

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 58th Legislature (2022)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1229

By: Smith of the House

and

**McCortney** of the Senate

7  
8  
9  
10                                   COMMITTEE SUBSTITUTE

11                   An Act relating to professions and occupations;  
12                   amending 59 O.S. 2021, Section 396.2, which relates  
13                   to the Funeral Services Licensing Act; modifying  
14                   definition; providing exception; and providing an  
15                   effective date.

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

17                   SECTION 1.           AMENDATORY           59 O.S. 2021, Section 396.2, is  
18 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;

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

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

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

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

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

16           e. is responsible for the legal and ethical operation of  
17           a crematory;

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

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

1 case may be, under the instruction and personal supervision of a  
2 duly licensed embalmer or a duly licensed funeral director of and in  
3 the State of Oklahoma, pursuant to the provisions of the Funeral  
4 Services Licensing Act, and who is duly registered as such with said  
5 Board;

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

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

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

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

22 9. "Commercial embalming establishment" means a fixed place of  
23 business consisting of an equipped preparation room, and other rooms  
24 as necessary, for the specified purpose of performing preparation

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. Any  
11 person, organization, or business that sells funeral service  
12 merchandise to the public without providing any other funeral  
13 services shall not be subject to the Funeral Services Licensing Act;

14 11. "Outer enclosure" means a grave liner, grave box, or grave  
15 vault;

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

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

1 14. "Cremation" means the technical process, using heat and  
2 flame, or heat and pressure, that reduces human remains to essential  
3 elements, including bone fragments. The reduction takes place  
4 through heat and evaporation. Cremation shall include, but not be  
5 limited to, the processing and pulverization of the bone fragments,  
6 or through alkaline hydrolysis;

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

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

14 SECTION 2. This act shall become effective November 1, 2022.

15  
16 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03/03/2022 - DO PASS,  
17 As Amended and Coauthored.

18  
19  
20  
21  
22  
23  
24