

A-Engrossed
Senate Bill 746

Ordered by the Senate April 18
Including Senate Amendments dated April 18

Sponsored by Senator BEYER

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.

[Exempts certain operating cemeteries from requirements for certificate of authority to operate cemetery. Requires exempt operating cemetery to file certain reports and financial statements with State Mortuary and Cemetery Board. Requires board to adopt rules for biennial inspections of exempt operating cemeteries.]

Establishes maximum fees State Mortuary and Cemetery Board may charge exempt operating cemetery for certificate of authority and registration of principals. Prohibits board from subjecting exempt operating cemetery to random inspections. Defines "exempt operating cemetery."

A BILL FOR AN ACT

1
2 Relating to exempt operating cemeteries; amending ORS 692.010 and 692.275.

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

4 **SECTION 1.** ORS 692.010 is amended to read:

5 692.010. As used in this chapter:

6 (1) "Board" means the State Mortuary and Cemetery Board.

7 (2) "Cemetery" means any one, or a combination of more than one, of the following, in a place
8 used, or intended to be used, and dedicated, for cemetery purposes:

9 (a) A burial park, for earth interments;

10 (b) A mausoleum, for crypt interments; or

11 (c) A columbarium, for permanent cinerary interments.

12 **(3) "Exempt operating cemetery" means an operating cemetery that has 10 or fewer**
13 **interments annually.**

14 [(3)] **(4) "Holding room" means a room that is located in a licensed facility for the care, storage**
15 **or holding of dead human bodies prior to effecting disposition.**

16 [(4)] **(5) "Immediate disposition" means a direct method of disposition of dead human remains**
17 **by way of immediate burial or immediate cremation.**

18 [(5)] **(6) "Immediate disposition company" means any business licensed under this chapter, other**
19 **than a licensed funeral establishment, where a licensed funeral service practitioner operates the**
20 **business of immediate disposition and where business records are kept.**

21 [(6)] **(7) "Operating cemetery" means a cemetery that:**

22 (a) Performs interments;

23 (b) Has fiduciary responsibility for endowment care, general care or special care funds; or

24 (c) Has outstanding preneed service contracts for unperformed services.

25 [(7)] **(8) "Rental cover" means a partial enclosure that appears similar to a casket that is uti-**

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 lized for viewing purposes and surrounds the burial or cremation container.

2 **SECTION 2.** ORS 692.275 is amended to read:

3 692.275. (1) The application for a certificate of authority to conduct the business of an operating
4 cemetery shall be made on a form provided by the State Mortuary and Cemetery Board. The appli-
5 cation shall be accompanied by the application fee established under ORS 692.160. However, any
6 **exempt** operating cemetery [*that has five or fewer interments annually*] is entitled to receive a cer-
7 tificate of authority to operate upon payment of [*the*] **an** initial fee [*but*] **not to exceed \$100 and a**
8 **fee not to exceed \$50 for registration of all principals regardless of the total number of**
9 **principals. An exempt operating cemetery** is not required to pay the renewal fee or the fee for
10 any change in principal other than the cemetery manager.

11 (2) A cemetery, other than an operating cemetery or a historic cemetery listed with the Oregon
12 Commission on Historic Cemeteries under ORS 97.782, shall be registered with the board. An owner
13 of a cemetery, other than an operating cemetery or a historic cemetery listed with the Oregon
14 Commission on Historic Cemeteries under ORS 97.782, shall register the cemetery with the board
15 on a form provided by the board. No fee shall be required of a cemetery registrant.

16 (3) The person who plans to operate a crematorium shall apply before operation for a certificate
17 of authority to operate a crematorium on a form provided by the board. The application shall be
18 accompanied by the application fee established under ORS 692.160.

19 (4) For purposes of this section and ORS 692.025, each location of a cemetery or crematorium
20 is a separate location and must be licensed separately. Those cemeteries that are subject to regis-
21 tration shall be registered separately.

22 (5) The recommendation of the Cremation Association of North America shall be used in
23 adopting rules regulating crematoriums.

24 (6) This section applies to operating cemeteries or other cemeteries owned by any city, county
25 or other municipal corporation.

26 **(7) The board may not subject an exempt operating cemetery to random inspections.**

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