

Enrolled
House Bill 2574

Sponsored by Representatives MARSH, CLEM; Representatives DEXTER, FAHEY, GRAYBER, PRUSAK, SOLLMAN (Pre-session filed.)

CHAPTER

AN ACT

Relating to disposition of dead bodies; creating new provisions; and amending ORS 97.010, 97.130, 97.145, 97.150, 97.153, 97.170, 97.200, 97.220, 97.510, 97.660, 97.665, 97.670, 97.675, 97.680, 97.720, 97.972, 146.121, 147.005, 226.410, 307.150, 409.742, 413.195, 432.005, 692.010, 692.025, 692.040, 692.148, 692.275, 692.405 and 801.288.

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

DISPOSITION OF HUMAN BODIES

SECTION 1. ORS 97.010 is amended to read:

97.010. As used in ORS 97.010 to 97.040, 97.110 to 97.450, 97.510 to 97.730, 97.810 to 97.920, 97.923 to 97.949, 97.990 and 97.994:

(1) **“Alkaline hydrolysis” or “hydrolysis” means the technical process for reducing human remains by placing the remains in a dissolution chamber that uses heat, pressure, water and base chemical agents, in a licensed hydrolysis facility, to reduce human remains to bone fragments and essential elements.**

(2) **“Alternative disposition facility” means a structure containing equipment purposed for reduction.**

[(1)] (3) **“Burial” means the placement of human remains in a grave or lawn crypt.**

[(2)] (4) **“Burial park” means a tract of land for the burial of human remains, used, or intended to be used, and dedicated for cemetery purposes.**

[(3)] (5) **“Burial right” means the right to use a grave, mausoleum, columbarium, ossuary or scattering garden for the interment or other disposition of human remains.**

[(4)] (6) **“Cemetery” means a place:**

(a) Dedicated to and used, or intended to be used, for a permanent memorial or the permanent interment of human remains; and

(b) That may contain a mausoleum, crypt or vault interment, a columbarium, an ossuary, a cenotaph, a scattering garden, any other structure or place used or intended to be used for the interment or disposition of human remains or any combination of these structures or places.

[(5)] (7) **“Cemetery association” means a corporation or association authorized by its articles of incorporation to conduct the business of a cemetery, but does not include a corporation sole or a charitable, eleemosynary association or corporation.**

[(6)] (8) **“Cemetery authority” means a person who owns or controls cemetery lands or property, including but not limited to a cemetery corporation, association or corporation sole.**

[(7)] (9) “Cemetery business” and “cemetery purpose” are used interchangeably and mean any business or purpose requisite or incident to, or necessary for establishing, maintaining, operating, improving or conducting a cemetery, interring human remains, and the care, preservation and embellishment of cemetery property.

[(8)] (10) “Cemetery merchandise” means personal property offered for sale or sold for use in connection with the final disposition, memorialization or interment of human remains. “Cemetery merchandise” includes, but is not limited to, an outer burial container and a memorial.

[(9)] (11) “Cemetery services” means services provided by a cemetery authority for interment or scattering, and installation of cemetery merchandise.

[(10)] (12) “Cenotaph” means a place, the primary purpose of which is to provide an area where a person may pay to establish a memorial to honor a person whose remains may be interred elsewhere or whose remains cannot be recovered.

[(11)] (13) “Columbarium” means a structure or room containing receptacles for permanent inurnment of cremated **or reduced** remains in a place used, or intended to be used, and dedicated for cemetery purposes.

[(12)] (14) “Cremated remains” means the remains of a cremated human body after completion of the cremation process.

[(13)] (15) “Cremation” means the technical process, using direct flame and heat, that reduces human remains to bone fragments.

[(14)] (16) “Crematory” means a structure containing a retort for the reduction of bodies of deceased persons to cremated remains.

[(15)] (17) “Crypt” or “vault” means a space in a mausoleum of sufficient size used, or intended to be used, to entomb uncremated **or uncremated** human remains.

[(16)] (18) “Directors” or “governing body” means the board of directors, board of trustees or other governing body of a cemetery association.

[(17)] (19) “Endowment care” means the general care and maintenance of developed portions of a cemetery and memorials erected thereon financed from the income of a trust fund.

[(18)] (20) “Entombment” means the placement of human remains in a crypt or vault.

[(19)] (21) “Funeral merchandise” means personal property offered for sale or sold for use in connection with funeral services. “Funeral merchandise” includes, but is not limited to, acknowledgment cards, alternative containers, caskets, clothing, cremation containers, cremation interment containers, flowers, memory folders, monuments, outer burial containers, prayer cards, register books and urns.

[(20)] (22) “Funeral services” means services customarily provided by a funeral service practitioner including, but not limited to, care and preparation of human remains for final disposition, professional services relating to a funeral or an alternative to a funeral, transportation of human remains, limousine services, use of facilities or equipment for viewing human remains, visitation, memorial services or services that are used in connection with a funeral or alternative to a funeral, coordinating or conducting funeral rites or ceremonies, and other services provided in connection with a funeral, alternative to a funeral or final disposition of human remains.

[(21)] (23) “Grave” means a space of ground in a burial park used, or intended to be used, for burial of the remains of one person.

[(22)] (24) “Human remains” or “remains” means the body of a deceased person in any stage of decomposition or after cremation **or reduction**.

[(23)] (25) “Interment” means the disposition of human remains by inurnment, entombment or burial.

[(24)] (26) “Inurnment” means the placement of cremated **or reduced** remains in a receptacle and the deposit of the receptacle in a niche.

[(25)] (27) “Lot,” “plot” or “burial space” means space in a cemetery owned by one or more individuals, an association or fraternal or other organization and used, or intended to be used, for the permanent interment therein of the remains of one or more deceased persons. Such terms include and apply with like effect to one, or more than one, adjoining grave, crypt, vault or niche.

[26] (28) "Mausoleum" means a structure substantially exposed above ground for the entombment of human remains in crypts or vaults in a place used, or intended to be used, and dedicated for cemetery purposes.

[27] (29) "Memorial" means a product, other than a mausoleum or columbarium, used for identifying an interment space or for commemoration of the life, deeds or career of a decedent including, but not limited to, an ossuary, monument, marker, niche plate, urn garden plaque, crypt plate, cenotaph, marker bench or vase.

(30) **"Natural organic reduction" means the contained, accelerated conversion of human remains to soil.**

[28] (31) "Niche" means a recess usually in a columbarium used, or intended to be used, for the inurnment of the cremated **or reduced** remains of one or more persons.

[29] (32) "Ossuary" means a receptacle used for the communal placement of cremated **or reduced** remains without benefit of an urn or any other container in which cremated **or reduced** remains may be commingled with other cremated **or reduced** remains and are nonrecoverable.

[30] (33) "Plot owner" or "owner" means any person identified in the records of the cemetery authority as owner of the burial rights to a burial plot, or who holds a certificate of ownership conveyed from the cemetery authority of the burial rights in a particular lot, plot or space.

(34) **"Reduced remains" means the remains of a human body after completion of reduction.**

(35) **"Reduction" means alkaline hydrolysis, natural organic reduction and any other method of final disposition of human remains authorized by the State Mortuary and Cemetery Board.**

[31] (36) "Scattering" means the lawful dispersion of cremated **or reduced** remains that need not be associated with an interment right or issuance of a deed, that may be recorded only as a service that has taken place and may not be recorded on the permanent records of the cemetery authority.

[32] (37) "Scattering garden" means a location set aside within a cemetery that is used for the spreading or broadcasting of cremated **or reduced** remains that have been removed from their container and can be mixed with or placed on top of the soil or ground cover or buried in an underground receptacle on a commingled basis and that are nonrecoverable.

[33] (38) "Special care" means any care in excess of endowed care in accordance with the specific directions of a donor of funds.

SECTION 2. ORS 97.130 is amended to read:

97.130. (1) Any individual of sound mind who is 18 years of age or older, by completion of a written signed instrument or by preparing or prearranging with any funeral service practitioner licensed under ORS chapter 692, may direct any lawful manner of disposition of the individual's remains. Except as provided under subsection (7) of this section, disposition directions or disposition prearrangements that are prepaid or that are filed with a funeral service practitioner licensed under ORS chapter 692 are not subject to cancellation or substantial revision.

