

Senate Bill 796

Sponsored by Senator WALKER

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**.

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 board.

Directs 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.

Imposes requirements relating to burials on private lands.

Expands definition of "cemetery" to include scattering gardens and cenotaphs.

A BILL FOR AN ACT

1
2 Relating to death care; creating new provisions; and amending ORS 97.010, 97.170, 97.460, 105.464,
3 692.010, 692.025, 692.040, 692.160, 692.180, 692.260, 692.275, 692.320 and 692.375.

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 **(d) A scattering garden or other designated area above or below ground designated for**
14 **the memorial of cremated remains; or**

15 **(e) A cenotaph, for memorials to honor persons whose remains are interred elsewhere**
16 **or whose remains cannot be recovered.**

17 (3) "Exempt operating cemetery" means an operating cemetery that has 10 or fewer interments
18 annually.

19 **(4) "Final disposition" means the burial, interment, cremation, dissolution or other dis-**
20 **position of human remains authorized by the board by rule.**

21 [*(4)*] **(5) "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 [*(5)*] **"Immediate disposition" means a direct method of disposition of dead human remains by way**
24 **of immediate burial or immediate cremation.]**

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

28 (7) "Operating cemetery" means a cemetery that:

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 (a) Performs interments;

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

3 (c) Has outstanding preneed service contracts for unperformed services.

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

6 **SECTION 2.** ORS 692.025 is amended to read:

7 692.025. (1) An individual may not practice as a funeral service practitioner unless the individual
8 is licensed as a funeral service practitioner under ORS 692.045. An individual practices as a funeral
9 service practitioner if the individual [*for payment*] is engaged directly or indirectly in **offering fu-**
10 **neral services for payment or** supervising or otherwise controlling the transportation, care,
11 preparation, processing and handling of dead human bodies before the bodies undergo [*cremation,*
12 *entombment or burial*] **final disposition**, or before the bodies are transported out of the State of
13 Oregon.

14 (2) An individual may not practice as an embalmer unless the individual is licensed as an
15 embalmer under ORS 692.105. An individual practices as an embalmer if the individual is engaged
16 or purports to be engaged in either of the following:

17 (a) The practice of disinfecting or preserving from decay dead human bodies.

18 (b) Preparing human bodies dead of contagious or infectious disease for transportation by rail-
19 road, express company or common carrier.

20 **(3) An individual may not practice as a death care consultant unless the individual is li-**
21 **icensed as a death care consultant under section 4 of this 2009 Act. An individual practices**
22 **as a death care consultant if the individual assists another person with death care arrange-**
23 **ments for payment, but does not practice as a funeral service practitioner.**

24 [(3)] (4) A person may not operate a funeral establishment unless the establishment meets the
25 requirements under this subsection. A place is a funeral establishment if the place is used for the
26 care [*and*], preparation **or viewing** of dead human bodies before the bodies undergo [*cremation,*
27 *entombment or burial*] **final disposition**, or before the bodies are transported out of the State of
28 Oregon. A funeral establishment must:

29 (a) Be licensed by the State Mortuary and Cemetery Board under ORS 692.146;

30 (b) Be operated by a funeral service practitioner;

31 (c) Have on the premises embalming facilities or holding room facilities meeting requirements
32 established by the board; and

33 (d) Have access to hospital or mortuary refrigeration.

34 [(4)] (5) A person may not operate an immediate disposition company unless the immediate dis-
35 position company meets the requirements under this subsection. An immediate disposition company
36 must:

37 (a) Be licensed at a fixed location under ORS 692.146; and

38 (b) Be operated by a licensed funeral service practitioner.

39 [(5)] (6) [*No*] **A** person or city, county or other municipal corporation [*shall*] **may not** conduct
40 the business of an operating cemetery without first receiving a certificate of authority to conduct
41 the business of an operating cemetery under ORS 692.275.

42 [(6)] (7) A person may not operate a crematorium unless the crematorium meets the require-
43 ments of ORS 692.275.

44 [(7)] (8) [*All applicants for licenses, certificates, or licensees under this section and all principals*
45 *of any*] **An applicant for a license or certificate described in this section and a principal of a**

1 licensed establishment **described in this section** must consent to a background check, including
 2 information solicited from the Department of State Police.

3 **SECTION 3. Section 4 of this 2009 Act is added to and made a part of ORS chapter 692.**

4 **SECTION 4. The State Mortuary and Cemetery Board shall issue a license to an individ-**
 5 **ual to practice as a death care consultant if the individual:**

6 (1) **Applies to the board for a death care consultant license on an application form pro-**
 7 **vided by the board;**

8 (2) **Passes an examination conducted by the board; and**

9 (3) **Meets other requirements established by the board by rule.**

10 **SECTION 5.** ORS 692.275 is amended to read:

11 692.275. (1) *[The application for a certificate of authority to conduct the business of an operating*
 12 *cemetery shall be made]* **A person may not conduct the business of an operating cemetery un-**
 13 **less the person has a certificate of authority to do so. A person may apply for a certificate**
 14 **of authority** on a form provided by the State Mortuary and Cemetery Board. The application
 15 *[shall]* **must** be accompanied by the application fee established under ORS 692.160. However, any
 16 exempt operating cemetery is entitled to receive a certificate of authority to operate upon payment
 17 of an initial fee not to exceed \$100 and a fee not to exceed \$50 for registration of all principals re-
 18 gardless of the total number of principals. An exempt operating cemetery is not required to pay the
 19 renewal fee or the fee for any change in principal other than the cemetery manager.

20 (2) A cemetery, other than an operating cemetery or a historic cemetery listed with the Oregon
 21 Commission on Historic Cemeteries under ORS 97.782, *[shall]* **must** be registered with the board.
 22 An owner of a cemetery, other than an operating cemetery or a historic cemetery listed with the
 23 Oregon Commission on Historic Cemeteries under ORS 97.782, *[shall]* **must** register the cemetery
 24 with the board on a form provided by the board. No fee *[shall]* **may** be required of a cemetery reg-
 25 istrant.

26 (3) **A person may not operate a crematorium unless the person has a certificate of au-**
 27 **thority to do so. A person may apply** *[The person who plans to operate a crematorium shall apply*
 28 *before operation]* for a certificate of authority to operate a crematorium on a form provided by the
 29 board. The application *[shall]* **must** be accompanied by the application fee established under ORS
 30 692.160.

