

Enrolled
House Bill 2472

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for State Mortuary and Cemetery Board)

CHAPTER

AN ACT

Relating to investigations of facilities that provide services related to the final disposition of human remains; amending ORS 692.320; and repealing ORS 692.387, 692.389, 692.391 and 692.393.

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

SECTION 1. ORS 692.320 is amended to read:

692.320. (1) The State Mortuary and Cemetery Board may adopt and enforce rules for the protection of the public health, safety and welfare relating to the following:

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

(b) The registration of apprentices.

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

(d) Sanitary conditions of funeral establishments, crematoriums, cemeteries, other facilities for final disposition of human remains and any location *[in]* **at** which human remains are stored, **temporarily held** or processed prior to final disposition.

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

[(2) Other than areas used as living quarters, the board shall inspect not less than once biennially the facilities and records of funeral establishments, cemeteries, crematoriums and immediate disposition companies, other facilities for final disposition of human remains and any location in which human remains may be stored, temporarily held or processed prior to final disposition. The inspection of the records of such locations is limited to those records required to comply with this chapter or ORS chapter 432 or rules adopted pursuant thereto. The board may make random inspections at other times. The board shall employ one or more persons to perform such inspections and aid in the enforcement of this chapter and rules adopted thereunder. A person employed under this subsection may not be a member of the board or actively engaged in a practice regulated by this chapter.]

(2)(a) Subject to paragraphs (c), (d) and (e) of this subsection, the board:

(A) Shall inspect, at least once every two years, the premises and records of funeral establishments, cemeteries, crematoriums, immediate disposition companies and other facilities used for the final disposition of human remains and any other location at which human remains may be stored, temporarily held or processed prior to final disposition; and

(B) May make random inspections or establish a self-inspection program to supplement inspections required by subparagraph (A) of this paragraph.

(b) The board shall employ one or more persons to perform inspections under this subsection and to aid in the enforcement of the provisions of this chapter and ORS chapters 97 and 432 or rules adopted under this chapter and ORS chapters 97 and 432, except that the board may not employ a person under this paragraph if the person is a member of the board or actively engaged in a profession or practice regulated by this chapter. However, a person who is a member of the board or actively engaged in a practice or profession regulated by this chapter may perform inspections pursuant to a self-inspection program established under paragraph (a) of this subsection.

(c) The board may inspect records under this subsection only to the extent that is necessary to ensure compliance with the provisions of this chapter and ORS chapters 97 and 432 or rules adopted under this chapter or ORS chapters 97 and 432.

(d) The board may not inspect any area used as living quarters under this subsection.

(e) The board may adopt rules setting forth criteria by which an exempt operating cemetery is exempt from inspections described in paragraph (a)(A) of this subsection.

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

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

SECTION 2. ORS 692.387, 692.389, 692.391 and 692.393 are repealed.

Passed by House April 23, 2015

Received by Governor:

Repassed by House June 11, 2015

.....M.,....., 2015

Approved:

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Timothy G. Sekerak, Chief Clerk of House

.....M.,....., 2015

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Tina Kotek, Speaker of House

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Kate Brown, Governor

Passed by Senate June 9, 2015

Filed in Office of Secretary of State:

.....M.,....., 2015

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Peter Courtney, President of Senate

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Jeanne P. Atkins, Secretary of State