(2) A person within the first applicable listed class among the following listed classes that is available at the time of death, in the absence of actual notice of a contrary direction by the decedent as described under subsection (1) of this section or actual notice of opposition by completion of a written instrument by a member of the same class or a member of a prior class, may direct any lawful manner of disposition of a decedent's remains by completion of a written instrument:

- (a) The spouse of the decedent.
- (b) A son or daughter of the decedent 18 years of age or older.
- (c) Either parent of the decedent.
- (d) A brother or sister of the decedent 18 years of age or older.
- (e) A guardian of the decedent at the time of death.
- (f) A person in the next degree of kindred to the decedent.
- (g) The personal representative of the estate of the decedent.

(h) The person nominated as the personal representative of the decedent in the decedent's last will.

(i) A public health officer.

(3)(a) The decedent or any person authorized in subsection (2) of this section to direct the manner of disposition of the decedent's remains may delegate such authority to any person 18 years of age or older.

(b) Delegation of the authority to direct the manner of disposition of remains must be made by completion of:

(A) The written instrument described in subsection (8) of this section; or

(B) The form described in subsection (4) of this section.

(c) The person to whom the authority is delegated has the same authority under subsection (2) of this section as the person delegating the authority.

(4)(a) A Record of Emergency Data, DD Form 93, or a successor form recognized by the Armed Forces of the United States, as that term is defined in ORS 348.282, completed by a member of the Armed Forces of the United States serves as a valid written instrument for purposes of subsection (3) of this section.

(b) In accordance with United States Department of Defense Instruction 1300.18, a member of the Armed Forces of the United States shall complete the form described in this subsection and shall verify the accuracy of the form at least annually.

(c) The form described in this subsection, regardless of the date on which the form was signed, supersedes any other written instrument that directs the disposition of the decedent's remains.

(5) Except as provided in subsection (4)(c) of this section, if a decedent or the decedent's designee issues more than one authorization or direction for the disposal of the decedent's remains, only the most recent authorization or direction is binding.

(6) A donation of anatomical gifts under ORS 97.951 to 97.982 takes priority over directions for the disposition of a decedent's remains under this section only if the person making the donation is of a priority under subsection (1) or (2) of this section the same as or higher than the priority of the person directing the disposition of the remains.

(7) If the decedent directs a disposition under subsection (1) of this section and those financially responsible for the disposition are without sufficient funds to pay for such disposition or the estate of the decedent has insufficient funds to pay for the disposition, or if the direction is unlawful, the direction is void and disposition shall be in accordance with the direction provided by the person given priority in subsection (2) of this section and who agrees to be financially responsible.

(8) The signature of the individual delegating the authority to direct the manner of disposition is required for the completion of the written instrument required in subsection (3)(b)(A) of this section. The following form or a form substantially similar shall be used by all individuals:

APPOINTMENT OF PERSON
TO MAKE DECISIONS
CONCERNING DISPOSITION
OF REMAINS

I, _____, appoint _____, whose address is _____ and whose telephone number is (____) _____, as the person to make all decisions regarding the disposition of my remains upon my death for my burial [or], cremation **or alternative disposition**. In the event _____ is unable to act, I appoint _____, whose address is _____ and whose telephone number is (____) _____, as my alternate person to make all decisions regarding the disposition of my remains upon my death for my burial [or], cremation **or alternative disposition**.

It is my intent that this Appointment of Person to Make Decisions Concerning Disposition of Remains act as and be accepted as the written authorization presently required by ORS 97.130 (or

its corresponding future provisions) or any other provision of Oregon Law, authorizing me to name a person to have authority to dispose of my remains.

DATED this ____ day of _____, _____.

(Signature)

DECLARATION OF WITNESSES

We declare that _____ is personally known to us, that he/she signed this Appointment of Person to Make Decisions Concerning Disposition of Remains in our presence, that he/she appeared to be of sound mind and not acting under duress, fraud or undue influence, and that neither of us is the person so appointed by this document.

Witnessed By: _____ Date: _____

Witnessed By: _____ Date: _____

(9) Subject to the provisions of ORS 97.951 to 97.982, if disposition of the remains of a decedent has not been directed and authorized under this section within 10 days after the date of the death of the decedent, a public health officer may direct and authorize disposition of the remains.

(10) Notwithstanding subsection (2) of this section, a person arrested for or charged with criminal homicide by reason of the death of the decedent may not direct the disposition of the decedent's remains. The disposition of the decedent's remains shall be made in accordance with the directions of an eligible person within the first applicable class established under subsection (2) of this section.

(11) Notwithstanding subsections (2) and (3) of this section, if the person who has the authority to direct the manner of disposition of cremated **or reduced** remains pursuant to subsection (1) or (2) of this section transfers any portion of the cremated **or reduced** remains to another person, the recipient of the cremated **or reduced** remains has the authority to direct the manner of disposition of the cremated **or reduced** remains in the recipient's possession.

SECTION 3. ORS 97.130, as amended by section 12a, chapter 384, Oregon Laws 2019, is amended to read:

97.130. (1) Any individual of sound mind who is 18 years of age or older, by completion of a written signed instrument or by preparing or prearranging with any funeral service practitioner licensed under ORS chapter 692, may direct any lawful manner of disposition of the individual's remains. Except as provided under subsection (7) of this section, disposition directions or disposition prearrangements that are prepaid or that are filed with a funeral service practitioner licensed under ORS chapter 692 are not subject to cancellation or substantial revision.

(2) A person within the first applicable listed class among the following listed classes that is available at the time of death, in the absence of actual notice of a contrary direction by the decedent as described under subsection (1) of this section or actual notice of opposition by completion of a written instrument by a member of the same class or a member of a prior class, may direct any lawful manner of disposition of a decedent's remains by completion of a written instrument:

- (a) The spouse of the decedent.
- (b) A son or daughter of the decedent 18 years of age or older.
- (c) Either parent of the decedent.
- (d) A brother or sister of the decedent 18 years of age or older.
- (e) A guardian of the decedent at the time of death.

(f) A person in the next degree of kindred to the decedent.
(g) The personal representative of the estate of the decedent.
(h) The person nominated as the personal representative of the decedent in the decedent's last will.

(i) A public health officer.

(3)(a) The decedent or any person authorized in subsection (2) of this section to direct the manner of disposition of the decedent's remains may delegate such authority to any person 18 years of age or older.

(b) Delegation of the authority to direct the manner of disposition of remains must be made by completion of:

(A) The written instrument described in subsection (8) of this section; or

(B) The form described in subsection (4) of this section.

(c) The person to whom the authority is delegated has the same authority under subsection (2) of this section as the person delegating the authority.

(4)(a) A Record of Emergency Data, DD Form 93, or a successor form recognized by the Armed Forces of the United States, as that term is defined in ORS 366.931, completed by a member of the Armed Forces of the United States serves as a valid written instrument for purposes of subsection (3) of this section.

(b) In accordance with United States Department of Defense Instruction 1300.18, a member of the Armed Forces of the United States shall complete the form described in this subsection and shall verify the accuracy of the form at least annually.

(c) The form described in this subsection, regardless of the date on which the form was signed, supersedes any other written instrument that directs the disposition of the decedent's remains.

(5) Except as provided in subsection (4)(c) of this section, if a decedent or the decedent's designee issues more than one authorization or direction for the disposal of the decedent's remains, only the most recent authorization or direction is binding.

(6) A donation of anatomical gifts under ORS 97.951 to 97.982 takes priority over directions for the disposition of a decedent's remains under this section only if the person making the donation is of a priority under subsection (1) or (2) of this section the same as or higher than the priority of the person directing the disposition of the remains.

(7) If the decedent directs a disposition under subsection (1) of this section and those financially responsible for the disposition are without sufficient funds to pay for such disposition or the estate of the decedent has insufficient funds to pay for the disposition, or if the direction is unlawful, the direction is void and disposition shall be in accordance with the direction provided by the person given priority in subsection (2) of this section and who agrees to be financially responsible.

(8) The signature of the individual delegating the authority to direct the manner of disposition is required for the completion of the written instrument required in subsection (3)(b)(A) of this section. The following form or a form substantially similar shall be used by all individuals:

APPOINTMENT OF PERSON
TO MAKE DECISIONS
CONCERNING DISPOSITION
OF REMAINS

I, _____, appoint _____, whose address is _____ and whose telephone number is (____) _____, as the person to make all decisions regarding the disposition of my remains upon my death for my burial [or], cremation **or alternative disposition**. In the event _____ is unable to act, I appoint _____, whose address is _____ and whose telephone number is (____) _____, as my alternate person to make all decisions regarding the disposition of my remains upon my death for my burial [or], cremation **or alternative disposition**.

It is my intent that this Appointment of Person to Make Decisions Concerning Disposition of Remains act as and be accepted as the written authorization presently required by ORS 97.130 (or its corresponding future provisions) or any other provision of Oregon Law, authorizing me to name a person to have authority to dispose of my remains.

