

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1074

By: Smith

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5
6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 amending 59 O.S. 2021, Section 396.2, which relates
9 to the Funeral Services Licensing Act; modifying
10 definition; providing exception; and providing an
11 effective date.

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

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

15 Section 396.2 As used in the Funeral Services Licensing Act:

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

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

22 a. is engaged in or conducts or represents themselves as
23 being engaged in preparing for the burial or disposal
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1 and directing and supervising the burial or disposal
2 of dead human remains,

3 b. is engaged in or conducts or represents themselves as
4 being engaged in maintaining a funeral establishment
5 for the preparation and the disposition, or for the
6 care of dead human remains,

7 c. uses, in connection with the name of the person or
8 funeral establishment, the words "funeral director" or
9 "undertaker" or "mortician" or any other title
10 implying that the person is engaged as a funeral
11 director,

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

13 e. is responsible for the legal and ethical operation of
14 a crematory;

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

20 4. "Apprentice" means a person who is engaged in learning the
21 practice of embalming or the practice of funeral directing, as the
22 case may be, under the instruction and personal supervision of a
23 duly licensed embalmer or a duly licensed funeral director of and in
24 the State of Oklahoma, pursuant to the provisions of the Funeral

1 Services Licensing Act, and who is duly registered as such with said
2 Board;

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

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

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

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

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

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1 10. "Funeral service merchandise or funeral services" means
2 those products and services normally provided by funeral
3 establishments and required to be listed on the General Price List
4 of the Federal Trade Commission, 15 U.S.C., Section 57a(a),
5 including, but not limited to, the sale of burial supplies and
6 equipment, but excluding the sale by a cemetery of lands or
7 interests therein, services incidental thereto, markers, memorials,
8 monuments, equipment, crypts, niches or outer enclosures. Any
9 person, organization, or business that sells funeral service
10 merchandise to the public without providing any other funeral
11 services shall not be subject to the Funeral Services Licensing Act;

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

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

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

23 14. "Cremation" means the technical process, using heat and
24 flame, or heat and pressure, that reduces human remains to essential

1 elements, including bone fragments. The reduction takes place
2 through heat and evaporation. Cremation shall include, but not be
3 limited to, the processing and pulverization of the bone fragments,
4 or through alkaline hydrolysis;

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

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

12 SECTION 2. This act shall become effective November 1, 2023.

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14 59-1-6126 LRB 12/09/22

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