

Senate Bill 545

Sponsored by Senator MORSE (at the request of Oregon Funeral Directors Association)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Authorizes funeral service practitioner apprentice to perform certain duties required of person who first assumes custody of dead body. Modifies requirements for initial licensure and for licensure by reciprocity as funeral service practitioner or embalmer.

A BILL FOR AN ACT

1
2 Relating to persons regulated by State Mortuary and Cemetery Board; amending ORS 432.005,
3 692.140 and 692.190.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 432.005 is amended to read:

6 432.005. As used in this chapter, unless the context requires otherwise:

7 (1) "Dead body" means a human body or such parts of such human body from the condition of
8 which it reasonably may be concluded that death occurred.

9 (2) "Department" means the Department of Human Services.

10 (3) "Director" means the Director of Human Services.

11 (4) "Divorce" means dissolution of a marriage.

12 (5) "Fetal death" means death prior to the complete expulsion or extraction from its mother of
13 a product of human conception, irrespective of the duration of pregnancy. The death is indicated
14 by the fact that after such expulsion or extraction the fetus does not breathe or show any other
15 evidence of life such as beating of the heart, pulsation of the umbilical cord or definite movement
16 of the voluntary muscles.

17 (6) "File" means the presentation and acceptance of a vital record or vital report provided for
18 in this chapter by the Center for Health Statistics.

19 (7) "Final disposition" means the burial, interment, cremation, removal from the state or other
20 authorized disposition of a dead body or fetus, except that when removal from the state is conducted
21 by the holder of a certificate of removal registration issued under ORS 692.270, the final disposition
22 may not be considered complete until the certificate of death is filed.

23 (8) "Induced termination of pregnancy" means the purposeful interruption of an intrauterine
24 pregnancy with the intention other than to produce a live-born infant and that does not result in a
25 live birth.

26 (9) "Institution" means any establishment, public or private, that provides inpatient or outpa-
27 tient medical, surgical or diagnostic care or treatment or nursing, custodial or domiciliary care, or
28 to which persons are committed by law.

29 (10) "Live birth" means the complete expulsion or extraction from its mother of a product of
30 human conception, irrespective of the duration of pregnancy, that, after such expulsion or ex-
31 traction, breathes or shows any other evidence of life such as beating of the heart, pulsation of the

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 umbilical cord or definite movement of voluntary muscles, whether or not the umbilical cord has
2 been cut or the placenta is attached.

3 (11) "Person acting as a funeral service practitioner" means:

4 (a) A person other than a funeral service practitioner licensed under ORS 692.045 **or a funeral**
5 **service practitioner apprentice registered under ORS 692.190**, including but not limited to a
6 relative, friend or other interested party, who performs the duties of a funeral service practitioner
7 without payment; or

8 (b) A funeral service practitioner who files death certificates in another state if the funeral
9 service practitioner is employed by a funeral establishment licensed in another state and registered
10 with the State Mortuary and Cemetery Board under ORS 692.270.

11 (12) "Physician" means a person authorized or licensed under the laws of this state to practice
12 medicine, osteopathy, chiropractic or naturopathic medicine.

13 (13) "Registration" means the process by which vital records and vital reports are completed,
14 filed and incorporated into the official records of the Center for Health Statistics.

15 (14) "State registrar" means the State Registrar of the Center for Health Statistics.

16 (15) "System of vital statistics" means the registration, collection, preservation, amendment and
17 certification of vital records and vital reports[;] , the collection of other reports required by this
18 chapter, and activities related thereto including the tabulation, analysis, dissemination and publica-
19 tion of vital statistics and training in the use of health data.

20 (16) "Vital records" means certificates or reports of birth, death, marriage, dissolution of mar-
21 riage and data related thereto.

22 (17) "Vital reports" means reports of fetal death, induced termination of pregnancy, suicide at-
23 tempts by persons under 18 years of age and survey and questionnaire documents and data related
24 thereto.

25 (18) "Vital statistics" means the data derived from certificates and reports of birth, death, fetal
26 death, induced termination of pregnancy, marriage, dissolution of marriage, suicide attempts by
27 persons under 18 years of age and related reports.

28 **SECTION 2.** ORS 692.140 is amended to read:

29 692.140. (1) The State Mortuary and Cemetery Board shall issue a license to practice as a fu-
30 neral service practitioner or an embalmer to an applicant from another state if:

31 (a) The applicant for recognition of the license applies to the board and fulfills the requirements
32 specified in subsection (2) of this section; and

33 (b) The board is satisfied that the applicant has the requisite qualifications for licensing as a
34 funeral service practitioner or an embalmer in this state.