DATED this ____ day of _____, _____.

(Signature)

DECLARATION OF WITNESSES

We declare that _____ is personally known to us, that he/she signed this Appointment of Person to Make Decisions Concerning Disposition of Remains in our presence, that he/she appeared to be of sound mind and not acting under duress, fraud or undue influence, and that neither of us is the person so appointed by this document.

Witnessed By: _____ Date: _____

Witnessed By: _____ Date: _____

(9) Subject to the provisions of ORS 97.951 to 97.982, if disposition of the remains of a decedent has not been directed and authorized under this section within 10 days after the date of the death of the decedent, a public health officer may direct and authorize disposition of the remains.

(10) Notwithstanding subsection (2) of this section, a person arrested for or charged with criminal homicide by reason of the death of the decedent may not direct the disposition of the decedent's remains. The disposition of the decedent's remains shall be made in accordance with the directions of an eligible person within the first applicable class established under subsection (2) of this section.

(11) Notwithstanding subsections (2) and (3) of this section, if the person who has the authority to direct the manner of disposition of cremated **or reduced** remains pursuant to subsection (1) or (2) of this section transfers any portion of the cremated **or reduced** remains to another person, the recipient of the cremated **or reduced** remains has the authority to direct the manner of disposition of the cremated **or reduced** remains in the recipient's possession.

SECTION 4. ORS 97.145 is amended to read:

97.145. No cemetery authority, crematory operator, **alternative disposition facility operator** or licensed funeral service practitioner interring [*or*], cremating **or reducing** remains pursuant to a written instrument signed by the decedent or a person described in ORS 97.130 (2) shall be liable for any failure to conform to the priority of control of remains provided in ORS 97.130, except when it shall have received two or more conflicting written instruments prior to interment [*or*], cremation **or reduction** of said remains.

SECTION 5. ORS 97.150 is amended to read:

97.150. (1)(a) If the cemetery authority, crematory operator, **alternative disposition facility operator** or licensed funeral service practitioner has been authorized to cremate **or reduce** remains of a decedent pursuant to ORS 97.130, the authorization must also contain further instructions to the cemetery authority, crematory operator, **alternative disposition facility operator** or licensed funeral service practitioner as to the final disposition of the cremated **or reduced** remains.

(b) If the cremated **or reduced** remains are left in the possession of the cemetery authority, crematory operator, **alternative disposition facility operator** or licensed funeral service practitioner and no instructions for final disposition are given to the cemetery authority, crematory operator, **alternative disposition facility operator** or licensed funeral service practitioner within 180

days after the date of cremation **or reduction**, the cemetery authority, crematory operator, **alternative disposition facility operator** or licensed funeral service practitioner shall make a reasonable effort to notify the person who has the authority to direct disposition of the cremated **or reduced** remains under ORS 97.130 (2). The notice must state that the cemetery authority, crematory operator, **alternative disposition facility operator** or licensed funeral service practitioner intends to dispose of the cremated **or reduced** remains unless the person who has the authority to direct disposition of the cremated **or reduced** remains gives instructions to the contrary to the cemetery authority, crematory operator, **alternative disposition facility operator** or licensed funeral service practitioner within 30 days after the date of the notice.

(c) Reasonable effort to notify includes, but is not limited to, notice, delivered personally or by certified mail, return receipt requested, to the person who has the authority to direct disposition of the cremated **or reduced** remains at the address of the person in the records of the cemetery authority, crematory operator, **alternative disposition facility operator** or licensed funeral service practitioner.

(d) If the person who has the authority to direct the disposition of the cremated **or reduced** remains has not given instructions for the disposition of the cremated **or reduced** remains within 30 days after the date of the notice, the cemetery authority, crematory operator, **alternative disposition facility operator** or licensed funeral service practitioner may dispose of the cremated **or reduced** remains as is legally practicable.

(2) A cemetery authority, crematory operator, **alternative disposition facility operator** or licensed funeral service practitioner is not liable in any civil or criminal proceeding relating to cremated **or reduced** remains that have been left in the possession of the cemetery authority, crematory operator, **alternative disposition facility operator** or licensed funeral service practitioner for a period of 180 days or more unless:

(a) The cemetery authority, crematory operator, **alternative disposition facility operator** or licensed funeral service practitioner has failed to make a reasonable effort to notify the person who has the authority to direct disposition of the cremated **or reduced** remains as described in subsection (1) of this section;

(b) A written contract has been entered into with the cemetery authority, crematory operator, **alternative disposition facility operator** or licensed funeral service practitioner for care of the cremated **or reduced** remains; or

(c) Permanent interment has been made.

(3) A cemetery authority is not liable in any civil or criminal proceeding relating to cremated **or reduced** remains that have been interred, scattered, placed in an ossuary or disposed of in any other manner within the cemetery if the person who physically possesses the cremated **or reduced** remains consents to the disposition.

(4) A cemetery authority is not liable in any civil or criminal proceeding relating to cremated **or reduced** remains that have been scattered within the cemetery without the knowledge of the cemetery authority. The cemetery authority may dispose of cremated **or reduced** remains that have been scattered within the cemetery without the knowledge of the cemetery authority as is legally practicable.

(5) If the cemetery authority, crematory operator, **alternative disposition facility operator** or licensed funeral service practitioner has complied with this section, then the cemetery authority, crematory operator, **alternative disposition facility operator** or licensed funeral service practitioner may dispose of the remains as is legally practicable.

SECTION 6. ORS 97.153 is amended to read:

97.153. Notwithstanding section 14, chapter 653, Oregon Laws 1991, or ORS 469.525, diagnostic or therapeutic radioisotopes remaining inside the uncremated **or unreduced** body of a deceased person may be buried, entombed or otherwise disposed of in a cemetery or other lawful place for the burial, entombment or other disposal of the uncremated **or unreduced** body of the deceased person even though the body contains low-level radioactive waste as defined under 42 U.S.C. 2021(b) as of January 1, 1995, by-product material as defined under 42 U.S.C. 2014 as of January 1, 1995, or spe-

cial nuclear material exempted by the United States Nuclear Regulatory Commission as of January 1, 1995, under authority of 42 U.S.C. 2077(d).

SECTION 7. ORS 97.170 is amended to read:

97.170. (1) As used in this section, "indigent person" means a deceased person who does not have a death or final expense benefit or insurance policy that pays for disposition of the deceased person's body or other means to pay for disposition of the deceased person's body and:

(a) Who does not have a relative or other person with the legal right to direct and the means to pay for disposition of the deceased person's body;

(b) Whose relative, or other person, with the legal right to direct the disposition of the deceased person's body does not pay or arrange to pay for, or refuses to direct, the disposition of the deceased person's body within 10 days of being notified of the death; or

(c) For whom no person other than a person described in paragraph (a) or (b) of this subsection wishes to direct and pay for the disposition of the deceased person's body.

(2) The State Mortuary and Cemetery Board shall maintain a list of institutions that may accept or process bodies for education or research purposes.

(3)(a) A funeral establishment licensed under ORS 692.146 that takes custody of the unclaimed body of a deceased person shall, within five days after taking custody of the body:

(A) Submit a report of death under ORS 432.133;

(B) Obtain all contact information known to the medical examiner, a health care facility or law enforcement regarding persons listed in ORS 97.130;

(C) Attempt to locate and notify the persons listed in ORS 97.130;

(D) Arrange with any person listed in ORS 97.130 who will pay the expenses to make disposition of the body;

(E) If no person listed in ORS 97.130 can be located to pay the expenses to make disposition of the body, arrange with a person or institution not listed in ORS 97.130 that will pay the expenses to make disposition of the body;

(F) Determine whether the Department of State Lands or other person is appointed as the personal representative of the deceased person pursuant to ORS 113.085; and

(G) Contact the Department of Veterans' Affairs to determine whether the decedent is eligible for any state or federal benefits.

(b) If no one claims the body within 10 days after the funeral establishment takes custody of the body, or if the persons notified acquiesce, or if the decedent is not eligible for any benefits described in paragraph (a)(G) of this subsection, the funeral establishment may transfer the body to an institution on the list of institutions described in subsection (2) of this section that desires the body for education or research purposes.

(c) If no person or institution claims the body as provided in paragraphs (a) and (b) of this subsection, the funeral establishment may cremate **or reduce** or bury the body without the consent of persons listed in ORS 97.130 and is indemnified from any liability arising from having made such disposition. The method of disposition must be in the least costly and most environmentally sound manner that complies with law, and that does not conflict with known wishes of the deceased. If the deceased person is an indigent person, the board shall reimburse the funeral establishment for the costs of disposition under subsection (5) of this section.

