

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 2173

By: Pfeiffer

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7 AS INTRODUCED

8 An Act relating to cremation; amending 59 O.S. 2021,
9 Section 396.2, which relates to definitions;
10 modifying a definition; amending 59 O.S. 2021,
11 Section 396.2a, which relates to additional powers
12 and duties of Oklahoma Funeral Board; requiring
13 crematory operators be registered with the Board;
14 amending 59 O.S. 2021, Section 396.12, which relates
15 to funeral establishment, display of licensee's name,
16 inspection, rules and regulations, revocation of
17 license, and grounds for refusal to issue or renew;
18 prohibiting certain sales of cremation services via
19 the Internet; amending 59 O.S. 2021, Section 396.29,
20 which relates to cremation of dead body; providing
21 for a signed cremation authorization; providing
22 requirement for a signed cremation authorization;
23 amending 59 O.S. 2021, Section 396.30, which relates
24 to crematory and license required; clarifying
establishment license authorities and crematory or
reduction facility authorities; removing annual
report requirement; and providing an effective date.

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

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

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

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

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

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

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

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

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

22 e. is responsible for the legal and ethical operation of
23 a crematory;

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

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

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

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

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

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

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

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

19 11. "Outer enclosure" means a grave liner, grave box, or grave
20 vault;

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

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

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

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

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

21 SECTION 2. AMENDATORY 59 O.S. 2021, Section 396.2a, is
22 amended to read as follows:

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1 Section 396.2a. In addition to any other powers and duties
2 imposed by law, the Oklahoma Funeral Board shall have the power and
3 duty to:

4 1. Prescribe and promulgate rules necessary to effectuate the
5 provisions of the Funeral Services Licensing Act, and to make orders
6 as it may deem necessary or expedient in the performance of its
7 duties;

8 2. Prepare, conduct and grade examinations, written or oral, of
9 persons who apply for the issuance of licenses to them;

10 3. Determine the satisfactory passing score on such
11 examinations and issue licenses to persons who pass the examinations
12 or are otherwise entitled to licensure;

13 4. Determine eligibility for licenses and certificates of
14 apprenticeship;

15 5. Issue licenses for funeral directors, embalmers, funeral
16 establishments, commercial embalming establishments, and
17 crematories, and each crematory operator shall be registered with
18 the Board;

19 6. Issue certificates of apprenticeship;

20 7. Upon good cause shown, as hereinafter provided, deny the
21 issuance of a license or certificate of apprenticeship or suspend,
22 revoke or refuse to renew licenses or certificates of
23 apprenticeship, and upon proper showing, to reinstate them;

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1 8. Review, affirm, reverse, vacate or modify its order with
2 respect to any such denial, suspension, revocation or refusal to
3 renew;

4 9. Establish and levy administrative penalties against any
5 person or entity who violates any of the provisions of the Funeral
6 Services Licensing Act or any rule promulgated pursuant thereto;

7 10. Obtain an office, secure facilities and employ, direct,
8 discharge and define the duties and set the salaries of office
9 personnel as deemed necessary by the Board;

10 11. Initiate disciplinary, prosecution and injunctive
11 proceedings against any person or entity who violates any of the
12 provisions of the Funeral Services Licensing Act or any rule
13 promulgated pursuant thereto;

14 12. Investigate alleged violations of the Funeral Services
15 Licensing Act or of the rules, orders or final orders of the Board;

16 13. Promulgate rules of conduct governing the practice of
17 licensed funeral directors, embalmers, funeral establishments, and
18 commercial embalming establishments and sale of funeral service
19 merchandise;

20 14. Keep accurate and complete records of its proceedings and
21 certify the same as may be appropriate;

22 15. Request prosecution by the district attorney or the
23 Attorney General of this state of any person or any violation of the
24 Funeral Services Licensing Act;

1 16. When it deems appropriate, confer with the Attorney General
2 of this state or the assistants of the Attorney General in
3 connection with all legal matters and questions;

4 17. Take such other action as may be reasonably necessary or
5 appropriate to effectuate the Funeral Services Licensing Act;

6 18. Promulgate rules, issue licenses, and regulate crematories
7 pursuant to the Funeral Services Licensing Act;

8 19. Issue temporary licenses to a funeral establishment when
9 its facilities are destroyed or damaged in order that the funeral
10 establishment can continue to operate. During the effective period
11 of the temporary license, the Board may waive certain licensing
12 requirements if the funeral establishment is making a good faith
13 effort to rebuild or restore its operations in order to meet all
14 licensing requirements;

15 20. Promulgate rules for continuing education for licensees
16 pursuant to Section 396.5b of this title; and

17 21. Approve course providers and course curriculum for
18 licensure of a funeral director.

