4 provisions hereof.

5 B. Upon the completion of each cremation or reduction, and
6 insofar as is practicable, all of the recoverable residue of the
7 cremation or reduction process shall be removed from the crematory
8 or natural organic reduction facility and placed in a separate
9 container so that the residue may not be commingled with the
10 cremated or reduced remains of other persons. Cremated or reduced
11 remains of a dead human shall not be divided or separated without
12 the prior written consent of the authorizing agent.

13 C. A funeral director or funeral establishment that has
14 received express written authorization for final disposition ~~or,~~
15 cremation, or reduction from the authorizing agent shall not be
16 liable if the final disposition ~~or,~~ cremation, or reduction is
17 performed in accordance with the provisions of the Funeral Services
18 Licensing Act. The funeral director or funeral establishment shall
19 not be liable for following in a reasonable fashion the instructions
20 of any persons who falsely represent themselves as the proper
21 authorizing agents.

22 D. Absent the receipt of a court order or other suitable
23 confirmation of resolution, a funeral director or funeral
24 establishment shall not be liable for refusing to accept human
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1 remains for final disposition ~~or~~, cremation, or reduction if the
2 funeral director or other agent of the funeral establishment:

3 1. Is aware of any dispute concerning the final disposition ~~or~~,
4 cremation, or reduction of the human remains; or

5 2. Has a reasonable basis for questioning any of the
6 representations made by the authorizing agent.

7 E. Each funeral establishment which offers or performs
8 cremations or reductions shall maintain an identification system
9 that ensures the ability of the funeral establishment to identify
10 the human remains in its possession throughout all phases of the
11 cremation or reduction process. Upon completion of the cremation or
12 reduction process, the crematory operator or natural organic
13 reduction facility operator shall attest to the identity of the
14 cremated or reduced remains and the date, time, and place the
15 cremation or reduction process occurred on a form prescribed by rule
16 of the Oklahoma Funeral Board. The form shall accompany the human
17 remains in all phases of transportation, cremation or reduction, and
18 return of the cremated or reduced remains.

19 F. The authorizing agent is responsible for the disposition of
20 the cremated or reduced remains. If, after sixty (60) calendar days
21 from the date of cremation or reduction, the authorizing agent or
22 the representative of the agent has not specified the ultimate
23 disposition or claimed the cremated or reduced remains, the funeral
24 establishment in possession of the cremated or reduced remains may

1 dispose of the cremated or reduced remains in a dignified and humane
2 manner in accordance with any state, county, or municipal laws or
3 provisions regarding the disposition of cremated or reduced remains,
4 except as provided in subsection G of this section. A record of
5 this disposition shall be made and kept by the entity making the
6 disposition. Upon the disposition of unclaimed cremated or reduced
7 remains in accordance with this subsection, the funeral
8 establishment and entity which disposed the cremated or reduced
9 remains shall be discharged from any legal obligation or liability
10 concerning the disposition of the cremated or reduced remains.

11 G. If the authorizing agent determines that the unclaimed
12 cremated or reduced remains are those of a military veteran, the
13 funeral establishment may transfer the remains to a charitable
14 organization approved by the Military Department of the State of
15 Oklahoma for the purpose of providing a dignified and honorable
16 funeral for the veteran at a veterans cemetery. The charitable
17 organization shall be listed as an exempt organization under Section
18 501(c) of the Internal Revenue Code, 26 U.S.C., Section 501(c).
19 Upon the transfer of the veteran's remains to the charitable
20 organization, the funeral establishment shall be discharged from any
21 legal obligation or liability concerning the disposition of the
22 cremated or reduced remains.

23 SECTION 8. AMENDATORY 59 O.S. 2021, Section 396.32, is
24 amended to read as follows:

1 Section 396.32. The residue resulting from the cremation or
2 reduction of the body of a deceased person may be transported in
3 this state in any manner, without any permit therefor, and may be
4 disposed of in any manner desired or directed by the person or
5 persons charged by law with the duty of burying the body.

6 SECTION 9. AMENDATORY 59 O.S. 2021, Section 396.33, is
7 amended to read as follows:

8 Section 396.33. Disposing of the body of a deceased person by
9 cremation, reduction, or other similar means, within the State of
10 Oklahoma, except in a crematory duly licensed as provided for in
11 Section 25 of this act 396.30 of this title or in a natural organic
12 reduction facility duly licensed as provided for in Section 10 of
13 this act and under a special permit for cremation issued in
14 accordance with the provisions of Section 1-329.1 of Title 63 of the
15 Oklahoma Statutes, is hereby declared to be a felony.

16 SECTION 10. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 396.34 of Title 59, unless there
18 is created a duplication in numbering, reads as follows:

19 A. No person shall dispose of the body of any deceased person
20 by natural organic reduction or other similar means, within this
21 state, without first having obtained from the Oklahoma Funeral Board
22 an annual license to operate a natural organic reduction facility.

23 B. Application for an annual license shall be made to the
24 Executive Director of the Board upon forms prescribed and furnished

1 by the Executive Director, shall give the location of the natural
2 organic reduction facility, and any other information as the
3 Executive Director shall require, and shall be accompanied by the
4 natural organic reduction facility license fee pursuant to Section
5 396.4 of Title 59 of the Oklahoma Statutes. A natural organic
6 reduction facility shall not be licensed separately from a funeral
7 or commercial embalming establishment but shall be licensed in
8 conjunction with and operated by a funeral service or commercial
9 embalming establishment. Annual licenses shall expire on December
10 31 each year, shall specify the name or names of the owners of the
11 natural organic reduction facility and the location thereof, the
12 funeral director in charge, and shall not be transferable either as
13 to the ownership of the natural organic reduction facility, the
14 funeral director in charge, or as to the location thereof. The
15 first annual license issued for any natural organic reduction
16 facility at any location shall not be issued by the Executive
17 Director until the Executive Director has been satisfied.

18 C. All funeral establishments performing natural organic
19 reduction shall have a licensed funeral director in charge.

20 D. Each funeral establishment performing reduction services
21 shall keep records as required by the Board to assure compliance
22 with all laws relating to the disposition of dead human remains and
23 shall file annually with the Board a report in the form prescribed
24 by the Board describing the operations of the licensee, including

1 the number of reductions performed, the disposition thereof, and any
2 other information that the Board may require by rule.

3 E. A funeral establishment performing reduction services shall
4 be subject to all local, state, and federal health and environmental
5 requirements and shall obtain all necessary licenses and permits
6 from the Oklahoma Funeral Board and the appropriate federal and
7 state health and environmental authorities.

8 F. All natural organic reduction facilities shall be subject to
9 inspection, at all reasonable times, by the Board or its duly
10 authorized agents or employees.

11 SECTION 11. This act shall become effective November 1, 2024.

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