

HB 2574-3
(LC 875)
3/18/21 (MNJ/ps)

Requested by HOUSE COMMITTEE ON BUSINESS AND LABOR (at the request of Representative Pam Marsh)

**PROPOSED AMENDMENTS TO
HOUSE BILL 2574**

1 On page 1 of the printed bill, line 4, after “226.410,” insert “307.150,”.
2 Delete lines 7 through 19 and delete pages 2 through 26 and insert:

3

4

“DISPOSITION OF HUMAN BODIES

5

6 **“SECTION 1.** ORS 97.010 is amended to read:

7 “97.010. As used in ORS 97.010 to 97.040, 97.110 to 97.450, 97.510 to 97.730,
8 97.810 to 97.920, 97.923 to 97.949, 97.990 and 97.994:

9 **“(1) ‘Alkaline hydrolysis’ or ‘hydrolysis’ means the technical pro-**
10 **cess for reducing human remains by placing the remains in a dissol-**
11 **ution chamber that uses heat, pressure, water and base chemical**
12 **agents, in a licensed hydrolysis facility, to reduce human remains to**
13 **bone fragments and essential elements.**

14 **“(2) ‘Alternative disposition facility’ means a structure containing**
15 **equipment purposed for reduction.**

16 “[1] **(3) ‘Burial’** means the placement of human remains in a grave or
17 lawn crypt.

18 “[2] **(4) ‘Burial park’** means a tract of land for the burial of human re-
19 mains, used, or intended to be used, and dedicated for cemetery purposes.

20 “[3] **(5) ‘Burial right’** means the right to use a grave, mausoleum,
21 columbarium, ossuary or scattering garden for the interment or other dispo-

1 sition of human remains.

2 “[4] (6) ‘Cemetery’ means a place:

3 “(a) Dedicated to and used, or intended to be used, for a permanent me-
4 morial or the permanent interment of human remains; and

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

9 “[5] (7) ‘Cemetery association’ means a corporation or association au-
10 thorized by its articles of incorporation to conduct the business of a ceme-
11 tery, but does not include a corporation sole or a charitable, eleemosynary
12 association or corporation.

13 “[6] (8) ‘Cemetery authority’ means a person who owns or controls
14 cemetery lands or property, including but not limited to a cemetery corpo-
15 ration, association or corporation sole.

16 “[7] (9) ‘Cemetery business’ and ‘cemetery purpose’ are used inter-
17 changeably and mean any business or purpose requisite or incident to, or
18 necessary for establishing, maintaining, operating, improving or conducting
19 a cemetery, interring human remains, and the care, preservation and
20 embellishment of cemetery property.

21 “[8] (10) ‘Cemetery merchandise’ means personal property offered for
22 sale or sold for use in connection with the final disposition, memorialization
23 or interment of human remains. ‘Cemetery merchandise’ includes, but is not
24 limited to, an outer burial container and a memorial.

25 “[9] (11) ‘Cemetery services’ means services provided by a cemetery au-
26 thority for interment or scattering, and installation of cemetery merchandise.

27 “[10] (12) ‘Cenotaph’ means a place, the primary purpose of which is to
28 provide an area where a person may pay to establish a memorial to honor
29 a person whose remains may be interred elsewhere or whose remains cannot
30 be recovered.

1 “[11] (13) ‘Columbarium’ means a structure or room containing recepta-
2 cles for permanent inurnment of cremated **or reduced** remains in a place
3 used, or intended to be used, and dedicated for cemetery purposes.

4 “[12] (14) ‘Cremated remains’ means the remains of a cremated human
5 body after completion of the cremation process.

6 “[13] (15) ‘Cremation’ means the technical process, using direct flame
7 and heat, that reduces human remains to bone fragments.

8 “[14] (16) ‘Crematory’ means a structure containing a retort for the re-
9 duction of bodies of deceased persons to cremated remains.

10 “[15] (17) ‘Crypt’ or ‘vault’ means a space in a mausoleum of sufficient
11 size used, or intended to be used, to entomb uncremated **or unreduced** hu-
12 man remains.

13 “[16] (18) ‘Directors’ or ‘governing body’ means the board of directors,
14 board of trustees or other governing body of a cemetery association.

15 “[17] (19) ‘Endowment care’ means the general care and maintenance of
16 developed portions of a cemetery and memorials erected thereon financed
17 from the income of a trust fund.

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

20 “[19] (21) ‘Funeral merchandise’ means personal property offered for sale
21 or sold for use in connection with funeral services. ‘Funeral merchandise’
22 includes, but is not limited to, acknowledgment cards, alternative containers,
23 caskets, clothing, cremation containers, cremation interment containers,
24 flowers, memory folders, monuments, outer burial containers, prayer cards,
25 register books and urns.

