

# D R A F T

## SUMMARY

Specifies that crematorium may not be certified by State Mortuary and Cemetery Board if board determines that proposed crematorium presents danger to public health and safety of children of this state.

### A BILL FOR AN ACT

1  
2 Relating to crematoriums; creating new provisions; and amending ORS  
3 692.275.

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

5 **SECTION 1.** ORS 692.275 is amended to read:

6 692.275. (1)(a) A person may not conduct the business of an operating  
7 cemetery unless the person has a certificate of authority to do so. A person  
8 may apply for a certificate of authority on a form provided by the State  
9 Mortuary and Cemetery Board. **Except as provided in paragraph (b) of**  
10 **this subsection**, the application must be accompanied by the application fee  
11 established under ORS 692.160.

12 (b) [*However, any*] **An** exempt operating cemetery is entitled to receive a  
13 certificate of authority [*to operate*] **under this subsection** upon payment of  
14 an initial fee not to exceed \$100 and a fee not to exceed \$50 for registration  
15 of all principals, regardless of the total number of principals. An exempt  
16 operating cemetery is not required to pay [*the*] **a** renewal fee or [*the*] **a** fee  
17 for any change in principal other than [*the*] **a change in** cemetery manager.

18 (c) **Notwithstanding ORS 692.320, the board may not subject an ex-**  
19 **empt operating cemetery to a random inspection.**

20 (2) A cemetery, other than an operating cemetery or a historic cemetery

1 listed with the Oregon Commission on Historic Cemeteries under ORS 97.782,  
2 must be registered with the board. An owner of a cemetery, other than an  
3 operating cemetery or a historic cemetery listed with the Oregon Commission  
4 on Historic Cemeteries under ORS 97.782, must register the cemetery with  
5 the board on a form provided by the board. *[No fee may be required of a*  
6 *cemetery registrant.]* **The board may not require an owner of a cemetery**  
7 **to pay a fee to register under this subsection.**

8 (3)(a) A person may not operate a crematorium unless the person has a  
9 certificate of authority to do so.

10 (b) **A person may not receive a certificate of authority to operate**  
11 **a crematorium under this subsection if the board determines that the**  
12 **proposed crematorium presents a danger to the public health and**  
13 **safety of the children of this state. In making a determination under**  
14 **this paragraph, the board shall consider the proximity of the proposed**  
15 **crematorium to:**

16 (A) **Any public school for which attendance is compulsory under**  
17 **ORS 339.010;**

18 (B) **Any private or parochial school teaching children as described**  
19 **in ORS 339.030 (1); or**

20 (C) **Any other place where children are likely to congregate.**

21 (c) A person may apply for a certificate of authority to operate a  
22 crematorium on a form provided by the board. **The board may require an**  
23 **applicant to provide the board with any information that the board**  
24 **considers necessary to make a determination under paragraph (b) of**  
25 **this subsection.**

26 (d) *[The]* **An application submitted under this subsection** must be ac-  
27 companied by the application fee established under ORS 692.160.

28 *[(4) For purposes of this section and ORS 692.025, each location of a cem-*  
29 *etry or crematorium is a separate location and must be licensed separately.*  
30 *Those cemeteries that are subject to registration must be registered*  
31 *separately.]*

1        *[(5) The board may consider the recommendations of national associations*  
2 *related to cremation in adopting rules regulating crematoriums.]*

3        [(6)] (4) A person may not operate a facility for final disposition of human  
4 remains other than a cemetery or a crematorium unless the person has a  
5 certificate of authority to do so. A person may apply for a certificate of au-  
6 thority on a form provided by the board. The application must be accompa-  
7 nied by an application fee established under ORS 692.160.

8        **(5) For purposes of this section and ORS 692.025, each location of a**  
9 **cemetery or crematorium is a separate location and must be certified**  
10 **or registered separately.**

11        **(6) In adopting rules regulating crematoriums pursuant to this**  
12 **section, the board may consider the recommendations of national as-**  
13 **sociations related to the practice of cremation.**

14        (7) This section applies to operating cemeteries [*or*], **and** other  
15 cemeteries, owned by any city, county or other municipal corporation.

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

18        **SECTION 2. The amendments to ORS 692.275 by section 1 of this**  
19 **2015 Act apply to proposed crematoriums for which an application for**  
20 **a certificate of authority to operate as a crematorium is received by**  
21 **the State Mortuary and Cemetery Board on or after the effective date**  
22 **of this 2015 Act.**

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