

1 STATE OF OKLAHOMA

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

3 SENATE BILL 356

By: Daniels

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5
6 AS INTRODUCED

7 An Act relating to Funeral Services Licensing Act;
8 amending 59 O.S. 2021, Section 396.12b, which relates
9 to conducting funerals; requiring funeral
10 establishments to provide notice of subcontractors or
agents hired for services when arranged for a
consumer; and providing an effective date.

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

13 SECTION 1. AMENDATORY 59 O.S. 2021, Section 396.12b, is
14 amended to read as follows:

15 Section 396.12b. A. A funeral establishment shall provide
16 notice to the consumer specifying any subcontractors or agents
17 routinely engaged for transporting, embalming, or cremating human
18 remains. To comply, the notice shall be given when the consumer
19 first inquires about the goods or services the funeral establishment
20 provides, whether by telephone, electronically, or in person, and
21 shall include the business names and addresses of the
22 subcontractors, agents, or other providers. Written notice shall be
23 provided to the customer upon finalizing the arrangements for goods
24 or services with the funeral establishment specifically stating, or

1 otherwise indicating, whether or not a subcontractor was used for
2 any part of the transporting, embalming, or cremating process of the
3 deceased. The written notice shall include the business names and
4 addresses of the subcontractors, agents, or other providers.

5 B. Each funeral conducted within this state shall be under the
6 personal supervision of a duly licensed funeral director who holds a
7 valid license from the Oklahoma Funeral Board. A registered
8 apprentice may assist in conducting funerals. To conduct a funeral
9 shall require the personal supervision of a licensed funeral
10 director from the time of the first call until interment is
11 completed. A funeral director conducting a funeral in this state
12 shall ensure that the casket or other container holding the deceased
13 human remains shall not incur any damage other than that which is
14 normally incurred in the burial or final disposition of human
15 remains.

16 ~~B.~~ C. The embalming of dead human remains shall require the
17 presence and the direct supervision of a duly licensed embalmer,
18 however, a licensed registered apprentice embalmer may perform the
19 embalming of a dead human provided said registered apprentice
20 embalmer is under the direct supervision of a duly licensed
21 embalmer.

22 ~~C.~~ D. Nothing in this section regarding the conduct of funerals
23 or personal supervision of a licensed director, a registered
24 apprentice embalmer, or licensed embalmer, shall apply to persons

1 related to the deceased by blood or marriage. Further, nothing in
2 this section shall apply or in any manner interfere with the duties
3 of any state officer or any employee of a local state institution.

4 ~~D.~~ E. Dead human remains shall be picked up on first call only
5 under the direction and supervision of a licensed funeral director
6 or embalmer. Dead human remains may be picked up or transferred
7 without the personal supervision of a funeral director or embalmer;
8 provided however, any inadvertent contact with family members or
9 other persons shall be restricted to identifying the employer to the
10 person, arranging an appointment with the employer for any person
11 who indicates a desire to make funeral arrangements for the deceased
12 and making any disclosure to the person that is required by any
13 federal or state regulation. A funeral director or embalmer who
14 directs the removal or transfer of dead human remains without
15 providing personal supervision shall be held strictly accountable
16 for compliance with the requirements of the Funeral Services
17 Licensing Act.

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