19 SECTION 3. AMENDATORY 59 O.S. 2021, Section 396.12, is
20 amended to read as follows:

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

3 B. A funeral establishment shall not do business in a location
4 that is not licensed as a funeral establishment, shall not advertise
5 a service that is available from an unlicensed location, and shall
6 advertise itself by the name that the establishment is licensed as
7 pursuant to the Funeral Services Licensing Act.

8 C. Every funeral establishment, commercial embalming
9 establishment, and crematory shall be operated by a funeral director
10 in charge. Each establishment license shall be conspicuously
11 displayed at the location.

12 D. The Oklahoma Funeral Board shall have the power to inspect
13 the premises in which funeral directing is conducted or where
14 embalming or cremation is practiced or where an applicant proposed
15 to practice, and the Board is hereby empowered to prescribe and
16 endorse rules for reasonable sanitation of such establishments,
17 including necessary drainage, ventilation, and necessary and
18 suitable instruments for the business or profession of embalming and
19 funeral directing.

20 E. Any place where a person shall hold forth by word or act
21 that such person is engaged in preparing and shipping of dead human
22 remains to funeral establishments inside and outside this state
23 shall be deemed a commercial embalming establishment and shall be
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1 licensed as such pursuant to the provisions of the Funeral Services
2 Licensing Act.

3 F. A person shall not sell or offer to sell cremation services
4 within this state via the Internet unless the person owns a funeral
5 establishment, reduction facility, or direct cremation facility
6 located within this state that is licensed by the Oklahoma Funeral
7 Board.

8 SECTION 4. AMENDATORY 59 O.S. 2021, Section 396.29, is
9 amended to read as follows:

10 Section 396.29. A. The person charged by law with the duty of
11 burying the body of a deceased person may discharge such duty by
12 causing the body to be cremated as authorized and provided for in
13 the following sections of this article, but the body of a deceased
14 person shall not be disposed of by cremation, or other similar
15 means, within the State of Oklahoma, except in a crematory duly
16 licensed as provided for herein, and then only under a special
17 permit for cremation issued in accordance with the provisions
18 hereof. No human remains may be cremated without a signed cremation
19 authorization. The authorization shall at a minimum contain the
20 following information:

- 21 1. The name of the decedent;
- 22 2. The decedent's date of birth;
- 23 3. The decedent's date of death;
- 24 4. The decedent's time of death;

- 1 5. The decedent's place of death;
- 2 6. Name, address, and establishment license number of the
- 3 arranging funeral home;
- 4 7. Name and license number of the arranging funeral director;
- 5 8. Name, address, and establishment number of the affiliated
- 6 cremation or reduction facility;
- 7 9. The permit number of the cremation or reduction machine
- 8 utilized for the cremation or reduction of the named decedent;
- 9 10. Office of the Chief Medical Examiner issued cremation or
- 10 reduction permit number. The permit number shall be attached to the
- 11 authorization when received;
- 12 11. Cremation ID Disc serial number;
- 13 12. Description of the cremation container utilized;
- 14 13. Description of the urn or other container into which the
- 15 decedent's cremated or reduced remains are placed;
- 16 14. The name of the authorizing agent;
- 17 15. The authorizing agent's relation to the decedent;
- 18 16. Signature of the authorizing agent with the corresponding
- 19 date signed;
- 20 17. Signature of arranging funeral director with the
- 21 corresponding date signed; and
- 22 18. Name, address, and telephone number of the person or place
- 23 to whom the cremated or reduced remains are to be released, if not
- 24 the authorizing agent.

1 B. Upon the completion of each cremation, and insofar as is
2 practicable, all of the recoverable residue of the cremation process
3 shall be removed from the crematory and placed in a separate
4 container so that the residue may not be commingled with the
5 cremated remains of other persons. Cremated remains of a dead human
6 shall not be divided or separated without the prior written consent
7 of the authorizing agent.

8 C. A funeral director or funeral establishment that has
9 received express written authorization for final disposition or
10 cremation from the authorizing agent shall not be liable if the
11 final disposition or cremation is performed in accordance with the
12 provisions of the Funeral Services Licensing Act. The funeral
13 director or funeral establishment shall not be liable for following
14 in a reasonable fashion the instructions of any persons who falsely
15 represent themselves as the proper authorizing agents.