(4) If the deceased person is a child over whom the Department of Human Services held guardianship at the time of death, the department shall promptly attempt to locate and notify the relatives of the deceased child or any other person who has an interest in the deceased child and shall arrange with any person who will pay the expenses to make disposition of the body. If no relatives or interested persons claim the body, the department may transfer the body to an institution that is on the list maintained by the board under subsection (2) of this section that desires the body for education or research purposes, or may authorize burial or cremation **or reduction** of the body. The department shall pay expenses related to burial or cremation **or reduction** authorized by the department under this subsection.

(5) Upon receipt of a qualifying statement as required by the board by rule that the deceased person is an indigent person, the board shall reimburse a funeral establishment the reasonable costs for disposition of the body of any unclaimed deceased indigent person. The method of disposition must be in the least costly and most environmentally sound manner that complies with law. The board shall adopt rules establishing the requirements and process for reimbursement and setting the amount that may be reimbursed to a funeral establishment under this subsection.

SECTION 8. ORS 97.170, as amended by section 53, chapter 678, Oregon Laws 2019, is amended to read:

97.170. (1) As used in this section, “indigent person” means a deceased person who does not have a death or final expense benefit or insurance policy that pays for disposition of the deceased person’s body or other means to pay for disposition of the deceased person’s body and:

(a) Who does not have a relative or other person with the legal right to direct and the means to pay for disposition of the deceased person’s body;

(b) Whose relative, or other person, with the legal right to direct the disposition of the deceased person’s body does not pay or arrange to pay for, or refuses to direct, the disposition of the deceased person’s body within 10 days of being notified of the death; or

(c) For whom no person other than a person described in paragraph (a) or (b) of this subsection wishes to direct and pay for the disposition of the deceased person’s body.

(2) The State Mortuary and Cemetery Board shall maintain a list of institutions that may accept or process bodies for education or research purposes.

(3)(a) A funeral establishment licensed under ORS 692.146 that takes custody of the unclaimed body of a deceased person shall, within five days after taking custody of the body:

(A) Submit a report of death under ORS 432.133;

(B) Obtain all contact information known to the medical examiner, a health care facility or law enforcement regarding persons listed in ORS 97.130;

(C) Attempt to locate and notify the persons listed in ORS 97.130;

(D) Arrange with any person listed in ORS 97.130 who will pay the expenses to make disposition of the body;

(E) If no person listed in ORS 97.130 can be located to pay the expenses to make disposition of the body, arrange with a person or institution not listed in ORS 97.130 that will pay the expenses to make disposition of the body;

(F) Determine whether the State Treasurer or other person is appointed as the personal representative of the deceased person pursuant to ORS 113.085; and

(G) Contact the Department of Veterans’ Affairs to determine whether the decedent is eligible for any state or federal benefits.

(b) If no one claims the body within 10 days after the funeral establishment takes custody of the body, or if the persons notified acquiesce, or if the decedent is not eligible for any benefits described in paragraph (a)(G) of this subsection, the funeral establishment may transfer the body to an institution on the list of institutions described in subsection (2) of this section that desires the body for education or research purposes.

(c) If no person or institution claims the body as provided in paragraphs (a) and (b) of this subsection, the funeral establishment may cremate **or reduce** or bury the body without the consent of persons listed in ORS 97.130 and is indemnified from any liability arising from having made such disposition. The method of disposition must be in the least costly and most environmentally sound manner that complies with law, and that does not conflict with known wishes of the deceased. If the deceased person is an indigent person, the board shall reimburse the funeral establishment for the costs of disposition under subsection (5) of this section.

(4) If the deceased person is a child over whom the Department of Human Services held guardianship at the time of death, the department shall promptly attempt to locate and notify the relatives of the deceased child or any other person who has an interest in the deceased child and shall arrange with any person who will pay the expenses to make disposition of the body. If no relatives or interested persons claim the body, the department may transfer the body to an institu-

tion that is on the list maintained by the board under subsection (2) of this section that desires the body for education or research purposes, or may authorize burial or cremation **or reduction** of the body. The department shall pay expenses related to burial or cremation **or reduction** authorized by the department under this subsection.

(5) Upon receipt of a qualifying statement as required by the board by rule that the deceased person is an indigent person, the board shall reimburse a funeral establishment the reasonable costs for disposition of the body of any unclaimed deceased indigent person. The method of disposition must be in the least costly and most environmentally sound manner that complies with law. The board shall adopt rules establishing the requirements and process for reimbursement and setting the amount that may be reimbursed to a funeral establishment under this subsection.

SECTION 9. ORS 97.200 is amended to read:

97.200. (1) An institution that uses a body for ongoing research pursuant to ORS 97.170 shall bury respectfully or cremate **or reduce** the remains upon completion of use. If the institution cremates **or reduces** the remains, the institution shall deliver the [ashes] **cremated or reduced remains** to a relative of the deceased person if a relative is known to the institution. If no relative is known to the institution, the institution shall hold the [ashes] **cremated or reduced remains** for three years after cremation **or reduction** and may then dispose of the [ashes] **cremated or reduced remains** in a respectful manner. The institution shall pay burial, cremation, **reduction**, storage and delivery expenses for a body the institution used pursuant to ORS 97.170.

(2) Notwithstanding subsection (1) of this section, an institution that uses a body pursuant to ORS 97.170 only for instruction on preservation of a body shall, upon completion of use, return the body to the funeral establishment from where the institution received the body.

SECTION 10. ORS 97.220 is amended to read:

97.220. (1) Except as provided in ORS 97.223, the remains of a deceased person interred in a plot in a cemetery may be removed from the plot with the consent of the cemetery authority and written consent of:

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

(b) If the remains are cremated **or reduced** remains, the person who had possession of the cremated **or reduced** remains and authorized the interment of the cremated **or reduced** remains.

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

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

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

SECTION 11. ORS 97.510 is amended to read:

97.510. (1) After filing the map or plat and recording the declaration of dedication, a cemetery authority may sell and convey plots subject to such rules and regulations as may be then in effect and subject to such other and further limitations, conditions and restrictions made a part of the declaration of dedication by reference or included in the instrument of conveyance of the plot.

(2) Scattering of cremated **or reduced** remains in a scattering garden is not a sale or conveyance.

SECTION 12. ORS 97.660 is amended to read:

97.660. A nonprofit corporation organized and existing solely for the purposes of either owning and operating a cemetery or cremating [dead bodies] **or reducing the bodies of deceased persons** and burying and caring for [incinerate] **cremated or reduced** remains, may purchase or take, by gift

or devise, and own and hold lands for the sole purpose of either a cemetery, [or] a crematory **or an alternative disposition facility** and burial place for [incinerate] **cremated or reduced** remains. Such lands shall be exempt from execution, and from any appropriation for public purposes, and lots or portions of such land and space in any buildings thereon may be sold, if intended to be used exclusively for burial purposes, and in no wise with a view to the profit of the members of such corporation. The land so held for cemetery purposes shall not exceed 600 acres, but if the land already held for such purpose by the corporation is all practically used, the amount thereof may be increased by adding thereto not more than 20 acres at any one time. The land so held for the purposes of a crematory **or alternative disposition facility** and the burial of [incinerate] **cremated or reduced** remains shall not exceed 30 acres, but if the land already held for such purposes by the corporation is all practically used, the amount thereof may be increased by adding thereto not more than 10 acres at any one time. Lands held for the purposes described in this section shall be exempt from taxation as provided in ORS 307.150.

SECTION 13. ORS 97.665 is amended to read:

97.665. (1) A nonprofit corporation organized or existing solely for the purposes of either owning and operating a cemetery or cremating [dead bodies] **or reducing the bodies of deceased persons** and burying and caring for [incinerate] **cremated or reduced** remains may, by its bylaws, provide that a stated percentage of the money received from the sale of lots and burial space, cremation **or reduction** of bodies, donations, gifts or other sources of revenue shall constitute an irreducible fund. Any bylaw enacted for the creation of the irreducible fund cannot be amended to reduce the fund.