31 (4) For purposes of this section and ORS 692.025, each location of a cemetery or crematorium
 32 is a separate location and must be licensed separately. Those cemeteries that are subject to regis-
 33 tration *[shall]* **must** be registered separately.

34 (5) The **board shall consider the** recommendation of the Cremation Association of North
 35 America *[shall be used]* in adopting rules regulating crematoriums.

36 (6) **A person may not operate a facility for final disposition of human remains other than**
 37 **a cemetery or a crematorium unless the person has a certificate of authority to do so. A**
 38 **person may apply for a certificate of authority on a form provided by the board. The appli-**
 39 **cation must be accompanied by an application fee established under ORS 692.160.**

40 *[(6)]* (7) This section applies to operating cemeteries or other cemeteries owned by any city,
 41 county or other municipal corporation.

42 *[(7)]* (8) The board may not subject an exempt operating cemetery to random inspections.

43 **SECTION 6.** ORS 692.320 is amended to read:

44 692.320. (1) The State Mortuary and Cemetery Board *[has the power to]* **may** adopt and enforce
 45 **rules** for the protection of the public health, safety and welfare *[reasonable rules]* relating to the

1 following:

2 (a) The licensing of **or issuance of certificates of authority for** funeral service practitioners,
3 embalmers, **death care consultants**, funeral establishments, crematoriums [*and*], cemeteries **and**
4 **other facilities for final disposition of human remains**.

5 (b) The registration of apprentices.

6 (c) The practice of funeral service practitioners [*and*], embalmers **and death care**
7 **consultants**, and the operation of funeral establishments, immediate disposition companies,
8 crematoriums [*and*], cemeteries **and other facilities for final disposition of human remains**.

9 (d) Sanitary conditions of funeral establishments, crematoriums, cemeteries, **other facilities for**
10 **final disposition of human remains** and any location in which [*dead human bodies*] **human re-**
11 **mains** are stored or processed prior to final disposition.

12 (e) Matters necessary to carry out the provisions of this chapter.

13 (2) Other than areas used as living quarters, the board shall inspect not less than once
14 biennially the facilities and records of funeral establishments, cemeteries [*and*], crematoriums and
15 immediate disposition companies, **other facilities for final disposition of human remains** and any
16 location in which [*dead human bodies*] **human remains** may be stored, temporarily held or pro-
17 cessed prior to final disposition. The inspection of the records of such locations [*shall be*] **is** limited
18 to those records required to comply with this chapter or ORS chapter 432 or rules adopted pursuant
19 thereto. The board may make random inspections at other times. The board shall employ one or
20 more persons to perform such inspections and aid in the enforcement of this chapter and rules
21 adopted thereunder. [*No*] **A** person employed under this subsection may **not** be a member of the
22 board or actively engaged in a practice regulated by this chapter.

23 (3) The board may hold hearings, conduct investigations, subpoena witnesses, administer oaths
24 and take testimony in order to carry out the provisions of this chapter.

25 (4) The board shall have a common seal and, subject to any applicable provision of the State
26 Personnel Relations Law, may employ necessary administrative staff, fix the compensation for them
27 and incur other necessary expenses.

28 **SECTION 7. The State Mortuary and Cemetery Board shall adopt rules promoting envi-**
29 **ronmentally sound death care practices.**

30 **SECTION 8.** ORS 97.170 is amended to read:

31 97.170. (1) Except as set forth in subsection (4) of this section, [*any*] **a** licensed funeral service
32 practitioner having charge of the body of a deceased person thought to be an unclaimed indigent
33 shall [*use all reasonable diligence promptly to*] **promptly** notify the relatives of the deceased person
34 or any other person having an interest in the deceased person and shall arrange with any relative
35 who claims the body or with any friend of the deceased person who will pay the expenses to make
36 disposition of the body. If no one claims the body within five days after death, or if those notified
37 acquiesce, the funeral service practitioner shall notify, by telephone, the Demonstrator of Anatomy
38 of the Oregon Health and Science University. The Demonstrator of Anatomy, who shall be appointed
39 by the Oregon Health and Science University Board of Directors from the staff of the Oregon Health
40 and Science University, shall immediately inform the funeral service practitioner whether the body
41 is deemed to be in fit condition and is desired for medical instruction or the advancement of medical
42 science. If the body is desired for these purposes, the funeral service practitioner shall arrange for
43 a licensed embalmer to make such preparation as is necessary and shall, within 72 hours, deliver it
44 to the Oregon Health and Science University, or any other school or college within the State of
45 Oregon qualifying applicants for examination in the fundamental sciences as required and specified

1 in ORS 683.010 to 683.335 and ORS chapters 676 to 681 and 684 to 686, as the Demonstrator of
 2 Anatomy directs. The **Department of Human Services shall pay the** expenses of embalming,
 3 transportation of the body to such school or college, filing fees and other related expenses [*shall be*
 4 *paid*] from the funds appropriated specifically for the purposes of this section. [*Such expenses shall*
 5 **The payment may** not exceed the normal rates charged for such services to the general public.

6 (2) If the Demonstrator of Anatomy does not [*require any such*] **desire a** body for instruction
 7 or research, it may be assigned, on request, to any other properly authorized institution within this
 8 state or to any qualified physician for instruction or research.

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

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

25 (5) Upon receipt of an itemized statement of expenses, the department shall reimburse the fu-
 26 neral service practitioner within 30 days the reasonable costs for disposition of any unclaimed de-
 27 ceased person who has insufficient assets and for whom no one takes responsibility. The method of
 28 disposition must be in the least costly **and most environmentally sound** manner and shall not
 29 exceed \$450 per disposition.

30 **SECTION 9.** ORS 97.460 is amended to read:

31 97.460. [*No association, corporation, cemetery authority, or person shall after February 24, 1903,*]
 32 **A person may not** lay out, open up or use any property for cemetery or burial park purposes[,
 33 *without the approval*] **unless the person:**

34 (1) **Is the owner of the property;**

35 (2) **Has the written consent of any person holding a mortgage or lien on the property;**

36 (3) **Has the written consent** of the planning commission of the county or city having jurisdic-
 37 tion under ORS 92.042 or, if there is no such commission in such county or city, the governing body
 38 of such county or city[.];

39 (4) **Agrees to maintain records of the disposition of human remains on the property as**
 40 **required by the State Mortuary and Cemetery Board by rule and to provide the records to**
 41 **the board on request; and**

42 (5) **Agrees to disclose the disposition of human remains upon sale of the property as**
 43 **provided in ORS 105.464.**

44 **SECTION 10.** ORS 97.010 is amended to read:

45 97.010. As used in ORS 97.010 to 97.040, 97.110 to 97.450, 97.510 to 97.730, 97.810 to 97.920, 97.923

1 to 97.949, 97.990 and 97.994:

2 (1) "Burial" means the placement of human remains in a grave or lawn crypt.