26 “[20] (22) ‘Funeral services’ means services customarily provided by a
27 funeral service practitioner including, but not limited to, care and prepara-
28 tion of human remains for final disposition, professional services relating to
29 a funeral or an alternative to a funeral, transportation of human remains,
30 limousine services, use of facilities or equipment for viewing human remains,

1 visitation, memorial services or services that are used in connection with a
2 funeral or alternative to a funeral, coordinating or conducting funeral rites
3 or ceremonies, and other services provided in connection with a funeral, al-
4 ternative to a funeral or final disposition of human remains.

5 “[21] **(23)** ‘Grave’ means a space of ground in a burial park used, or in-
6 tended to be used, for burial of the remains of one person.

7 “[22] **(24)** ‘Human remains’ or ‘remains’ means the body of a deceased
8 person in any stage of decomposition or after cremation **or reduction**.

9 “[23] **(25)** ‘Interment’ means the disposition of human remains by
10 inurnment, entombment or burial.

11 “[24] **(26)** ‘Inurnment’ means the placement of cremated **or reduced** re-
12 mains in a receptacle and the deposit of the receptacle in a niche.

13 “[25] **(27)** ‘Lot,’ ‘plot’ or ‘burial space’ means space in a cemetery owned
14 by one or more individuals, an association or fraternal or other organization
15 and used, or intended to be used, for the permanent interment therein of the
16 remains of one or more deceased persons. Such terms include and apply with
17 like effect to one, or more than one, adjoining grave, crypt, vault or niche.

18 “[26] **(28)** ‘Mausoleum’ means a structure substantially exposed above
19 ground for the entombment of human remains in crypts or vaults in a place
20 used, or intended to be used, and dedicated for cemetery purposes.

21 “[27] **(29)** ‘Memorial’ means a product, other than a mausoleum or
22 columbarium, used for identifying an interment space or for commemoration
23 of the life, deeds or career of a decedent including, but not limited to, an
24 ossuary, monument, marker, niche plate, urn garden plaque, crypt plate,
25 cenotaph, marker bench or vase.

26 “**(30)** ‘**Natural organic reduction**’ means the contained, accelerated
27 **conversion of human remains to soil**.

28 “[28] **(31)** ‘Niche’ means a recess usually in a columbarium used, or in-
29 tended to be used, for the inurnment of the cremated **or reduced** remains
30 of one or more persons.

1 “[(29)] **(32)** ‘Ossuary’ means a receptacle used for the communal placement
2 of cremated **or reduced** remains without benefit of an urn or any other
3 container in which cremated **or reduced** remains may be commingled with
4 other cremated **or reduced** remains and are nonrecoverable.

5 “[(30)] **(33)** ‘Plot owner’ or ‘owner’ means any person identified in the
6 records of the cemetery authority as owner of the burial rights to a burial
7 plot, or who holds a certificate of ownership conveyed from the cemetery
8 authority of the burial rights in a particular lot, plot or space.

9 “**(34)** ‘**Reduced remains**’ means the remains of a human body after
10 **completion of reduction.**

11 “**(35)** ‘**Reduction**’ means **alkaline hydrolysis, natural organic re-**
12 **duction and any other method of final disposition of human remains**
13 **authorized by the State Mortuary and Cemetery Board.**

14 “[(31)] **(36)** ‘Scattering’ means the lawful dispersion of cremated **or re-**
15 **duced** remains that need not be associated with an interment right or issu-
16 ance of a deed, that may be recorded only as a service that has taken place
17 and may not be recorded on the permanent records of the cemetery authority.

18 “[(32)] **(37)** ‘Scattering garden’ means a location set aside within a ceme-
19 tery that is used for the spreading or broadcasting of cremated **or reduced**
20 remains that have been removed from their container and can be mixed with
21 or placed on top of the soil or ground cover or buried in an underground
22 receptacle on a commingled basis and that are nonrecoverable.

23 “[(33)] **(38)** ‘Special care’ means any care in excess of endowed care in
24 accordance with the specific directions of a donor of funds.

25 “**SECTION 2.** ORS 97.130 is amended to read:

26 “97.130. (1) Any individual of sound mind who is 18 years of age or older,
27 by completion of a written signed instrument or by preparing or prearrang-
28 ing with any funeral service practitioner licensed under ORS chapter 692,
29 may direct any lawful manner of disposition of the individual’s remains.
30 Except as provided under subsection (7) of this section, disposition directions

1 or disposition prearrangements that are prepaid or that are filed with a fu-
2 neral service practitioner licensed under ORS chapter 692 are not subject to
3 cancellation or substantial revision.

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

11 “(a) The spouse of the decedent.

12 “(b) A son or daughter of the decedent 18 years of age or older.

13 “(c) Either parent of the decedent.

14 “(d) A brother or sister of the decedent 18 years of age or older.