(2) The board of directors may direct the investment of the money in the irreducible fund, but all investments of money deposited in the fund on or after January 1, 1972, shall be in securities in classes and amounts approved by the State Treasurer and published in a list pursuant to ORS 97.820. If a bank or trust company qualified to engage in the trust business is directed by the board of directors to invest the money in the irreducible fund, the bank or trust company shall be governed by ORS 130.750 to 130.775 and shall not be required to invest the money according to the list approved by the State Treasurer. An officer of the corporation shall file with the Director of the Department of Consumer and Business Services on or before April 15 of each year a verified statement in duplicate containing the same information pertaining to the irreducible fund as provided in ORS 97.810 (4) regarding endowment care funds. The director may require the corporation to file, as often as the director considers it to be necessary, a detailed report of the conditions and assets of the irreducible fund.

(3) The interest or income arising from the irreducible fund provided for in this section or by any bylaws, or so much thereof as is necessary, shall be devoted exclusively to the preservation and embellishment of the grounds, buildings and property of the corporation and the lots and space in buildings or grounds sold to the members of the corporation, or to the payment of the interest or principal of the debts authorized by subsection (5) of this section for the purchase of land, erecting buildings, and improvements. Any surplus thereof not needed or used for such purposes shall be invested as provided in this section and shall become part of the irreducible fund.

(4) After paying for the land and the erection of the original buildings and improvements thereon, all the future receipts and income of the corporation subject to the provisions in this section relating to the creation of an irreducible fund, whether from the sale of lots and burial space, cremation **or reduction** of bodies, donations, gifts and other sources, shall be applied exclusively to laying out, preserving, protecting, embellishing and beautifying the cemetery, [or] the crematory **or the alternative disposition facility** and grounds thereof, and the avenues leading thereto, and to the erection of such buildings and improvements as may be necessary or convenient for cemetery [or], crematory **or reduction** purposes, and to pay the necessary expenses of the corporation.

(5) No debts shall be contracted by such corporation in anticipation of any future receipts, except for originally purchasing the lands authorized to be purchased by it, laying out and embellishing the grounds and avenues, erecting buildings and vaults on such land, and improving them for the purposes of the corporation. The corporation may issue bonds or notes for debts so

contracted and may secure them by way of mortgage upon any of its lands, buildings, property and improvements excepting lots or space conveyed to the members.

SECTION 14. ORS 97.670 is amended to read:

97.670. If in the board of directors' opinion, any portion of the lands of a nonprofit corporation organized and existing solely for the purposes of either owning or operating a cemetery or the cremation [of dead bodies] **or reduction of bodies of deceased persons** and the burial and care of [incinerate] **cremated or reduced** remains is unsuitable for burial purposes or other purposes of the corporation, the board of directors may sell such portion and apply the proceeds to the general purposes of such corporation in the same proportion and manner as provided by ORS 97.660 to 97.680.

SECTION 15. ORS 97.675 is amended to read:

97.675. Burial lots or space for burial of [incinerate] **cremated or reduced** remains in buildings or grounds sold by a nonprofit corporation organized and existing solely for the purposes of either owning and operating a cemetery or cremating [dead bodies] **or reducing the bodies of deceased persons** and burying and caring for [incinerate] **cremated or reduced** remains shall be for the sole purpose of interment or deposit and safekeeping of [incinerate] **cremated or reduced** remains. Such lots or space shall be exempt from execution, attachment or other lien or process, if used as intended by the purchaser thereof from such corporation, or the assigns or representatives of the purchaser, exclusively for burial purposes, and in no wise with a view to profit. Such lots or space shall be exempt from taxation as provided in ORS 307.150. The vendor of any gravestone, however, shall not be prevented from having and enforcing a lien thereon for all or part of its purchase price. If a suit is brought to enforce such a lien, the judgment therein is enforceable thereafter; and, for the purpose of enabling the lien to be had and enforced, the gravestone shall be deemed personal property and may be severed and removed, under execution and order of sale, from the lot where it is situated and may be sold in the same manner as any other personal property.

SECTION 16. ORS 97.680 is amended to read:

97.680. (1) As used in this section, "plan" means a document indicating the placement of lots or burial spaces, and of the niches or inurnment spaces in the buildings erected thereon, as established and authorized by the cemetery authority.

(2) A nonprofit corporation organized and existing solely for the purposes of owning and operating a cemetery or cremating [dead bodies] **or reducing the bodies of deceased persons** and burying and caring for [incinerate] **cremated or reduced** remains shall cause a plan of its land and grounds and of the lots laid out by it and of the niches or burial space in the buildings erected thereon to be made and recorded in the county in which such grounds and land are located, such lots or spaces to be numbered by regular consecutive numbers. Such corporation may enclose, improve, and adorn the grounds, buildings, and avenues, prescribe rules for the designation, improvement and adorning of lots and burial spaces and for erecting monuments, and prohibit any use, division, improvement or adornment of a lot or burial space which it may deem improper.

SECTION 17. ORS 97.720 is amended to read:

97.720. (1) The person in charge of any premises on which interments [or], cremations **or reductions** are made shall keep a record of all remains interred or cremated **or reduced** on the premises under the person's charge, in each case stating the name of each deceased person, the date of interment [or], cremation **or reduction**, and the name and address of the funeral service practitioner. The interment records shall be open to inspection by survivors of the decedent during the customary office hours of the cemetery authority.

(2) A record shall be kept of the ownership of all plots in the cemetery which have been conveyed by the cemetery authority and of all transfers of plots in the cemetery.

SECTION 18. ORS 97.972 is amended to read:

97.972. (1) When a hospital refers an individual at or near death to a procurement organization, the organization shall make a reasonable search of the records of the Department of Transportation and any donor registry that it knows exists for the geographical area in which the individual resides to ascertain whether the individual has made an anatomical gift.

(2) A procurement organization must be allowed reasonable access to information in the records of the Department of Transportation to ascertain whether an individual at or near death is a donor.

(3) When a hospital refers an individual at or near death to a procurement organization, the organization may conduct any reasonable examination necessary to ensure the medical suitability of a body part that is or could be the subject of an anatomical gift for transplantation, therapy, research or education from a donor or a prospective donor. During the examination period, measures necessary to ensure the medical suitability of the body part may not be withdrawn unless the hospital or procurement organization knows that the individual expressed a contrary intent.

(4)(a) Unless otherwise prohibited by law, at any time after a donor's death, the person to whom a body part passes under ORS 97.969 may conduct any reasonable examination necessary to ensure the medical suitability of the body or body part for its intended purpose.

(b) A transplant hospital may not deny a recipient from receiving an anatomical gift exclusively on the basis that the recipient is a registry identification cardholder as defined in ORS 475B.791.

(5) Unless otherwise prohibited by law, an examination under subsection (3) or (4)(a) of this section may include an examination of all medical and dental records of the donor or prospective donor.

(6) Upon the death of a minor who was a donor or had signed a refusal, unless a procurement organization knows the minor is emancipated, the procurement organization shall conduct a reasonable search for the parents of the minor and provide the parents with an opportunity to revoke or amend the anatomical gift or revoke the refusal.

(7) Upon referral by a hospital under subsection (1) of this section, a procurement organization shall make a reasonable search for any person listed in ORS 97.965 having priority to make an anatomical gift on behalf of a prospective donor. If a procurement organization receives information that an anatomical gift to any other person was made, amended or revoked, it shall promptly advise the other person of all relevant information.

(8) Subject to ORS 97.969 (9) and 97.980, the rights of the person to whom a body part passes under ORS 97.969 are superior to the rights of all others with respect to the body part. The person may accept or reject an anatomical gift in whole or in part. Subject to the terms of the document of gift and ORS 97.951 to 97.982, a person who accepts an anatomical gift of an entire body may allow embalming, burial *[or]*, cremation **or reduction** and use of remains in a funeral service. If the gift is of a body part, the person to whom the body part passes under ORS 97.969, upon the death of the donor and before embalming, burial *[or]*, cremation **or reduction**, shall cause the body part to be removed without unnecessary mutilation.

(9) Neither the physician who attends the decedent at death nor the physician who determines the time of the decedent's death may participate in the procedures for removing or transplanting a body part from the decedent.

(10) A physician or technician may remove from the body of a donor a donated body part that the physician or technician is qualified to remove.

STATE MORTUARY AND CEMETERY BOARD

SECTION 19. ORS 692.010 is amended to read:

692.010. As used in this chapter:

(1) **“Alkaline hydrolysis” or “hydrolysis” means the technical process for reducing human remains by placing the remains in a dissolution chamber that uses heat, pressure, water and base chemical agents, in a licensed hydrolysis facility, to reduce human remains to bone fragments and essential elements.**

[(1)] (2) “Board” means the State Mortuary and Cemetery Board.