3 (2) "Burial park" means a tract of land for the burial of human remains, used, or intended to
4 be used, and dedicated for cemetery purposes.

5 (3) "Burial right" means the right to use a grave, mausoleum, columbarium, ossuary or scatter-
6 ing garden for the interment or other disposition of human remains.

7 (4) "Cemetery" means a place:

8 (a) Dedicated to and used, or intended to be used, for *[the]* a permanent **memorial or the per-**
9 **manent** interment of human remains; and

10 (b) That may contain a mausoleum, crypt or vault interment, a columbarium, **an** ossuary, **a**
11 **cenotaph, a** scattering garden *[or]*, **any** other structure or place used or intended to be used for the
12 interment or disposition of *[cremated]* **human** remains or any combination of these structures or
13 places.

14 (5) "Cemetery association" means a corporation or association authorized by its articles of in-
15 corporation to conduct the business of a cemetery, but does not include a corporation sole or a
16 charitable, eleemosynary association or corporation.

17 (6) "Cemetery authority" means a person who owns or controls cemetery lands or property, in-
18 cluding but not limited to a cemetery corporation, association or corporation sole.

19 (7) "Cemetery business" and "cemetery purpose" are used interchangeably and mean any busi-
20 ness or purpose requisite or incident to, or necessary for establishing, maintaining, operating, im-
21 proving or conducting a cemetery, interring human remains, and the care, preservation and
22 embellishment of cemetery property.

23 (8) "Cemetery merchandise" means personal property offered for sale or sold for use in con-
24 nection with the final disposition, memorialization or interment of human remains. "Cemetery mer-
25 chandise" includes, but is not limited to, an outer burial container and a memorial.

26 (9) "Cemetery services" means services provided by a cemetery authority for interment or
27 scattering, and installation of cemetery merchandise.

28 **(10) "Cenotaph" means a place for memorials to honor persons whose remains are**
29 **interred elsewhere or whose remains cannot be recovered.**

30 *[(10)]* (11) "Columbarium" means a structure or room containing receptacles for permanent
31 inurnment of cremated remains in a place used, or intended to be used, and dedicated for cemetery
32 purposes.

33 *[(11)]* (12) "Cremated remains" means the remains of a cremated human body after completion
34 of the cremation process.

35 *[(12)]* (13) "Cremation" means the technical process, using direct flame and heat, that reduces
36 human remains to bone fragments.

37 *[(13)]* (14) "Crematory" means a structure containing a retort for the reduction of bodies of de-
38 ceased persons to cremated remains.

39 *[(14)]* (15) "Crypt" or "vault" means a space in a mausoleum of sufficient size used, or intended
40 to be used, to entomb uncremated human remains.

41 *[(15)]* (16) "Directors" or "governing body" means the board of directors, board of trustees or
42 other governing body of a cemetery association.

43 *[(16)]* (17) "Endowment care" means the general care and maintenance of developed portions of
44 a cemetery and memorials erected thereon financed from the income of a trust fund.

45 *[(17)]* (18) "Entombment" means the placement of human remains in a crypt or vault.

1 [(18)] (19) "Funeral merchandise" means personal property offered for sale or sold for use in
2 connection with funeral services. "Funeral merchandise" includes, but is not limited to, acknowl-
3 edgment cards, alternative containers, caskets, clothing, cremation containers, cremation interment
4 containers, flowers, memory folders, monuments, outer burial containers, prayer cards, register
5 books and urns.

6 [(19)] (20) "Funeral services" means services customarily provided by a funeral service practi-
7 tioner including, but not limited to, care and preparation of human remains for final disposition,
8 professional services relating to a funeral or an alternative to a funeral, transportation of human
9 remains, limousine services, use of facilities or equipment for viewing human remains, visitation,
10 memorial services or services that are used in connection with a funeral or alternative to a funeral,
11 coordinating or conducting funeral rites or ceremonies, and other services provided in connection
12 with a funeral, alternative to a funeral or final disposition of human remains.

13 [(20)] (21) "Grave" means a space of ground in a burial park used, or intended to be used, for
14 burial of the remains of one person.

15 [(21)] (22) "Human remains" or "remains" means the body of a deceased person in any stage of
16 decomposition or after cremation.

17 [(22)] (23) "Interment" means the disposition of human remains by inurnment, entombment or
18 burial.

19 [(23)] (24) "Inurnment" means the placement of cremated remains in a receptacle and the deposit
20 of the receptacle in a niche.

21 [(24)] (25) "Lot," "plot" or "burial space" means space in a cemetery owned by one or more in-
22 dividuals, an association or fraternal or other organization and used, or intended to be used, for the
23 permanent interment therein of the remains of one or more deceased persons. Such terms include
24 and apply with like effect to one, or more than one, adjoining grave, crypt, vault or niche.

25 [(25)] (26) "Mausoleum" means a structure substantially exposed above ground for the
26 entombment of human remains in crypts or vaults in a place used, or intended to be used, and ded-
27 icated for cemetery purposes.

28 [(26)] (27) "Memorial" means a product, other than a mausoleum or columbarium, used for
29 identifying an interment space or for commemoration of the life, deeds or career of a decedent in-
30 cluding, but not limited to, an ossuary, monument, marker, niche plate, urn garden plaque, crypt
31 plate, cenotaph, marker bench or vase.

32 [(27)] (28) "Niche" means a recess usually in a columbarium used, or intended to be used, for
33 the inurnment of the cremated remains of one or more persons.

34 [(28)] (29) "Ossuary" means a receptacle used for the communal placement of cremated remains
35 without benefit of an urn or any other container in which cremated remains may be commingled
36 with other cremated remains and are nonrecoverable.

37 [(29)] (30) "Plot owner" or "owner" means any person identified in the records of the cemetery
38 authority as owner of the burial rights to a burial plot, or who holds a certificate of ownership
39 conveyed from the cemetery authority of the burial rights in a particular lot, plot or space.

