

**REVENUE:** No revenue impact

**FISCAL:** No fiscal impact

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<b>Action:</b>	Do Pass and Be Referred to the Committee on Judiciary
<b>Vote:</b>	4 - 0 - 1
<b>Yeas:</b>	Bates, Kruse, Morse, Monnes Anderson
<b>Nays:</b>	0
<b>Exc.:</b>	Shields
<b>Prepared By:</b>	Brian Niebuurt, Administrator
<b>Meeting Dates:</b>	2/9, 3/2

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

**ISSUES DISCUSSED:**

- Increase in cremation rate
- Need for clarification in statute

**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.

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