

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass
Vote:	7 - 1 - 0
Yeas:	Cannon, Doherty, Hoyle, Kennemer, Weidner, Greenlick, Thompson
Nays:	Parrish
Exc.:	0
Prepared By:	Sandy Thiele-Cirka, Administrator
Meeting Dates:	4/25, 5/11

WHAT THE MEASURE DOES: Authorizes person in possession of cremated remains to direct manner of disposition of those remains. Provides that cemetery authorities are not liable if person in physical possession of the cremated remains consents to disposition within cemetery. Provides that cemetery authorities are not liable for cremated remains that have been scattered within cemetery without the authorities' knowledge. Provides that cemetery authorities may dispose of cremated remains that have been scattered within cemetery without authorities' knowledge. Provides that person who had possession and authorized interment of cremated remains may authorize disinterment.

ISSUES DISCUSSED:

- Current practices relating to scattering of cremated remains
- Potential for liability issues
- Changes in behavior relating to cremated remains
- Legal responsibilities of the cemetery and cremated remains
- Potential conflict between family members and rights to final disposition
- Concerns relating to liability and private property issues

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: The Oregon Mortuary and Cemetery Board (Board) licenses individual death care professionals and the facilities where they work. The Board also has authority to take action for violations of ORS, Chapter 97, relating to the final disposition of human remains and cemeteries. Currently, cemeteries apply processes to the disposition of ashes that are designed to determine authority over the disposition of a casket; ashes, however, may be divided. If a person in receipt of a portion of cremated remains wishes to place them in a cemetery, that cemetery would first have to seek permission from the person who had original dispositional authority over the entirety of ashes prior to division.

Senate Bill 31 clarifies ORS 97 to differentiate between a casket and cremated remains when it comes to disposition in a cemetery. The measure clarifies that if a person originally authorized to direct the disposition of cremated remains transfers any portion of those remains to a second person, the second person has the authority to direct the disposition of those transferred remains. Additionally, the measure protects cemeteries from liability from accepting cremated remains from a person who is not the legal next-of-kin. Finally, Senate Bill 31 allows cemeteries to remove cremated remains that have been scattered in a cemetery without the knowledge of the cemetery authority.