40 [(30)] (31) "Scattering" means the lawful dispersion of cremated remains that need not be asso-
41 ciated with an interment right or issuance of a deed, that may be recorded only as a service that
42 has taken place and may not be recorded on the permanent records of the cemetery authority.

43 [(31)] (32) "Scattering garden" means a location set aside within a cemetery that is used for the
44 spreading or broadcasting of cremated remains that have been removed from their container and can
45 be mixed with or placed on top of the soil or ground cover or buried in an underground receptacle

1 on a commingled basis and that are nonrecoverable.

2 [(32)] (33) “Special care” means any care in excess of endowed care in accordance with the
3 specific directions of a donor of funds.

4 **SECTION 11.** ORS 692.040 is amended to read:

5 692.040. This chapter does not apply to any of the following:

6 (1) A public institution, medical college, county medical society, anatomical association, college
7 of embalming, or any officer thereof, or to any other recognized person carrying out the statutes
8 of the State of Oregon prescribing the conditions under which indigent dead human bodies are held
9 subject for scientific or anatomical study.

10 (2) The customs or rites of any religious sect except as to the burial or other disposition of their
11 dead.

12 (3) A person who picks up dead human bodies under the direction of a **licensed** funeral service
13 practitioner for delivery to a **licensed** funeral service practitioner, a **licensed** funeral establishment,
14 **an authorized** cemetery [*or*], **an authorized** crematorium **or another authorized facility for final**
15 **disposition of human remains** pursuant to an agreement with the funeral service practitioner, if
16 the person is not otherwise engaged in any of the activities of a funeral service practitioner, an
17 embalmer, a funeral establishment, a **death care consultant**, a cemetery or a crematorium as de-
18 scribed in ORS 692.025 **or another authorized facility for final disposition of human remains**
19 **as described in ORS 692.275.**

20 (4) A person who picks up dead human bodies under the direction of a licensed funeral service
21 practitioner employed by a funeral establishment registered under ORS 692.270 for transportation
22 out of the state or for delivery **out of the state** to a funeral service practitioner, funeral estab-
23 lishment, cemetery or crematorium pursuant to an agreement with the funeral service practitioner,
24 if the person is not otherwise engaged in any of the activities of a funeral service practitioner, an
25 embalmer, a funeral establishment, a **death care consultant**, a cemetery or a crematorium as de-
26 scribed in ORS 692.025 **or another authorized facility for final disposition of human remains**
27 **as described in ORS 692.275.**

28 **SECTION 12.** ORS 692.160 is amended to read:

29 692.160. (1) The fees that may be charged under this chapter are:

30 (a) A fee covering requests for applications for a **funeral service practitioner license, an**
31 **embalmer license, a death care consultant license, a** funeral establishment license, an immediate
32 disposition company license, a certificate of authority for a cemetery, a certificate of authority for
33 a crematorium, a **certificate of authority for any other facility for final disposition of human**
34 **remains**, registration as a funeral service practitioner apprentice, registration as an embalmer ap-
35 prentice, a certificate of removal registration, a license as a reciprocal funeral service practitioner
36 or a license as a reciprocal embalmer. The application fee shall be accompanied by an additional fee
37 for each principal of a funeral establishment, immediate disposition company, cemetery, [*or*]
38 crematorium **or other facility for final disposition of human remains.**

39 (b) A fee covering the renewal of a license for a funeral establishment, a license for an imme-
40 mediate disposition company, [*or*] a certificate of authority for a crematorium **or a certificate of au-**
41 **thority for any other facility for final disposition of human remains.**

42 (c) A fee covering the renewal of a funeral service practitioner license [*or*], an embalmer license
43 **or a death care consultant license.**

44 (d) A fee for renewal of a combination funeral service practitioner and embalmer license.

45 (e) A fee for renewal of the registration of a funeral service practitioner apprentice or an

1 embalmer apprentice.

2 (f) An examination fee for a funeral service practitioner license [*or*], an embalmer license **or a**
3 **death care consultant license**.

4 (g) A fee covering the renewal of a certificate of authority for a cemetery.

5 (h) A fee covering the reinstatement of a lapsed license or certificate of authority.

6 (i) A fee for reissuing a license, registration or certificate of authority as provided in ORS
7 692.148.

8 (j) Fees for copying any public record maintained by the State Mortuary and Cemetery Board,
9 for documents distributed by the board and postage for mailing any copies or documents.

10 (2) All licenses granted under this chapter to funeral service practitioners [*and*], embalmers **and**
11 **death care consultants** [*shall*] expire on January 1 in even-numbered years or on such date as may
12 be specified by rule of the State Mortuary and Cemetery Board. All licenses or certificates of au-
13 thority granted under this chapter to operators of funeral establishments, to operators of immediate
14 disposition companies, to operators of cemeteries, [*or*] to operators of crematoriums [*shall*] **or to**
15 **operators of other facilities for final disposition of human remains** expire on January 1 in
16 odd-numbered years or on such date as may be specified by board rule.

17 (3) The board shall mail to each licensed funeral service practitioner, to each licensed embalmer,
18 **to each licensed death care consultant**, to each licensed operator of a funeral establishment or
19 immediate disposition company and to each cemetery, [*and*] crematorium **and other facility for**
20 **final disposition of human remains** holding a certificate of authority under ORS 692.275, ad-
21 dressed to the licensee or certificate holder at the licensee's or certificate holder's last-known ad-
22 dress, a notice that the renewal fee is due and payable and that if the fee is not paid by the renewal
23 date the license or certificate of authority shall lapse. [*The notice shall be mailed*] **The board shall**
24 **mail the notice** [*to each licensed funeral service practitioner and to each licensed embalmer at least*
25 *60 days before the license expires. The notice shall be mailed to each licensed operator of a funeral*
26 *establishment or immediate disposition company and to each cemetery and crematorium holding a cer-*
27 *tificate of authority under ORS 692.275*] at least 60 days before the license or certificate of authority
28 expires. The board may impose continuing education requirements as a prerequisite for relicensure.

29 (4) Subject to prior approval of the Oregon Department of Administrative Services and a report
30 to the Emergency Board prior to adopting the fees and charges, the fees and charges established
31 under this section shall not exceed the cost of administering the regulatory program of the State
32 Mortuary and Cemetery Board pertaining to the purpose for which the fee or charge is established,
33 as authorized by the Legislative Assembly within the board's budget, as the budget may be modified
34 by the Emergency Board.

