

# House Bill 3229

Sponsored by COMMITTEE ON HEALTH CARE

## 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**.

Defines "indigent person" for purposes of provisions relating to disposition of unclaimed bodies.  
Allows Department of Human Services to set maximum amount for reimbursement of expenses for disposition of body by rule.

## A BILL FOR AN ACT

1  
2 Relating to disposition of bodies; amending ORS 97.170 and 432.312.

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

4 **SECTION 1.** ORS 97.170 is amended to read:

5 97.170. (1) **As used in this section, "indigent person" means a person who has no relatives**  
6 **and for whom there is no means of paying for the disposition of the person's body after**  
7 **death.**

8 (2) **The Oregon Health and Science University shall appoint a Demonstrator of Anatomy**  
9 **from the staff of the university.**

10 [(1)] (3) Except as set forth in subsection [(4)] (7) of this section, [any] a licensed funeral service  
11 practitioner having charge of the **unclaimed** body of a deceased person [*thought to be an unclaimed*  
12 *indigent shall use all reasonable diligence promptly to*] **shall promptly** notify the relatives of the  
13 deceased person or any other person having an interest in the deceased person and shall arrange  
14 with any [*relative who claims the body or with any friend of the deceased*] person who will pay the  
15 expenses to make disposition of the body.

16 (4) If no one claims the body within five days after death, or if those notified acquiesce, the  
17 funeral service practitioner shall notify[, *by telephone,*] the Demonstrator of Anatomy of the Oregon  
18 Health and Science University. The Demonstrator of Anatomy[, *who shall be appointed by the Oregon*  
19 *Health and Science University Board of Directors from the staff of the Oregon Health and Science*  
20 *University,*] shall immediately inform the funeral service practitioner whether the body [*is deemed*  
21 *to be in fit condition and*] is desired for medical instruction or the advancement of medical science.  
22 If the body is desired for these purposes, the funeral service practitioner shall arrange for a licensed  
23 embalmer to make such preparation as is necessary and shall, within 72 hours, deliver it to the  
24 Oregon Health and Science University, or any other school or college within the State of Oregon  
25 qualifying applicants for examination in the fundamental sciences as required and specified in ORS  
26 683.010 to 683.335 and ORS chapters 676 to 681 and 684 to 686, as the Demonstrator of Anatomy  
27 directs. The **Department of Human Services shall reimburse the** expenses of embalming, trans-  
28 portation of the body to such school or college, filing fees and other related expenses [*shall be*  
29 *paid*] from the funds appropriated specifically for the purposes of this section. [*Such expenses shall*]  
30 **The reimbursement may** not exceed the normal rates charged for such services to the general  
31 public.

**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 [(2)] (5) If the Demonstrator of Anatomy does not *[require any such]* **desire an unclaimed** body  
 2 for instruction or research, it may be assigned, on request, to any other properly authorized insti-  
 3 tution within this state or to any qualified physician for instruction or research.

4 [(3)] (6) When the body of a deceased person is *[deemed in unfit condition]* **not desired** by the  
 5 Demonstrator of Anatomy and disposition does not take place as set forth in subsections [(1) and  
 6 (2)] (3) to (5) of this section, and no relatives, friends or interested persons claim the body after  
 7 notification is attempted, then the funeral service practitioner may commence to cremate or bury  
 8 the body without the consent of persons listed in ORS 97.130 and is *[furthermore]* indemnified from  
 9 any liability arising from having made such disposition. The method of disposition must be in the  
 10 least costly manner that complies with law, and that does not conflict with known wishes of the  
 11 deceased. *[Reimbursement for costs of disposition shall be made]* **If the deceased person is an in-**  
 12 **digent person, the department shall reimburse the funeral service practitioner for the costs**  
 13 **of disposition** as set forth in subsection [(5)] (8) of this section.

14 [(4)] (7) When the deceased person is a child over whom the department *[of Human Services]*  
 15 held guardianship at the time of death, and no relatives, friends or interested persons claim the body  
 16 after notification is attempted as set forth in subsection [(1)] (3) of this section, the department may  
 17 *[at its discretion]* notify the Demonstrator of Anatomy and proceed as set forth in *[subsection (1)]*  
 18 **subsections (4) and (5)** of this section, or may authorize burial or cremation of the body. **The de-**  
 19 **partment shall pay** expenses related to burial or cremation authorized by the department under  
 20 this subsection *[shall be borne by the department]*.

21 [(5)] (8) Upon receipt of an itemized statement of expenses **and proof as required by the de-**  
 22 **partment by rule that the deceased person is an indigent person**, the department shall reim-  
 23 burse *[the]* a funeral service practitioner within 30 days the reasonable costs for disposition of any  
 24 unclaimed deceased **indigent** person *[who has insufficient assets and for whom no one takes respon-*  
 25 *sibility]*. The method of disposition must be in the least costly manner *[and shall not exceed \$450 per*  
 26 *disposition]* **that complies with law. The department may adopt rules setting the maximum**  
 27 **amount that may be reimbursed to a funeral service practitioner under this subsection.**

28 **SECTION 2.** ORS 432.312 is amended to read:

29 432.312. (1) The Department of Human Services shall impose and collect a filing fee of \$7 for  
 30 each certificate of death. Of the fee, \$2 shall be deposited to the credit of the Public Health Account  
 31 and used to carry out the purposes of ORS 97.170 [(5)] (8) and \$5 shall be deposited to the credit  
 32 of the State Mortuary and Cemetery Board Account and used in the same manner as funds credited  
 33 to the account under ORS 692.375.

34 (2) The expenditures under ORS 97.170 [(5)] (8) and 692.375 *[shall]* **may** not exceed the funds  
 35 collected under subsection (1) of this section, and in no event *[shall]* **may** expenditure on the ad-  
 36 ministration of the funds exceed five percent of the moneys collected.

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