16 D. Absent the receipt of a court order or other suitable
17 confirmation of resolution, a funeral director or funeral
18 establishment shall not be liable for refusing to accept human
19 remains for final disposition or cremation if the funeral director
20 or other agent of the funeral establishment:

21 1. Is aware of any dispute concerning the final disposition or
22 cremation of the human remains; or

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

1 E. Each funeral establishment which offers or performs
2 cremations shall maintain an identification system that ensures the
3 ability of the funeral establishment to identify the human remains
4 in its possession throughout all phases of the cremation process.
5 Upon completion of the cremation process, the crematory operator
6 shall attest to the identity of the cremated remains and the date,
7 time, and place the cremation process occurred on a form prescribed
8 by rule of the Oklahoma Funeral Board. The form shall accompany the
9 human remains in all phases of transportation, cremation, and return
10 of the cremated remains.

11 F. The authorizing agent is responsible for the disposition of
12 the cremated remains. If, after sixty (60) calendar days from the
13 date of cremation, the authorizing agent or the representative of
14 the agent has not specified the ultimate disposition or claimed the
15 cremated remains, the funeral establishment in possession of the
16 cremated remains may dispose of the cremated remains in a dignified
17 and humane manner in accordance with any state, county, or municipal
18 laws or provisions regarding the disposition of cremated remains,
19 except as provided in subsection G of this section. A record of
20 this disposition shall be made and kept by the entity making the
21 disposition. Upon the disposition of unclaimed cremated remains in
22 accordance with this subsection, the funeral establishment and
23 entity which disposed the cremated remains shall be discharged from
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1 any legal obligation or liability concerning the disposition of the
2 cremated remains.

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

14 SECTION 5. AMENDATORY 59 O.S. 2021, Section 396.30, is
15 amended to read as follows:

16 Section 396.30. A. No person shall dispose of the body of any
17 deceased person by cremation or other similar means, within this
18 state, without first having obtained from the Oklahoma Funeral Board
19 an annual license to operate a crematory.

20 B. Application for an annual license shall be made to the
21 executive director of the Board upon forms prescribed and furnished
22 by the executive director, shall give the location of the crematory,
23 and any other information as the executive director shall require,
24 and shall be accompanied by the crematory license fee pursuant to

1 Section 396.4 of this title. A crematory or reduction facility
2 shall not be licensed separately from a funeral or commercial
3 embalming establishment but shall be licensed in conjunction with
4 and operated by a funeral service or commercial embalming
5 establishment. A crematory or reduction facility license is not
6 equivalent to an establishment license and is solely a supplement to
7 an existing or proposed establishment license, granting the
8 establishment permission to install and operate a permitted
9 cremation or reduction machine. The holder of a crematory or
10 reduction facility license is prohibited from advertising, offering,
11 or soliciting cremation or reduction services to the public solely
12 in the name of the crematory or reduction facility license or under
13 any name other than that of its affiliated establishment as
14 presented on its Board-issued funeral establishment license. Annual
15 licenses shall expire on December 31 each year, shall specify the
16 name or names of the owners of the crematory and the location
17 thereof, the funeral director in charge, and shall not be
18 transferable either as to the ownership of the crematory, the
19 funeral director in charge or as to the location thereof. The first
20 annual license issued for any crematory at any location shall not be
21 issued by the executive director until the executive director has
22 been satisfied:

23 1. That the crematory is, or will be, so constructed as to be
24 capable of reducing the body of a deceased person to a residue which

1 shall not weigh more than five percent (5%) of the weight of the
2 body immediately after death; and

3 2. That the crematory has at least one operable crematory for
4 cremation.

5 The requirement of paragraph 1 of this subsection may, but need
6 not, be waived by the executive director for any subsequent annual
7 license issued for the same crematory.

8 C. All funeral establishments performing cremations shall have
9 a licensed funeral director in charge.

10 D. Each funeral establishment performing cremation services
11 shall keep records as required by the Board to assure compliance
12 with all laws relating to the disposition of dead human remains and
13 ~~shall file annually with the Board a report in the form prescribed~~
14 ~~by the Board~~ describing the operations of the licensee, including
15 the number of cremations performed, the disposition thereof, and any
16 other information that the Board may require by rule.

17 E. A funeral establishment performing cremation services shall
18 be subject to all local, state, and federal health and environmental
19 requirements and shall obtain all necessary licenses and permits
20 from the Oklahoma Funeral Board, and the appropriate federal and
21 state health and environmental authorities.

22 F. Crematories licensed by the Board on the effective date of
23 this act shall be exempt from the provisions of subsections C, D and
24 E of this section.

1 G. All crematories shall be subject to inspection, at all
2 reasonable times, by the Board or its duly authorized agents or
3 employees.

4 SECTION 6. This act shall become effective November 1, 2025.

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