35 **SECTION 13.** ORS 692.180 is amended to read:

36 692.180. (1) Upon complaint or upon its own motion, the State Mortuary and Cemetery Board
37 may investigate [*any*] **a** complaint [*concerning any person, licensee or holder of a certificate of au-*
38 *thority*] made by any person or by the board. If the board finds any of the causes described in this
39 section in regard to any person, licensee or applicant or the holder of a certificate of authority, the
40 board may impose a civil penalty of not more than \$1,000 for each violation, suspend or revoke a
41 license to practice or to operate under this chapter or refuse to grant or renew a license. The
42 causes are as follows:

43 (a) Misrepresentation in the conduct of business or in obtaining a license.

44 (b) Fraudulent or dishonest conduct, when the conduct bears a demonstrable relationship to fu-
45 neral service practice, embalming practice or the operation of cemeteries, [*or*] crematoriums **or**

1 **other facilities for final disposition of human remains.**

2 (c) Except as provided in this paragraph, solicitation of [*human dead bodies*] **human remains**
3 by the licensee or any agent, assistant or employee of the licensee, either before or after death. This
4 paragraph does not apply to:

5 (A) Activities permissible under ORS 97.923 to 97.949; or

6 (B) The sale, in accordance with provisions of the Insurance Code, of prearranged funeral or
7 cemetery merchandise or services, or any combination thereof, to be funded by the contemporaneous
8 or subsequent assignment of a life insurance policy or an annuity contract.

9 (d) Offensive treatment of dead human bodies or **evidence that** a body in the person's custody
10 has been disposed of in violation of ORS chapter 432 or rules adopted pursuant thereto.

11 (e) Aiding or abetting a person who is not a licensee or an apprentice in any act involving the
12 disposition of dead human bodies before the bodies undergo [*cremation, entombment or burial*] **final**
13 **disposition** or before the bodies are transported out of the State of Oregon.

14 (f) Sale or reuse of any casket or body container that has been previously utilized for the
15 placement of a deceased human body. This does not include use of a rental cover as defined in ORS
16 692.010.

17 (g) Violation of any of the provisions of this chapter or any rules adopted under this chapter.

18 (h) Violation of any provision of ORS 97.929 or 97.937 or regulations adopted by the Federal
19 Trade Commission regulating funeral industry practices.

20 (i) Conviction of a crime, when the crime bears a demonstrable relationship to funeral service
21 practice, embalming practice [*or*], **death care consultant practice or** the operation of cemeteries,
22 [*or*] crematoriums **or other facilities for final disposition of human remains**. A **certified** copy
23 of the [*record of the conviction certified to by the clerk of the court entering the*] conviction [*shall be*]
24 **is** conclusive evidence of the conviction.

25 (j) Violation of ORS chapter 97 as it relates to disposition of human bodies and to cemeteries.

26 (k) Refusing to surrender promptly the custody of a dead human body, upon the express order
27 of the person lawfully entitled to the custody of the body.

28 (L) Acting as the legal representative of any deceased person for whom the licensee has ren-
29 dered services governed by this chapter. This subsection does not prohibit a licensee from acting
30 as the legal representative of a deceased relative or a deceased licensee if the deceased licensee
31 was a partner, employee or employer in the licensee's practice.

32 (m) Failure to pay any civil penalty imposed by the board within 10 days after the order is en-
33 tered or, if appealed, within 10 days after the order is sustained on appeal.

34 (2) All amounts recovered under this section shall be deposited in [*accordance with*] **the State**
35 **Mortuary and Cemetery Board Account established under** ORS 692.375.

36 (3) Civil penalties under this section shall be imposed as provided in ORS 183.745.

37 (4) Upon receipt of a complaint, the board shall conduct an investigation as described under
38 ORS 676.165.

39 (5) Information that the board obtains as part of an investigation into licensee or applicant
40 conduct or as part of a contested case proceeding, consent order or stipulated agreement involving
41 licensee or applicant conduct is confidential as provided under ORS 676.175.

42 **SECTION 14.** ORS 692.260 is amended to read:

43 692.260. The State Mortuary and Cemetery Board may revoke, suspend or refuse to renew a li-
44 cense issued to a funeral establishment or immediate disposition company if the board finds any of
45 the following in regard to the establishment or company or its operation:

1 (1) Any of the causes specified in ORS 692.180.

2 (2) Violation of ORS 692.025 [(3)] (4).

3 (3) Failure to comply with the rules of the board.

4 **SECTION 15.** ORS 692.375 is amended to read:

5 692.375. The State Mortuary and Cemetery Board Account is established in the State Treasury,
6 separate and distinct from the General Fund. All moneys received by the State Mortuary and Cem-
7 etery Board under this chapter shall be paid into the account and are appropriated continuously to
8 be used only for the administration and enforcement of this chapter, for the administration and
9 enforcement of ORS 97.931 and for the purpose of education of funeral service practitioners [and],
10 embalmers **and death care consultants**. Any interest or other income from moneys in the account
11 shall be credited to the account.

12 **SECTION 16.** ORS 105.464 is amended to read:

13 105.464. A seller’s property disclosure statement must be in substantially the following form:
14
15

16
17 If required under ORS 105.465, a seller shall deliver in substantially the following form the
18 seller’s property disclosure statement to each buyer who makes a written offer to purchase
19 real property in this state:
20

21
22 **INSTRUCTIONS TO THE SELLER**

23
24 Please complete the following form. Do not leave any spaces blank. Please refer to the line
25 number(s) of the question(s) when you provide your explanation(s). If you are not claiming an ex-
26 clusion or refusing to provide the form under ORS 105.475 (4), you should date and sign each page
27 of this disclosure statement and each attachment.
28

29 Each seller of residential property described in ORS 105.465 must deliver this form to each buyer
30 who makes a written offer to purchase. Under ORS 105.475 (4), refusal to provide this form gives the
31 buyer the right to revoke their offer at any time prior to closing the transaction. Use only the
32 section(s) of the form that apply to the transaction for which the form is used. If you are claiming
33 an exclusion under ORS 105.470, fill out only Section 1.
34

35 An exclusion may be claimed only if the seller qualifies for the exclusion under the law. If not ex-
36 cluded, the seller must disclose the condition of the property or the buyer may revoke their offer
37 to purchase anytime prior to closing the transaction. Questions regarding the legal consequences
38 of the seller’s choice should be directed to a qualified attorney.
39

40
41 **(DO NOT FILL OUT THIS SECTION UNLESS YOU ARE CLAIMING AN EXCLUSION**
42 **UNDER ORS 105.470)**

43
44 Section 1. EXCLUSION FROM ORS 105.462 TO 105.490:
45

1 You may claim an exclusion under ORS 105.470 only if you qualify under the statute. If you are not
2 claiming an exclusion, you must fill out Section 2 of this form completely.

