

# House Bill 3056

Sponsored by COMMITTEE ON CONSUMER PROTECTION AND GOVERNMENT EFFECTIVENESS

## 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**.

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 692.275.

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

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

5 692.275. (1)(a) A person may not conduct the business of an operating cemetery unless the per-  
6 son has a certificate of authority to do so. A person may apply for a certificate of authority on a  
7 form provided by the State Mortuary and Cemetery Board. **Except as provided in paragraph (b)**  
8 **of this subsection**, the application must be accompanied by the application fee established under  
9 ORS 692.160.

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

15 (c) **Notwithstanding ORS 692.320, the board may not subject an exempt operating ceme-**  
16 **tery to a random inspection.**

17 (2) A cemetery, other than an operating cemetery or a historic cemetery listed with the Oregon  
18 Commission on Historic Cemeteries under ORS 97.782, must be registered with the board. An owner  
19 of a cemetery, other than an operating cemetery or a historic cemetery listed with the Oregon  
20 Commission on Historic Cemeteries under ORS 97.782, must register the cemetery with the board  
21 on a form provided by the board. *[No fee may be required of a cemetery registrant.]* **The board may**  
22 **not require an owner of a cemetery to pay a fee to register under this subsection.**

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

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

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

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

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

**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 (c) A person may apply for a certificate of authority to operate a crematorium on a form pro-  
2 vided by the board. **The board may require an applicant to provide the board with any infor-**  
3 **mation that the board considers necessary to make a determination under paragraph (b) of**  
4 **this subsection.**

5 (d) [The] **An application submitted under this subsection** must be accompanied by the appli-  
6 cation fee established under ORS 692.160.

7 [(4) For purposes of this section and ORS 692.025, each location of a cemetery or crematorium is  
8 a separate location and must be licensed separately. Those cemeteries that are subject to registration  
9 must be registered separately.]

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

12 [(6)] (4) A person may not operate a facility for final disposition of human remains other than  
13 a cemetery or a crematorium unless the person has a certificate of authority to do so. A person may  
14 apply for a certificate of authority on a form provided by the board. The application must be ac-  
15 companied by an application fee established under ORS 692.160.

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

18 (6) **In adopting rules regulating crematoriums pursuant to this section, the board may**  
19 **consider the recommendations of national associations related to the practice of cremation.**

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

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

23 **SECTION 2. The amendments to ORS 692.275 by section 1 of this 2015 Act apply to pro-**  
24 **posed crematoriums for which an application for a certificate of authority to operate as a**  
25 **crematorium is received by the State Mortuary and Cemetery Board on or after the effective**  
26 **date of this 2015 Act.**