

Senate Bill 227

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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**.

Authorizes cemetery authority, or person with authority to determine disposition of human remains, to move, temporarily store or reinter human remains dislodged from original cemetery plot by natural disaster or other similar emergency.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to emergency planning; creating new provisions; amending ORS 97.220 and 432.158; and
3 declaring an emergency.

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

5 **SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS 97.110 to 97.450.**

6 **SECTION 2. (1) In the event of a natural disaster or similar emergency that causes**
7 **interred human remains to be completely or partially dislodged from their original designated**
8 **plot, the cemetery authority of the cemetery where the plot is located may, as the cemetery**
9 **authority deems fit:**

10 (a) **Inter the human remains in the original designated plot;**

11 (b) **Temporarily store the human remains in a safe storage location until the cemetery**
12 **authority can inter the human remains; or**

13 (c) **Inter the human remains in another plot in the cemetery.**

14 (2) **The cemetery authority shall, before performing an act specified in subsection (1)(b)**
15 **or (c) of this section, make a reasonable attempt to identify the human remains and notify**
16 **the person described in ORS 97.130 (2) who has authority to direct disposition of the remains**
17 **of the deceased person.**

18 (3) **A cemetery authority that performs an act specified in subsection (1) of this section**
19 **may not be held liable for performing that act.**

20 (4) **A person described in ORS 97.130 (2) who has the authority to direct disposition of the**
21 **remains of the deceased person may not be held liable, or be considered to have violated a**
22 **provision of ORS 97.110 to 97.450, if the person:**

23 (a) **Makes a request of the cemetery authority to undertake an action specified in sub-**
24 **section (1) of this section; or**

25 (b) **Personally undertakes an action specified in subsection (1) of this section.**

26 **SECTION 3. ORS 97.220 is amended to read:**

27 97.220. (1) **Except as provided in section 2 of this 2019 Act,** the remains of a deceased person
28 interred in a plot in a cemetery may be removed from the plot with the consent of the cemetery
29 authority and written consent of:

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 (a) The person under ORS 97.130 (2)(a), (b) or (c) who has the authority to direct disposition of
2 the remains of the deceased person; or

3 (b) If the remains are cremated remains, the person who had possession of the cremated remains
4 and authorized the interment of the cremated remains.

5 (2) If the consent of a person described in subsection (1) of this section or of the cemetery au-
6 thority cannot be obtained, permission by the county court of the county where the cemetery is
7 situated is sufficient. Notice of application to the court for such permission must be given at least
8 60 days prior thereto, personally or by mail, to the cemetery authority, to the person not consenting
9 and to every other person or authority on whom service of notice is required by the county court.

10 (3) If the payment for the purchase of an interment space is past due for a period of 90 days or
11 more, this section does not apply to or prohibit the removal of any remains from one plot to another
12 in the same cemetery or the removal of remains by the cemetery authority from a plot to some other
13 suitable place.

14 (4) This section does not apply to the disinterment of remains upon order of court or if ordered
15 under the provisions of ORS 146.045 (3)(e).

16 **SECTION 4.** ORS 432.158 is amended to read:

17 432.158. (1) Human remains shall be disposed of in accordance with ORS chapter 97.

18 (2) The funeral service practitioner or person acting as a funeral service practitioner who first
19 assumes possession of a dead body or fetus shall submit written notice to the county registrar in the
20 county in which death occurred or in which the dead body or fetus was found within 24 hours of
21 taking possession of the dead body or fetus. The notice must be on a form prescribed and furnished
22 by the State Registrar of the Center for Health Statistics.

23 (3) Before the final disposition of a dead body, the funeral service practitioner or person acting
24 as a funeral service practitioner who first assumes custody of the dead body shall obtain written
25 authorization, on a form prescribed and furnished by the state registrar, for final disposition of the
26 dead body from the medical certifier or medical examiner who certifies the cause of death as de-
27 scribed in ORS 432.133. If the funeral service practitioner or person acting as a funeral service
28 practitioner is unable to obtain written authorization before the final disposition of the dead body,
29 the funeral service practitioner or person acting as a funeral service practitioner may authorize,
30 with the oral consent of the medical certifier or medical examiner who is responsible for certifying
31 the cause of death, the final disposition of the dead body on a form prescribed and furnished by the
32 state registrar.

33 (4) Upon request of a parent or the parent's authorized representative, a disposition permit may
34 be issued for a fetus that is not reportable as a fetal death.

35 (5) A permit authorizing final disposition issued under the law of another state that accompanies
36 human remains brought into this state shall have the same force and effect as a permit authorizing
37 final disposition issued by the state registrar.

38 (6) A person in charge of a place where interment or other disposition of human remains is made
39 may not inter or allow interment or other disposition of human remains unless the human remains
40 are accompanied by a permit authorizing disposition.

41 (7) A person in charge of a place where interment or other disposition of human remains is made
42 shall indicate on the permit authorizing disposition the date of disposition and return the completed
43 permit to the county registrar of the county where death occurred. If there is no such person, the
44 funeral service practitioner or person acting as the funeral service practitioner shall complete the
45 permit and return it to the county registrar of the county where death occurred.

1 **(8) Except as provided in section 2 of this 2019 Act,** disinterment of human remains requires
2 authorization for disinterment and reinterment. The state registrar may issue authorization for
3 disinterment and reinterment to a funeral service practitioner or person acting as a funeral service
4 practitioner upon application, as required by the state registrar by rule.

5 (9) Prior to removing a dead body or fetus from this state under ORS 692.270, a funeral service
6 practitioner or a person acting as a funeral service practitioner shall submit a written notice of
7 removal to the country registrar in the county in which death occurred or in which the dead body
8 or fetus was found. The notice shall be on a form prescribed and furnished by the state registrar.
9 A copy of a written notice of removal serves as a permit for transporting the remains of a decedent
10 named on the notice.

11 **SECTION 5. Section 2 of this 2019 Act and the amendments to ORS 97.220 and 432.158 by**
12 **sections 3 and 4 of this 2019 Act apply to natural disasters and similar emergencies that oc-**
13 **cur on or after the effective date of this 2019 Act.**

14 **SECTION 6. This 2019 Act being necessary for the immediate preservation of the public**
15 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**
16 **on its passage.**

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