3
4 Initial only the exclusion you wish to claim.

5
6 _____ This is the first sale of a dwelling never occupied. The dwelling is constructed or installed
7 under building or installation permit(s) #_____, issued by _____.

8
9 _____ This sale is by a financial institution that acquired the property as custodian, agent or
10 trustee, or by foreclosure or deed in lieu of foreclosure.

11
12 _____ The seller is a court appointed receiver, personal representative, trustee, conservator or
13 guardian.

14
15 _____ This sale or transfer is by a governmental agency.

16
17 _____
18 Signature(s) of Seller claiming exclusion

19 Date _____

20
21 _____
22 Buyer(s) to acknowledge Seller's claim

23 Date _____
24 _____

25
26
27 (IF YOU DID NOT CLAIM AN EXCLUSION IN SECTION 1, YOU MUST FILL OUT THIS SEC-
28 TION.)

29
30 Section 2. SELLER'S PROPERTY DISCLOSURE STATEMENT

31
32 (NOT A WARRANTY)

33 (ORS 105.464)

34
35 NOTICE TO THE BUYER: THE FOLLOWING REPRESENTATIONS ARE MADE BY THE
36 SELLER(S) CONCERNING THE CONDITION OF THE PROPERTY LOCATED
37 AT _____ ("THE PROPERTY").

38
39 DISCLOSURES CONTAINED IN THIS FORM ARE PROVIDED BY THE SELLER ON THE BASIS
40 OF SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME OF DISCLOSURE.
41 BUYER HAS FIVE DAYS FROM THE SELLER'S DELIVERY OF THIS SELLER'S DISCLOSURE
42 STATEMENT TO REVOKE BUYER'S OFFER BY DELIVERING BUYER'S SEPARATE SIGNED
43 WRITTEN STATEMENT OF REVOCATION TO THE SELLER DISAPPROVING THE SELLER'S
44 DISCLOSURE STATEMENT, UNLESS BUYER WAIVES THIS RIGHT AT OR PRIOR TO ENTER-
45 ING INTO A SALE AGREEMENT.

1 FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS
 2 PROPERTY, BUYER IS ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF A QUALIFIED
 3 SPECIALIST TO INSPECT THE PROPERTY ON BUYER'S BEHALF INCLUDING, FOR EXAM-
 4 PLE, ONE OR MORE OF THE FOLLOWING: ARCHITECTS, ENGINEERS, PLUMBERS,
 5 ELECTRICIANS, ROOFERS, ENVIRONMENTAL INSPECTORS, BUILDING INSPECTORS, CER-
 6 TIFIED HOME INSPECTORS, OR PEST AND DRY ROT INSPECTORS.

7
 8 Seller _____ is/ _____ is not occupying the property.

9
 10 I. SELLER'S REPRESENTATIONS:

11
 12 The following are representations made by the seller and are not the representations of any finan-
 13 cial institution that may have made or may make a loan pertaining to the property, or that may
 14 have or take a security interest in the property, or any real estate licensee engaged by the seller
 15 or the buyer.

16
 17 *If you mark yes on items with *, attach a copy or explain on an attached sheet.

18
 19 1. TITLE

20 A. Do you have legal authority to sell the property? []Yes []No []Unknown

21 *B. Is title to the property subject to any of the
 22 following: []Yes []No []Unknown

23 (1) First right of refusal

24 (2) Option

25 (3) Lease or rental agreement

26 (4) Other listing

27 (5) Life estate?

28 *C. Is the property being transferred an
 29 unlawfully established unit of land? []Yes []No []Unknown

30 *D. Are there any encroachments, boundary
 31 agreements, boundary disputes or recent
 32 boundary changes? []Yes []No []Unknown

33 *E. Are there any rights of way, easements,
 34 licenses, access limitations or claims that
 35 may affect your interest in the property? []Yes []No []Unknown

36 *F. Are there any agreements for joint
 37 maintenance of an easement or right of way? []Yes []No []Unknown

38 *G. Are there any governmental studies, designations,
 39 zoning overlays, surveys or notices that would
 40 affect the property? []Yes []No []Unknown

41 *H. Are there any pending or existing governmental
 42 assessments against the property? []Yes []No []Unknown

43 *I. Are there any zoning violations or
 44 nonconforming uses? []Yes []No []Unknown

45 *J. Is there a boundary survey for the

- 1 property? []Yes []No []Unknown
- 2 *K. Are there any covenants, conditions,
 3 restrictions or private assessments that
 4 affect the property? []Yes []No []Unknown
- 5 *L. Is the property subject to any special tax
 6 assessment or tax treatment that may result
 7 in levy of additional taxes if the property
 8 is sold? []Yes []No []Unknown
- 9
- 10 2. WATER
- 11 A. Household water
- 12 (1) The source of the water is (check ALL that apply):
 13 []Public []Community []Private
 14 []Other _____
- 15 (2) Water source information:
- 16 *a. Does the water source require a water permit? []Yes []No []Unknown
 17 If yes, do you have a permit? []Yes []No
- 18 b. Is the water source located on the property? []Yes []No []Unknown
 19 *If not, are there any written agreements for
 20 a shared water source? []Yes []No []Unknown []NA
- 21 *c. Is there an easement (recorded or unrecorded)
 22 for your access to or maintenance of the water
 23 source? []Yes []No []Unknown
- 24 d. If the source of water is from a well or spring,
 25 have you had any of the following in the past
 26 12 months? []Flow test []Bacteria test
 27 []Chemical contents test []Yes []No []Unknown []NA
- 28 *e. Are there any water source plumbing problems
 29 or needed repairs? []Yes []No []Unknown
- 30 (3) Are there any water treatment systems for
 31 the property? []Yes []No []Unknown
 32 []Leased []Owned
- 33 B. Irrigation
- 34 (1) Are there any [] water rights or [] other
 35 irrigation rights for the property? []Yes []No []Unknown
- 36 *(2) If any exist, has the irrigation water been
 37 used during the last five-year period? []Yes []No []Unknown []NA
- 38 *(3) Is there a water rights certificate or other
 39 written evidence available? []Yes []No []Unknown []NA
- 40 C. Outdoor sprinkler system
- 41 (1) Is there an outdoor sprinkler system for the
 42 property? []Yes []No []Unknown
- 43 (2) Has a back flow valve been installed? []Yes []No []Unknown []NA
- 44 (3) Is the outdoor sprinkler system operable? []Yes []No []Unknown []NA
- 45

