

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	6 - 1 - 1
Yeas:	Edwards C., Garrard, Gelsner, Jenson, Read, Roblan
Nays:	Berger
Exc.:	Nolan
Prepared By:	Barbara Allen, Administrator
Meeting Dates:	6/2, 6/3, 6/12

WHAT THE MEASURE DOES: Requires death care consultants to be licensed by State Mortuary and Cemetery Board. Requires facilities for final disposition of human remains, other than cemeteries and crematoriums, to obtain certificate of authority from the Board. Expands definition of “cemetery” to include scattering gardens and cenotaphs, and imposes requirements relating to burials on private lands. Directs the Board to establish rules promoting environmentally sound death care practices, and requires funeral service practitioners to dispose of unclaimed remains of indigent deceased persons in environmentally sound manner.

ISSUES DISCUSSED:

- ‘Green’ burial movement
- Protection of consumers by licensing individuals in the death care industry who currently do not require licenses
- Regulating new types of dispositions of remains
- Board’s current licensing of funeral service practitioners and embalmers
- Board’s proposal to develop administrative rules to regulate and certify unlicensed death care consultants
- Lack of complaints by consumers of unlicensed death care consultants because Board only accepts complaints of their licensees
- Department of Vital Statistics’ instructions on home preparation and burials
- Measure’s vague definition of ‘death care consultants,’ lack of rules regarding backyard burials, lack of rules regarding health and safety issues of death care consultants, lack of participation by death care consultants in developing the measure, insufficient definition of ‘memorial,’ incorrectly naming the Board to set environmental standards for ‘green’ burials
- Desire of consultants to be regulated by a state agency, not the Board
- -A6 amendments
- Concern of unregulated individuals taking advantage of people under stressful conditions

EFFECT OF COMMITTEE AMENDMENT: Clarifies definition of cenotaph. Makes additional clarifying changes to the measure.

BACKGROUND: The Oregon Mortuary and Cemetery Board licenses individual death care professionals and the facilities where they work. The mission of the Board is to protect public health, safety and welfare by fairly and efficiently performing its licensing, inspection and enforcement duties by promoting professional behavior and standards in all facets of the Oregon death care industry. The Board’s programs affect those who have suffered a loss, those who make final arrangements and those who provide death care goods and services. It is the Board’s responsibility to license and regulate the practice of individuals and facilities engaged in the care, preparation, processing, transportation and final disposition of human remains. Senate Bill 796-B requires death care consultants to be licensed by the Board, and requires facilities for final disposition to obtain certificate of authority from the Board. It also expands the definition of “cemetery” to include scattering gardens and cenotaphs. It further directs the Board to establish rules promoting environmentally sound death care practices, especially the disposal of unclaimed remains of indigent deceased persons.

6/15/2009 4:55:00 PM

This summary has not been adopted or officially endorsed by action of the committee.