35 (2) An applicant under this section shall apply to the board on a form provided by the board.
36 The applicant shall include [*the following*] with the application:

37 (a) Proof satisfactory to the board that the applicant is licensed **in good standing in another**
38 **state** and has practiced as a funeral service practitioner or an embalmer **who was licensed and**
39 **in good standing** in another state for [*the two*] **three of the five** years immediately preceding the
40 application date.

41 [*(b) Proof satisfactory to the board of compliance, in the state in which the applicant is regularly*
42 *licensed, with requirements substantially equal to the requirements of this chapter.*]

43 [*(c)*] (b) Payment of the initial reciprocity licensing fee established under ORS 692.160.

44 **SECTION 3.** ORS 692.190 is amended to read:

45 692.190. (1) An individual who wishes to engage as an apprentice shall apply to the State

1 Mortuary and Cemetery Board for registration as a funeral service practitioner apprentice or an
2 embalmer apprentice upon a form provided by the board. The individual must consent to a back-
3 ground check, including information solicited from the Department of State Police. The application
4 must be accompanied by the fee established under ORS 692.160.

5 (2) One funeral service practitioner apprentice at a time is authorized to operate under or in
6 connection with each licensed funeral service practitioner practicing in this state for the purpose
7 of learning the functions of a funeral service practitioner.

8 (3) One embalmer apprentice at a time is authorized to engage in the study of the art of
9 embalming under the instruction and supervision of each licensed embalmer practicing in this state.

10 (4) The duration of an apprenticeship **required for licensure** is:

11 (a) Twelve months for a funeral service practitioner apprentice.

12 (b) Twelve months for an embalmer apprentice.

13 (5) The apprenticeship of a funeral service practitioner apprentice:

14 (a) Shall not include time lost by interruptions caused by active duty of the applicant in the
15 military service of the United States or its allies during war or national emergency, or time lost
16 through attendance of formal funeral service education, or time lost by interruptions that the board
17 finds excusable under rules of the board.

18 (b) Shall be completed not more than [*two*] **five** years before or after the date of the examination
19 under ORS 692.070, excluding time lost for interruptions described in paragraph (a) of this sub-
20 section.

21 (6) An embalmer apprentice may serve the apprenticeship concurrently with the funeral service
22 practitioner apprenticeship.

23 (7)(a)(A) An embalmer apprentice shall complete the required apprenticeship within a period
24 of not more than four consecutive years [*and not more than two years before the date of the exam-*
25 *ination under ORS 692.130*]. **A person may serve as an embalmer apprentice for an aggregate**
26 **total of not more than 48 months.** In computing time under this subsection, the board shall ex-
27 clude time lost by interruptions caused by active duty of the apprentice in the military service of
28 the United States or its allies during war or national emergency and by interruptions that the board
29 finds are excusable under rules of the board.

30 **(B) Upon completion of practical experience as an embalmer apprentice, an applicant for**
31 **licensure as an embalmer shall file notice with the board on a form provided by the board,**
32 **indicating that the applicant has completed the practical experience required under ORS**
33 **692.105 and that the applicant does not intend to pursue additional practical experience as**
34 **an embalmer apprentice after the date of filing the notice. A person may not serve as an**
35 **apprentice embalmer after filing the notice required under this paragraph.**

36 **(b) If an applicant has completed the educational requirement for licensure specified in**
37 **ORS 692.105 prior to filing the notice required under paragraph (a) of this subsection, the**
38 **applicant must take the examination required to meet the requirements of ORS 692.105 (3)(c)**
39 **within 24 months of the date of filing the notice.**

40 **(c) If the applicant has not completed the educational requirement for licensure under**
41 **ORS 692.105 (3)(b) prior to filing the notice required by paragraph (a) of this subsection, the**
42 **applicant must begin the program of funeral service education within 24 months of filing the**
43 **notice and must take the examination required to meet the requirements of ORS 692.105**
44 **(3)(c) within 24 months of completion of the educational program.**

45 (8) The board shall adopt rules under which the board may confer credit for apprenticeship

1 service or its equivalency performed by:

2 (a) An applicant in another state; or

3 (b) An applicant whose license or certificate of apprenticeship has lapsed.

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