[(2)] (3) “Cemetery” means any one, or a combination of more than one, of the following, in a place used, or intended to be used, and dedicated, for cemetery purposes:

- (a) A burial park, for earth interments;
- (b) A mausoleum, for crypt interments;

(c) A columbarium, for permanent [*cinerary*] interments **of cremated or reduced remains**;
(d) A scattering garden or other designated area above or below ground where a person may pay to establish a memorial of cremated **or reduced** remains; or

(e) A cenotaph, the primary purpose of which is to provide an area where a person may pay to establish a memorial to honor a person whose remains may be interred elsewhere or whose remains cannot be recovered.

[3] (4) “Exempt operating cemetery” means an operating cemetery that has 10 or fewer interments annually.

[4] (5) “Final disposition” means the burial, interment, cremation, dissolution, **reduction** or other disposition of human remains authorized by the board by rule.

[5] (6) “Holding room” means a room that is located in a licensed facility for the care, storage or holding of dead human bodies prior to effecting disposition.

[6] (7) “Immediate disposition company” means any business licensed under this chapter, other than a licensed funeral establishment, where a licensed funeral service practitioner operates the business of immediate final disposition and where business records are kept.

(8) “Natural organic reduction” means the contained, accelerated conversion of human remains to soil.

[7] (9) “Operating cemetery” means a cemetery that:

- (a) Performs interments;
- (b) Has fiduciary responsibility for endowment care, general care or special care funds; or
- (c) Has outstanding preneed service contracts for unperformed services.

(10) “Reduced remains” means the remains of a human body after completion of reduction.

(11) “Reduction” means alkaline hydrolysis, natural organic reduction and any other method of final disposition of human remains authorized by the board.

[8] (12) “Rental cover” means a partial enclosure that appears similar to a casket that is utilized for viewing purposes and surrounds the burial, [*or*] cremation **or alternative** container.

SECTION 20. ORS 692.025 is amended to read:

692.025. (1) An individual may not practice as a funeral service practitioner unless the individual is licensed as a funeral service practitioner under ORS 692.045. Regardless of any title used by the individual, an individual practices as a funeral service practitioner if the individual is engaged directly or indirectly in offering funeral services for payment or supervising or otherwise controlling the transportation, care, preparation, processing and handling of dead human bodies before the bodies undergo final disposition, or before the bodies are transported out of the State of Oregon.

(2) An individual may not practice as an embalmer unless the individual is licensed as an embalmer under ORS 692.105. Regardless of any title used by the individual, an individual practices as an embalmer if the individual is engaged or purports to be engaged in either of the following:

- (a) The practice of disinfecting or preserving from decay dead human bodies.
- (b) Preparing human bodies dead of contagious or infectious disease for transportation by railroad, express company or common carrier.

(3) An individual may not practice as a death care consultant unless the individual is licensed as a death care consultant under ORS 692.143. Regardless of any title used by the individual, an individual practices as a death care consultant if the individual offers, for payment, consultations directly relating to the performance of funeral or final disposition services.

(4) A person may not operate a funeral establishment unless the establishment meets the requirements under this subsection. A place is a funeral establishment if the place is customarily used for the care, preparation or viewing of dead human bodies before the bodies undergo final disposition, or before the bodies are transported out of the State of Oregon. A funeral establishment must:

- (a) Be licensed by the State Mortuary and Cemetery Board under ORS 692.146;
- (b) Be operated by a funeral service practitioner;
- (c) Have on the premises embalming facilities or holding room facilities meeting requirements established by the board; and

(d) Have access to hospital or mortuary refrigeration.

(5) A person may not operate an immediate disposition company unless the immediate disposition company meets the requirements under this subsection. An immediate disposition company must:

(a) Be licensed at a fixed location under ORS 692.146; and

(b) Be operated by a licensed funeral service practitioner.

(6) A person or city, county or other municipal corporation may not conduct the business of an operating cemetery without first receiving a certificate of authority to conduct the business of an operating cemetery under ORS 692.275.

(7) A person may not operate a crematorium unless the crematorium meets the requirements of ORS 692.275.

(8) A person may not operate an alternative disposition facility unless the facility meets the requirements of ORS 692.275.

~~[(8)]~~ (9) An applicant for a license or certificate described in this section and a principal of a licensed establishment described in this section must consent to a background check, including information solicited from the Department of State Police.

SECTION 21. ORS 692.040 is amended to read:

692.040. This chapter does not apply to any of the following:

(1) A public institution, medical college, county medical society, anatomical association, college of embalming or institution approved by the State Mortuary and Cemetery Board to accept bodies for education or research purposes under ORS 97.170.

(2) The customs or rites of any religious sect except as to the burial or other disposition of their dead.

(3) A person who picks up dead human bodies under the direction of a licensed funeral service practitioner for delivery to a licensed funeral service practitioner, a licensed funeral establishment, an authorized cemetery, an authorized crematorium or another authorized facility for final disposition of human remains pursuant to an agreement with the funeral service practitioner, if the person is not otherwise engaged in any of the activities of a funeral service practitioner, an embalmer, a funeral establishment, a death care consultant, a cemetery, ~~[or] a crematorium~~ **or an alternative disposition facility** as described in ORS 692.025 or another authorized facility for final disposition of human remains as described in ORS 692.275.

(4) A person who picks up dead human bodies under the direction of a licensed funeral service practitioner employed by a funeral establishment registered under ORS 692.270 for transportation out of the state or for delivery out of the state to a funeral service practitioner, funeral establishment, cemetery, ~~[or] crematorium~~ **or alternative disposition facility** pursuant to an agreement with the funeral service practitioner, if the person is not otherwise engaged in any of the activities of a funeral service practitioner, an embalmer, a funeral establishment, a death care consultant, a cemetery, ~~[or] a crematorium~~ **or an alternative disposition facility** as described in ORS 692.025 or another authorized facility for final disposition of human remains as described in ORS 692.275.

SECTION 22. ORS 692.148 is amended to read:

692.148. (1) If the principals of a licensed funeral establishment or immediate disposition company change, the establishment or company shall apply to the State Mortuary and Cemetery Board for a new license.

(2) A person holding a license or certificate of authority or who is registered under this chapter shall apply to the board for reissuance of the license, certificate or registration if any of the following occur:

(a) The name of the person changes;

(b) The location of the funeral establishment, immediate disposition company, ~~[or] crematorium~~ **or alternative disposition facility** changes;

(c) A trainee registered under ORS 692.190 transfers from one licensed funeral service practitioner or licensed embalmer to another;

(d) The original license, registration or certificate is lost or destroyed; or

(e) When a person holding a license or certificate of authority issued under this chapter obtains another license or certificate of authority issued under this chapter.

(3) The application for reissuance of the license, registration or certificate shall include payment of the fee established under ORS 692.160. The board shall reissue the license, certificate or registration when the board receives the application and the fee.

SECTION 23. ORS 692.275 is amended to read:

692.275. (1) A person may not conduct the business of an operating cemetery unless the person has a certificate of authority to do so. A person may apply for a certificate of authority on a form provided by the State Mortuary and Cemetery Board. The application must be accompanied by the application fee established under ORS 692.160. However, any exempt operating cemetery is entitled to receive a certificate of authority to operate upon payment of an initial fee not to exceed \$100 and a fee not to exceed \$50 for registration of all principals regardless of the total number of principals. An exempt operating cemetery is not required to pay the renewal fee or the fee for any change in principal other than the cemetery manager.

(2) A cemetery, other than an operating cemetery or a historic cemetery listed with the Oregon Commission on Historic Cemeteries under ORS 97.782, must be registered with the board. An owner of a cemetery, other than an operating cemetery or a historic cemetery listed with the Oregon Commission on Historic Cemeteries under ORS 97.782, must register the cemetery with the board on a form provided by the board. No fee may be required of a cemetery registrant.

(3) A person may not operate a crematorium unless the person has a certificate of authority to do so. A person may apply for a certificate of authority to operate a crematorium on a form provided by the board. The application must be accompanied by the application fee established under ORS 692.160.

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

[(4)] (5) For purposes of this section and ORS 692.025, each location of a cemetery, [or] crematorium **or other facility for final disposition of human remains** is a separate location and must be licensed separately. Those cemeteries that are subject to registration must be registered separately.

[(5)] (6) The board may consider the recommendations of national associations:

(a) Related to cremation in adopting rules regulating crematoriums.

(b) Related to an alternative final disposition in adopting rules regulating the alternative final disposition.

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

(7) This section applies to operating cemeteries or other cemeteries owned by any city, county or other municipal corporation.