- 1 3. SEWAGE SYSTEM
- 2 A. Is the property connected to a public or
3 community sewage system?]Yes]No]Unknown
- 4 B. Are there any new public or community sewage
5 systems proposed for the property?]Yes]No]Unknown
- 6 C. Is the property connected to an on-site septic
7 system?]Yes]No]Unknown
8 If yes, was it installed by permit?]Yes]No]Unknown]NA
9 *Has the system been repaired or altered?]Yes]No]Unknown
10 Has the condition of the system been
11 evaluated and a report issued?]Yes]No]Unknown
12 Has it ever been pumped?]Yes]No]Unknown]NA
13 If yes, when? _____
- 14 *D. Are there any sewage system problems or
15 needed repairs?]Yes]No]Unknown
- 16 E. Does your sewage system require on-site
17 pumping to another level?]Yes]No]Unknown
18
- 19 4. DWELLING INSULATION
- 20 A. Is there insulation in the:
- 21 (1) Ceiling?]Yes]No]Unknown
22 (2) Exterior walls?]Yes]No]Unknown
23 (3) Floors?]Yes]No]Unknown
- 24 B. Are there any defective insulated doors or
25 windows?]Yes]No]Unknown
26
- 27 5. DWELLING STRUCTURE
- 28 *A. Has the roof leaked?]Yes]No]Unknown
29 If yes, has it been repaired?]Yes]No]Unknown]NA
- 30 B. Are there any additions, conversions or
31 remodeling?]Yes]No]Unknown
32 If yes, was a building permit required?]Yes]No]Unknown]NA
33 If yes, was a building permit obtained?]Yes]No]Unknown]NA
34 If yes, was final inspection obtained?]Yes]No]Unknown]NA
- 35 C. Are there smoke alarms or detectors?]Yes]No]Unknown
- 36 D. Is there a woodstove included in the sale?
37 Make _____]Yes]No]Unknown
- 38 *E. Has pest and dry rot, structural or
39 "whole house" inspection been done
40 within the last three years?]Yes]No]Unknown
- 41 *F. Are there any moisture problems, areas of
42 water penetration, mildew odors or other
43 moisture conditions (especially in the
44 basement)?]Yes]No]Unknown
45 *If yes, explain on attached sheet the frequency and

- 1 extent of problem and any insurance claims,
 2 repairs or remediation done.
- 3 G. Is there a sump pump on the property?]Yes]No]Unknown
- 4 H. Are there any materials used in the
 5 construction of the structure that are or
 6 have been the subject of a recall, class
 7 action suit, settlement or litigation?]Yes]No]Unknown
- 8 If yes, what are the materials? _____
- 9 (1) Are there problems with the materials?]Yes]No]Unknown]NA
- 10 (2) Are the materials covered by a warranty?]Yes]No]Unknown]NA
- 11 (3) Have the materials been inspected?]Yes]No]Unknown]NA
- 12 (4) Have there ever been claims filed for these
 13 materials by you or by previous owners?]Yes]No]Unknown]NA
- 14 If yes, when? _____
- 15 (5) Was money received?]Yes]No]Unknown]NA
- 16 (6) Were any of the materials repaired or
 17 replaced?]Yes]No]Unknown]NA
- 18
- 19 6. DWELLING SYSTEMS AND FIXTURES
- 20 If the following systems or fixtures are included
 21 in the purchase price, are they in good working
 22 order on the date this form is signed?
- 23 A. Electrical system, including wiring, switches,
 24 outlets and service]Yes]No]Unknown
- 25 B. Plumbing system, including pipes, faucets,
 26 fixtures and toilets]Yes]No]Unknown
- 27 C. Water heater tank]Yes]No]Unknown
- 28 D. Garbage disposal]Yes]No]Unknown]NA
- 29 E. Built-in range and oven]Yes]No]Unknown]NA
- 30 F. Built-in dishwasher]Yes]No]Unknown]NA
- 31 G. Sump pump]Yes]No]Unknown]NA
- 32 H. Heating and cooling systems]Yes]No]Unknown]NA
- 33 I. Security system]Owned]Leased]Yes]No]Unknown]NA
- 34 J. Are there any materials or products used in
 35 the systems and fixtures that are or have
 36 been the subject of a recall, class action
 37 settlement or other litigations?]Yes]No]Unknown
- 38 If yes, what product? _____
- 39 (1) Are there problems with the product?]Yes]No]Unknown
- 40 (2) Is the product covered by a warranty?]Yes]No]Unknown
- 41 (3) Has the product been inspected?]Yes]No]Unknown
- 42 (4) Have claims been filed for this product
 43 by you or by previous owners?]Yes]No]Unknown
- 44 If yes, when? _____
- 45 (5) Was money received?]Yes]No]Unknown

- 1 (6) Were any of the materials or products repaired
 2 or replaced?]Yes]No]Unknown
 3
- 4 7. COMMON INTEREST
- 5 A. Is there a Home Owners' Association
 6 or other governing entity?]Yes]No]Unknown
 7 Name of Association or Other Governing
 8 Entity _____
 9 Contact Person _____
 10 Address _____
 11 Phone Number _____
- 12 B. Regular periodic assessments: \$_____
- 13 per]Month]Year]Other _____
- 14 *C. Are there any pending or proposed special
 15 assessments?]Yes]No]Unknown
- 16 D. Are there shared "common areas" or joint
 17 maintenance agreements for facilities like
 18 walls, fences, pools, tennis courts, walkways
 19 or other areas co-owned in undivided interest
 20 with others?]Yes]No]Unknown
- 21 E. Is the Home Owners' Association or other
 22 governing entity a party to pending litigation
 23 or subject to an unsatisfied judgment?]Yes]No]Unknown]NA
- 24 F. Is the property in violation of recorded
 25 covenants, conditions and restrictions or in
 26 violation of other bylaws or governing rules,
 27 whether recorded or not?]Yes]No]Unknown]NA
 28
- 29 8. GENERAL
- 30 A. Are there problems with settling, soil,
 31 standing water or drainage on the property
 32 or in the immediate area?]Yes]No]Unknown
- 33 B. Does the property contain fill?]Yes]No]Unknown
- 34 C. Is there any material damage to the property or
 35 any of the structure(s) from fire, wind, floods,
 36 beach movements, earthquake, expansive soils
 37 or landslides?]Yes]No]Unknown
- 38 D. Is the property in a designated floodplain?]Yes]No]Unknown
- 39 E. Is the property in a designated slide or other
 40 geologic hazard zone?]Yes]No]Unknown
- 41 *F. Has any portion of the property been tested
 42 or treated for asbestos, formaldehyde, radon
 43 gas, lead-based paint, mold, fuel or chemical
 44 storage tanks or contaminated soil or water?]Yes]No]Unknown
- 45 G. Are there any tanks or underground storage

