

**Enrolled**  
**Senate Bill 746**

Sponsored by Senator BEYER

CHAPTER .....

AN ACT

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

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

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

692.010. As used in this chapter:

- (1) "Board" means the State Mortuary and Cemetery Board.
- (2) "Cemetery" means any one, or a combination of more than one, of the following, in a place used, or intended to be used, and dedicated, for cemetery purposes:
  - (a) A burial park, for earth interments;
  - (b) A mausoleum, for crypt interments; or
  - (c) A columbarium, for permanent cinerary interments.
- (3) "Exempt operating cemetery" means an operating cemetery that has 10 or fewer interments annually.**

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

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

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

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

- (a) Performs interments;
- (b) Has fiduciary responsibility for endowment care, general care or special care funds; or
- (c) Has outstanding preneed service contracts for unperformed services.

[7] (8) "Rental cover" means a partial enclosure that appears similar to a casket that is utilized for viewing purposes and surrounds the burial or cremation container.

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

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

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

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

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

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

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

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

**Passed by Senate April 24, 2007**

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Secretary of Senate

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President of Senate

**Passed by House May 31, 2007**

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Speaker of House

**Received by Governor:**

.....M.,....., 2007

**Approved:**

.....M.,....., 2007

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Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2007

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Secretary of State