

# Senate Bill 746

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 **as introduced**.

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.

## A BILL FOR AN ACT

1  
2 Relating to exempt operating cemeteries; creating new provisions; and amending ORS 692.010 and  
3 692.275.

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

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

6 692.010. As used in this chapter:

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

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

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

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

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

13 **(3) "Exempt operating cemetery" means an operating cemetery that:**

14 **(a) Has 25 or fewer interments annually;**

15 **(b) Is operated by a nonprofit organization, as described in section 501(c)(3) of the**  
16 **Internal Revenue Code, that is exempt from taxation under section 501(a) of the Internal**  
17 **Revenue Code; or**

18 **(c) Is operated by a religious or eleemosynary corporation, church, religious society or**  
19 **denomination, or corporation sole administering temporalities of any church or religious so-**  
20 **ciety or denomination.**

21 [(3)] **(4) "Holding room" means a room that is located in a licensed facility for the care, storage**  
22 **or holding of dead human bodies prior to effecting disposition.**

23 [(4)] **(5) "Immediate disposition" means a direct method of disposition of dead human remains**  
24 **by way of immediate burial or immediate cremation.**

25 [(5)] **(6) "Immediate disposition company" means any business licensed under this chapter, other**  
26 **than a licensed funeral establishment, where a licensed funeral service practitioner operates the**  
27 **business of immediate disposition and where business records are kept.**

28 [(6)] **(7) "Operating cemetery" means a cemetery that:**

29 (a) Performs interments;

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

**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.

(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*] **without** payment of the initial fee [*but*] **and** is not required to pay the renewal fee or the fee for any change in principal [*other than the*] **or** 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.

**SECTION 3.** Section 4 of this 2007 Act is added to and made a part of ORS chapter 692.

**SECTION 4.** (1) **Notwithstanding any other provision of this chapter, an exempt operating cemetery is not subject to the reporting and inspection requirements applicable to operating cemeteries.**

(2) **In accordance with rules adopted by the State Mortuary and Cemetery Board, an exempt operating cemetery shall provide to the board:**

- (a) **A report on the number of interments annually at the cemetery; and**
- (b) **Annual financial statements for the cemetery.**

(3) **The board shall adopt rules for biennial inspections of exempt operating cemeteries to ascertain compliance with public health, safety and welfare standards established for the operation of cemeteries. The board may not conduct random inspections of an exempt operating cemetery.**