

SENATE AMENDMENTS TO SENATE BILL 746

By COMMITTEE ON BUSINESS, TRANSPORTATION AND WORKFORCE DEVELOPMENT

April 18

- 1 On page 1 of the printed bill, line 2, delete “creating new provisions; and”.
- 2 Delete lines 5 through 30 and delete page 2 and insert:
- 3 “**SECTION 1.** ORS 692.010 is amended to read:
- 4 “692.010. As used in this chapter:
- 5 “(1) ‘Board’ means the State Mortuary and Cemetery Board.
- 6 “(2) ‘Cemetery’ means any one, or a combination of more than one, of the following, in a place
- 7 used, or intended to be used, and dedicated, for cemetery purposes:
- 8 “(a) A burial park, for earth interments;
- 9 “(b) A mausoleum, for crypt interments; or
- 10 “(c) A columbarium, for permanent cinerary interments.
- 11 “**(3) ‘Exempt operating cemetery’ means an operating cemetery that has 10 or fewer**
- 12 **interments annually.**
- 13 “[~~(3)~~] **(4)** ‘Holding room’ means a room that is located in a licensed facility for the care, storage
- 14 or holding of dead human bodies prior to effecting disposition.
- 15 “[~~(4)~~] **(5)** ‘Immediate disposition’ means a direct method of disposition of dead human remains
- 16 by way of immediate burial or immediate cremation.
- 17 “[~~(5)~~] **(6)** ‘Immediate disposition company’ means any business licensed under this chapter, other
- 18 than a licensed funeral establishment, where a licensed funeral service practitioner operates the
- 19 business of immediate disposition and where business records are kept.
- 20 “[~~(6)~~] **(7)** ‘Operating cemetery’ means a cemetery that:
- 21 “(a) Performs interments;
- 22 “(b) Has fiduciary responsibility for endowment care, general care or special care funds; or
- 23 “(c) Has outstanding preneed service contracts for unperformed services.
- 24 “[~~(7)~~] **(8)** ‘Rental cover’ means a partial enclosure that appears similar to a casket that is uti-
- 25 lized for viewing purposes and surrounds the burial or cremation container.
- 26 “**SECTION 2.** ORS 692.275 is amended to read:
- 27 “692.275. (1) The application for a certificate of authority to conduct the business of an operat-
- 28 ing cemetery shall be made on a form provided by the State Mortuary and Cemetery Board. The
- 29 application shall be accompanied by the application fee established under ORS 692.160. However,
- 30 any **exempt** operating cemetery [*that has five or fewer interments annually*] is entitled to receive a
- 31 certificate of authority to operate upon payment of [*the*] **an** initial fee [*but*] **not to exceed \$100 and**
- 32 **a fee not to exceed \$50 for registration of all principals regardless of the total number of**
- 33 **principals. An exempt operating cemetery** is not required to pay the renewal fee or the fee for
- 34 any change in principal other than the cemetery manager.
- 35 “(2) A cemetery, other than an operating cemetery or a historic cemetery listed with the Oregon

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

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

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

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

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

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