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

SECTION 24. ORS 692.405 is amended to read:

692.405. The funeral service practitioner or person acting as such shall be responsible for causing to be affixed to each receptacle, as defined by rule of the State Mortuary and Cemetery Board, in which a dead human body is contained an identifying metal disc, of a design to be approved by rule of the State Mortuary and Cemetery Board, that shall remain attached to the receptacle in which the body is contained and shall bear a corresponding number that is also in the report of death and the final disposition permit. In the event of cremation **or reduction**, the disc shall stay with the cremated **or reduced** remains.

CONFORMING AMENDMENTS

SECTION 25. ORS 146.121 is amended to read:

146.121. (1) No person shall bury or otherwise dispose of the body of a person whose death required investigation, without having first obtained a burial [or], cremation **or reduction** permit, or a report of death completed and signed by a medical examiner.

(2) When a medical examiner investigates the death of a person whose body is not claimed by a friend or relative within five days of the date of death, the sheriff or, in counties having a population of 400,000 or more, the medical examiner shall dispose of the body according to the provisions of ORS 97.170 to 97.210.

(3) If the medical examiner is unable to dispose of the body of a deceased person according to subsection (2) of this section, the medical examiner may order in writing that the body be either cremated, **reduced** or plainly and decently buried.

(4) The sheriff or medical examiner shall file a copy of the report of death, the order for disposition and a verified statement of the expenses of the cremation, **reduction** or burial with the board of county commissioners. The board of county commissioners shall pay such expenses, or any proportion thereof as may be available, from county funds annually budgeted for this purpose.

SECTION 26. ORS 147.005 is amended to read:

147.005. As used in ORS 147.005 to 147.367 unless the context requires otherwise:

(1) "Applicant" means:

(a) Any victim of a compensable crime who applies to the Department of Justice for compensation under ORS 147.005 to 147.367;

(b) Any person who was a dependent of a deceased victim at the time of the death of that victim;

(c) Any person who is a survivor of a deceased victim; or

(d) Any person eligible for compensation under ORS 147.025.

(2) "Board" means the Workers' Compensation Board.

(3) "Child" means an unmarried person who is under 18 years of age and includes a posthumous child, stepchild or an adopted child.

(4) "Compensable crime" means abuse of corpse in any degree or an intentional, knowing, reckless or criminally negligent act that results in injury or death of another person and that, if committed by a person of full legal capacity, would be punishable as a crime in this state.

(5) "Counseling" has the meaning given that term by the department by rule.

(6) "Dependent" means such relatives of a deceased victim who wholly or partially were dependent upon the victim's income at the time of death or would have been so dependent but for the victim's incapacity due to the injury from which the death resulted.

(7) "Department" means the Department of Justice.

(8) "Funeral expenses" means expenses of the funeral, burial, cremation, **reduction** or other chosen method of interment, including plot or tomb and other necessary incidents to the disposition of the remains and also including, in the case of abuse of corpse in any degree, reinterment.

(9) "Injury" means abuse of a corpse or actual bodily harm and, with respect to a victim, includes pregnancy and mental or nervous shock.

(10) "International terrorism" means activities that:

(a) Involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or any state or that would be a criminal violation if committed within the jurisdiction of the United States or of any state;

(b) Appear to be intended to:

(A) Intimidate or coerce a civilian population;

(B) Influence the policy of a government by intimidation or coercion; or

(C) Affect the conduct of a government by assassination or kidnapping; and

(c) Occur primarily outside the territorial jurisdiction of the United States or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum.

(11) "Involved in the hearing" and "involved in the oral argument" have the meaning given those terms by the department by rule.

(12) "Law enforcement official" means a sheriff, constable, marshal, municipal police officer or member of the Oregon State Police and such other persons as may be designated by law as a peace officer.

(13) "**Reduction**" has the meaning given that term in ORS 97.010.

[(13)] (14) "Relative" means a person related to the victim within the third degree as determined by the common law, a spouse, or an individual related to the spouse within the third degree as so determined and includes an individual in an adoptive relationship.

[(14)] (15) "Survivor" means any spouse, parent, grandparent, guardian, sibling, child or other immediate family member or household member of a deceased victim.

[(15)] (16) "Victim" means:

(a) A person:

(A) Killed or injured in this state as a result of a compensable crime perpetrated or attempted against that person;

(B) Killed or injured in this state while attempting to assist a person against whom a compensable crime is being perpetrated or attempted, if that attempt of assistance would be expected of a reasonable person under the circumstances;

(C) Killed or injured in this state while assisting a law enforcement official to apprehend a person who has perpetrated a crime or to prevent the perpetration of any such crime, if that assistance was in response to the express request of the law enforcement official;

(D) Killed or injured in another state as a result of a criminal episode that began in this state;

(E) Who is an Oregon resident killed or injured as a result of a compensable crime perpetrated or attempted against the person in a state, within the United States, without a reciprocal crime victims' compensation program; or

(F) Who is an Oregon resident killed or injured by an act of international terrorism committed outside the United States; or

(b) In the case of abuse of corpse in any degree, the corpse or a relative of the corpse.

SECTION 27. ORS 226.410 is amended to read:

226.410. Any incorporated city may acquire, own, maintain and operate cemeteries, [and] crematoria **and other facilities authorized for the disposition of human remains** either inside or outside its corporate limits, in accordance with such plans as the city governing body deems best.

SECTION 28. ORS 409.742 is amended to read:

409.742. (1) Notwithstanding any other provision of law, the Department of Human Services shall disclose to the general public the name and the dates of birth and death of a person whose cremated **or reduced** remains are in the possession of the department for the purpose of:

(a) Giving a family member of the person an opportunity to claim the cremated **or reduced** remains; and

(b) Creating a memorial for those persons whose cremated **or reduced** remains are not claimed.

(2) If an individual contacts the department to determine whether the department is in possession of the cremated **or reduced** remains of a family member of the individual and the department determines that the department is in possession of the cremated **or reduced** remains, the department shall disclose to the individual that the department is in possession of the cremated **or reduced** remains and offer the individual the opportunity to claim the remains.

(3) As used in this section[,]:

(a) "**Alkaline hydrolysis**" or "**hydrolysis**" means the technical process for reducing human remains by placing the remains in a dissolution chamber that uses heat, pressure, water and base chemical agents, in a licensed hydrolysis facility, to reduce human remains to bone fragments and essential elements.

(b) "Family member" means any individual related by blood, marriage or adoption to a person whose cremated **or reduced** remains are in the possession of the department.

(c) "**Natural organic reduction**" means the contained, accelerated conversion of human remains to soil.

(d) **“Reduced remains” means the remains of a human body after completion of an authorized process for reducing human remains. Authorized processes for reducing human remains include alkaline hydrolysis, natural organic reduction and any other alternative process authorized by the State Mortuary and Cemetery Board.**

SECTION 29. ORS 413.195 is amended to read:

413.195. (1) As used in this section[,]:

(a) “Family member” means any individual related by blood, marriage or adoption to a person whose cremated **or reduced** remains are in the possession of the Oregon Health Authority.

(b) **“Reduced remains” means the remains of a human body after completion of an authorized process for reducing human remains. Authorized processes for reducing human remains include alkaline hydrolysis, natural organic reduction and any other alternative process authorized by the State Mortuary and Cemetery Board.**

(2) Notwithstanding any other provision of law, the authority shall disclose to the general public the name and the dates of birth and death of a person whose cremated **or reduced** remains are in the possession of the authority for the purpose of:

(a) Giving a family member of the person an opportunity to claim the cremated **or reduced** remains; or

(b) Creating a memorial for those persons whose cremated **or reduced** remains are not claimed.

(3) If an individual contacts the authority to determine whether the authority is in possession of the cremated **or reduced** remains of a family member of the individual and the authority determines that the authority is in possession of the cremated **or reduced** remains, the authority shall disclose to the individual that the authority is in possession of the cremated **or reduced** remains and offer the individual the opportunity to claim the remains.

SECTION 30. ORS 432.005 is amended to read:

432.005. As used in this chapter, unless the context requires otherwise:

(1) **“Alkaline hydrolysis” or “hydrolysis” means the technical process for reducing human remains by placing the remains in a dissolution chamber that uses heat, pressure, water and base chemical agents, in a licensed hydrolysis facility, to reduce human remains to bone fragments and essential elements.**

[(1)] (2) “Amendment” means a change to an item that appears on a certified copy of a vital record after a certified copy has been issued.

[(2)] (3) “Authorized representative” means an agent designated in a written statement signed by the registrant or other qualified applicant, the signing of which was witnessed.

[(3)] (4) “Certified copy” means the document, in either paper or electronic format, issued by the State Registrar of the Center for Health Statistics and containing all or a part of the information contained on the original vital record, and which, when issued by the state registrar, has the full force and effect of the original vital record.