1 tanks (e.g., septic, chemical, fuel, etc.)
2 on the property? []Yes []No []Unknown

3 H. Has the property ever been used as an illegal
4 drug manufacturing or distribution site? []Yes []No []Unknown

5 *If yes, was a Certificate of Fitness issued? []Yes []No []Unknown

6 *I. Has the property been classified as
7 forestland-urban interface? []Yes []No []Unknown

8 **J. Are any human remains buried on**
9 **the property?** []Yes []No []Unknown

10

11 9. FULL DISCLOSURE BY SELLERS

12 *A. Are there any other material defects
13 affecting this property or its value
14 that a prospective buyer should
15 know about? []Yes []No

16 *If yes, describe the defect on attached sheet
17 and explain the frequency and extent of the
18 problem and any insurance claims, repairs or
19 remediation.

20 B. Verification:

21 The foregoing answers and attached explanations (if any) are complete and correct to
22 the best of my/our knowledge and I/we have received a copy of this disclosure statement.
23 I/we authorize my/our agents to deliver a copy of this disclosure statement to all
24 prospective buyers of the property or their agents.

25

26 Seller(s) signature:

27

28 SELLER _____ DATE _____

29

30 SELLER _____ DATE _____

31

32

33

34 II. BUYER'S ACKNOWLEDGMENT

35

36 A. As buyer(s), I/we acknowledge the duty to pay diligent attention to any material defects that are
37 known to me/us or can be known by me/us by utilizing diligent attention and observation.

38

39 B. Each buyer acknowledges and understands that the disclosures set forth in this statement and in
40 any amendments to this statement are made only by the seller and are not the representations of
41 any financial institution that may have made or may make a loan pertaining to the property, or that
42 may have or take a security interest in the property, or of any real estate licensee engaged by the
43 seller or buyer. A financial institution or real estate licensee is not bound by and has no liability
44 with respect to any representation, misrepresentation, omission, error or inaccuracy contained in
45 another party's disclosure statement required by this section or any amendment to the disclosure

1 statement.

2

3 C. Buyer (which term includes all persons signing the "buyer's acknowledgment" portion of this
4 disclosure statement below) hereby acknowledges receipt of a copy of this disclosure statement (in-
5 cluding attachments, if any) bearing seller's signature(s).

6

7 DISCLOSURES, IF ANY, CONTAINED IN THIS FORM ARE PROVIDED BY THE SELLER ON
8 THE BASIS OF SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME OF DIS-
9 CLOSURE. IF THE SELLER HAS FILLED OUT SECTION 2 OF THIS FORM, YOU, THE BUYER,
10 HAVE FIVE DAYS FROM THE SELLER'S DELIVERY OF THIS DISCLOSURE STATEMENT TO
11 REVOKE YOUR OFFER BY DELIVERING YOUR SEPARATE SIGNED WRITTEN STATEMENT
12 OF REVOCATION TO THE SELLER DISAPPROVING THE SELLER'S DISCLOSURE UNLESS
13 YOU WAIVE THIS RIGHT AT OR PRIOR TO ENTERING INTO A SALE AGREEMENT.

14

15 BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS SELLER'S PROPERTY
16 DISCLOSURE STATEMENT.

17

18 BUYER _____ DATE _____

19

20 BUYER _____ DATE _____

21

22 Agent receiving disclosure statement on buyer's behalf to sign and date:

23

24 _____ Real Estate Licensee

25

26 _____ Real Estate Firm

27

28 Date received by agent _____

29 _____

30

31 **SECTION 17. (1) Section 4 of this 2009 Act and the amendments to ORS 692.010, 692.025,**
32 **692.040, 692.160, 692.180, 692.275 and 692.320 by sections 1, 2, 5, 6 and 11 to 13 of this 2009 Act**
33 **become operative on March 31, 2010.**

34 **(2) The State Mortuary and Cemetery Board may take any action before the operative**
35 **date specified in subsection (1) of this section that is necessary to enable the board to exer-**
36 **cise, on and after the operative date specified in subsection (1) of this section, all the duties,**
37 **functions and powers conferred on the board by section 4 of this 2009 Act and the amend-**
38 **ments to ORS 692.010, 692.025, 692.040, 692.160, 692.180, 692.275 and 692.320 by sections 1, 2,**
39 **5, 6 and 11 to 13 of this 2009 Act.**

40 **SECTION 18. Section 4 of this 2009 Act and the amendments to ORS 692.025, 692.040,**
41 **692.160, 692.180 and 692.320 by sections 2, 6 and 11 to 13 of this 2009 Act apply to persons**
42 **practicing as death care consultants on or after the operative date specified in section 17 of**
43 **this 2009 Act.**

44 **SECTION 19. The amendments to ORS 692.010, 692.160, 692.180, 692.275 and 692.320 by**
45 **sections 1, 5, 6, 12 and 13 of this 2009 Act apply to facilities used for final disposition of hu-**

1 man remains, other than cemeteries and crematoriums, on or after the operative date
2 specified in section 17 of this 2009 Act.

3 SECTION 20. The amendments to ORS 97.460 by section 9 of this 2009 Act apply to laying
4 out or opening up property for cemetery or burial park purposes on or after the effective
5 date of this 2009 Act.

6 SECTION 21. The amendments to ORS 97.010 by section 10 of this 2009 Act apply to
7 cenotaphs established on or after the effective date of this 2009 Act.

8 SECTION 22. The amendments to ORS 105.464 by section 16 of this 2009 Act apply to sales
9 of property on or after the effective date of this 2009 Act.

10