[(4)] (5) “Certified copy item” means any item of information that appears on a certified copy.

[(5)] (6) “Certifier” means a person required to attest to the accuracy of information submitted on a report.

[(6)] (7) “Correction” means a change to an item that is not included in a certified copy of a vital record, or a change to an item that is included in a certified copy provided that no certified copy has been issued.

[(7)] (8) “Court of competent jurisdiction” means a court within the United States with jurisdiction over a person subject to regulation under this chapter.

[(8)] (9) “Date of registration” means the month, day and year a vital record is incorporated into the official records of the Center for Health Statistics.

[(9)] (10) “Dead body” means a human body or such parts of such human body from the condition of which it reasonably may be concluded that death occurred.

[(10)] (11) “Electronic signature” means an electronic sound, symbol or process attached to or logically associated with a contract or other record that is executed or adopted by a person with the intent to attest to the accuracy of the facts in the record.

[(11)] (12) “Government agency” means a unit of federal, state, local or tribal government.

[(12)] (13) “Health research” means a systematic study to gain information and understanding about health, with the goal of finding ways to improve human health, that conforms to or is conducted in accordance with generally accepted scientific standards or principles and that is designed to develop or contribute to general scientific knowledge.

[(13)] (14) “Facts of live birth” means the name of the child, date of birth, place of birth, sex and parent’s name or parents’ names appearing on the record of live birth.

[(14)] (15) “Fetal death” means death prior to the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy, that is not an induced termination of pregnancy. The death is indicated by the fact that after such expulsion or extraction the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord or definite movement of the voluntary muscles.

[(15)] (16) “Final disposition” means the burial, interment, cremation, **reduction**, removal from the state or other authorized disposition of a dead body or fetus, except that when removal from the state is conducted by the holder of a certificate of removal registration issued under ORS 692.270, the final disposition may not be considered complete until the report of death is filed.

[(16)(a)] (17)(a) “Human remains” means a dead body.

(b) “Human remains” does not include [*human ashes*] **cremated or reduced human remains** recovered after cremation **or reduction**.

[(17)(a)] (18)(a) “Induced termination of pregnancy” means the purposeful interruption of an intrauterine pregnancy with the intention other than to produce a live-born infant and that does not result in a live birth.

(b) “Induced termination of pregnancy” does not include management of prolonged retention of products of conception following fetal death.

[(18)] (19) “Institution” means any establishment, public or private, that provides inpatient or outpatient medical, surgical or diagnostic care or treatment or nursing, custodial or domiciliary care, or to which persons are committed by law.

[(19)] (20) “Interment” means the disposition of human remains by entombment or burial.

[(20)] (21) “Legal representative” means a licensed attorney representing the registrant or other qualified applicant.

[(21)] (22) “Live birth” means the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy, that, after such expulsion or extraction, breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached.

[(22)] (23) “Medical certifier” means a physician, physician assistant or nurse practitioner licensed under the laws of this state or under the laws of Washington, Idaho or California who has treated a decedent within the 12 months preceding death.

(24) **“Natural organic reduction” means the contained, accelerated conversion of human remains to soil.**

[(23)] (25) “Person acting as a funeral service practitioner” means:

(a) A person other than a funeral service practitioner licensed under ORS 692.045, including but not limited to a relative, friend or other interested party, who performs the duties of a funeral service practitioner without payment; or

(b) A funeral service practitioner who submits reports of death in another state if the funeral service practitioner is employed by a funeral establishment licensed in another state and registered with the State Mortuary and Cemetery Board under ORS 692.270.

[(24)] (26) “Person in charge of an institution” means the officer or employee who is responsible for administration of an institution.

[(25)] (27) “Personally identifiable information” means information that can be used to distinguish or trace an individual’s identity or, when combined with other personal or identifying information, is linked or linkable to a specific individual.

[26] (28) "Physician" means a person authorized to practice medicine, chiropractic or naturopathic medicine under the laws of this state or under the laws of Washington, Idaho or California, a physician assistant licensed under ORS 677.505 to 677.525 or a nurse practitioner licensed under ORS 678.375 to 678.390.

[27] (29) "Record" means a report that has been registered by the state registrar.

[28] (30) "Record of foreign live birth" means a document registered by the state registrar for a person born in a foreign country who may or may not be a citizen of the United States and who was adopted under the laws of this state.

(31) **"Reduction" means an authorized process for reducing human remains. Authorized processes for reducing human remains include alkaline hydrolysis, natural organic reduction and any other alternative process authorized by the State Mortuary and Cemetery Board.**

[29] (32) "Registration" means the process by which vital records and reports are accepted and incorporated into the official records of the Center for Health Statistics.

[30] (33) "Report" means a document, whether in paper or electronic format, containing information related to a vital event submitted by a person required to submit the information to the state registrar for the purpose of registering a vital event.

[31] (34) "State" includes a state or territory of the United States, the District of Columbia and New York City.

[32] (35) "System of vital statistics" means:

(a) The collection, registration, preservation, amendment, certification and verification of, and the maintenance of the security and integrity of, vital records;

(b) The collection of reports required by this chapter; and

(c) Activities related to the activities described in paragraphs (a) and (b) of this subsection, including the tabulation, analysis, dissemination and publication of vital statistics and training in the use of health data.

[33] (36) "Verification" means confirmation of the information on a vital record based on the facts contained in a report.

[34] (37) "Vital record" means a report of a live birth, death, fetal death, marriage, declaration of domestic partnership, dissolution of marriage or domestic partnership and related data that have been accepted for registration and incorporated into the official records of the Center for Health Statistics.

[35] (38) "Vital statistics" means the aggregated data derived from records and reports of live birth, death, fetal death, induced termination of pregnancy, marriage, declaration of domestic partnership, dissolution of marriage, dissolution of domestic partnership and supporting documentation and related reports.

SECTION 31. ORS 801.288 is amended to read:

801.288. (1) "Funeral escort vehicle" means any two-wheel or three-wheel vehicle that is accompanying a funeral procession and is properly equipped under ORS 811.800.

(2) "Funeral lead vehicle" means any vehicle that is properly equipped under ORS 811.800 and is used to lead and facilitate the movement of a funeral procession.

(3) "Funeral procession" means two or more vehicles, including any funeral lead vehicle or funeral escort vehicle, accompanying the body or cremated **or reduced** remains of a deceased person.

SECTION 32. ORS 307.150 is amended to read:

307.150. (1) Notwithstanding ORS 307.022, upon compliance with ORS 307.162, the following property is exempt from taxation:

(a) Burial grounds, tombs and rights of burial, and lands and buildings on the land, not exceeding 30 acres, used for the sole purpose of a crematory [*and burial place to incinerate remains*] **or alternative disposition facility, as defined in ORS 97.010, and for burial of incinerated or reduced remains.**

(b) Lands used or held exclusively for cemetery purposes, not exceeding 600 acres.

(c) Burial lots or space for burial of [*incinerate remains*] **incinerated or reduced remains** in buildings or grounds used or held exclusively for burial purposes.

(d) Buildings on land described in paragraph (a) or (b) of this subsection that are used to store machinery or equipment used exclusively for maintenance of burial grounds.

(e) Personal property used exclusively for cemetery, [or] crematory **or alternative disposition facility** purposes.

(2) The statement required under ORS 307.162 shall be filed by the owner of the property described in subsection (1) of this section.

(3) Any property exclusively occupied and used as a family burial ground is exempt from ad valorem taxation.

SECTION 33. (1) The amendments to ORS 97.010, 97.130, 97.145, 97.150, 97.153, 97.170, 97.200, 97.220, 97.510, 97.660, 97.665, 97.670, 97.675, 97.680, 97.720, 97.972, 146.121, 147.005, 226.410, 307.150, 409.742, 413.195, 432.005, 692.010, 692.025, 692.040, 692.148, 692.275, 692.405 and 801.288 by sections 1 to 32 of this 2021 Act become operative on July 1, 2022.

(2) The State Mortuary and Cemetery Board may take any action before the operative date specified in subsection (1) of this section that is necessary for the board to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the board by the amendments to ORS 692.010, 692.025, 692.040, 692.148, 692.275 and 692.405 by sections 19 to 24 of this 2021 Act.

SECTION 34. The unit captions used in this 2021 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2021 Act.

Passed by House April 10, 2021

.....
Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate June 3, 2021

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2021

Approved:

.....M.,....., 2021

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2021

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Shemia Fagan, Secretary of State