15 “(e) A guardian of the decedent at the time of death.

16 “(f) A person in the next degree of kindred to the decedent.

17 “(g) The personal representative of the estate of the decedent.

18 “(h) The person nominated as the personal representative of the decedent
19 in the decedent’s last will.

20 “(i) A public health officer.

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

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

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

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

29 “(c) The person to whom the authority is delegated has the same author-
30 ity under subsection (2) of this section as the person delegating the author-

1 ity.

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

7 “(b) In accordance with United States Department of Defense Instruction
8 1300.18, a member of the Armed Forces of the United States shall complete
9 the form described in this subsection and shall verify the accuracy of the
10 form at least annually.

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

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

18 “(6) A donation of anatomical gifts under ORS 97.951 to 97.982 takes pri-
19 ority over directions for the disposition of a decedent’s remains under this
20 section only if the person making the donation is of a priority under sub-
21 section (1) or (2) of this section the same as or higher than the priority of
22 the person directing the disposition of the remains.

23 “(7) If the decedent directs a disposition under subsection (1) of this sec-
24 tion and those financially responsible for the disposition are without suffi-
25 cient funds to pay for such disposition or the estate of the decedent has
26 insufficient funds to pay for the disposition, or if the direction is unlawful,
27 the direction is void and disposition shall be in accordance with the direc-
28 tion provided by the person given priority in subsection (2) of this section
29 and who agrees to be financially responsible.

30 “(8) The signature of the individual delegating the authority to direct the

1 manner of disposition is required for the completion of the written instru-
2 ment required in subsection (3)(b)(A) of this section. The following form or
3 a form substantially similar shall be used by all individuals:

4 “ _____

5 APPOINTMENT OF PERSON
6 TO MAKE DECISIONS
7 CONCERNING DISPOSITION
8 OF REMAINS

9
10 I, _____, appoint _____, whose ad-
11 dress is _____ and whose telephone number is (____)
12 _____, as the person to make all decisions regarding the disposition
13 of my remains upon my death for my burial [*or*], cremation **or alternative**
14 **disposition**. In the event _____ is unable to act, I appoint
15 _____, whose address is _____ and whose tele-
16 phone number is (____) _____, as my alternate person to make all de-
17 cisions regarding the disposition of my remains upon my death for my burial
18 [*or*], cremation **or alternative disposition**.

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

24
25 DATED this ____ day of _____, _____.

26 _____
27 (Signature)

28
29 DECLARATION OF WITNESSES

30

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

6
7

8 Witnessed By:
9 _____ Date: _____

10 Witnessed By:
11 _____ Date: _____

12 “ _____

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

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

23 “(11) Notwithstanding subsections (2) and (3) of this section, if the person
24 who has the authority to direct the manner of disposition of cremated **or**
25 **reduced** remains pursuant to subsection (1) or (2) of this section transfers
26 any portion of the cremated **or reduced** remains to another person, the recipient
27 of the cremated **or reduced** remains has the authority to direct the
28 manner of disposition of the cremated **or reduced** remains in the recipient’s
29 possession.

30 **“SECTION 3.** ORS 97.130, as amended by section 12a, chapter 384, Oregon

1 Laws 2019, is amended to read:

2 “97.130. (1) Any individual of sound mind who is 18 years of age or older,
3 by completion of a written signed instrument or by preparing or prearrang-
4 ing with any funeral service practitioner licensed under ORS chapter 692,
5 may direct any lawful manner of disposition of the individual’s remains.
6 Except as provided under subsection (7) of this section, disposition directions
7 or disposition prearrangements that are prepaid or that are filed with a fu-
8 neral service practitioner licensed under ORS chapter 692 are not subject to
9 cancellation or substantial revision.

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

17 “(a) The spouse of the decedent.

18 “(b) A son or daughter of the decedent 18 years of age or older.

19 “(c) Either parent of the decedent.

20 “(d) A brother or sister of the decedent 18 years of age or older.

21 “(e) A guardian of the decedent at the time of death.

22 “(f) A person in the next degree of kindred to the decedent.

23 “(g) The personal representative of the estate of the decedent.

24 “(h) The person nominated as the personal representative of the decedent
25 in the decedent’s last will.

26 “(i) A public health officer.

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

30 “(b) Delegation of the authority to direct the manner of disposition of

1 remains must be made by completion of:

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

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

5 “(c) The person to whom the authority is delegated has the same author-
6 ity under subsection (2) of this section as the person delegating the author-
7 ity.

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

13 “(b) In accordance with United States Department of Defense Instruction
14 1300.18, a member of the Armed Forces of the United States shall complete
15 the form described in this subsection and shall verify the accuracy of the
16 form at least annually.

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

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

24 “(6) A donation of anatomical gifts under ORS 97.951 to 97.982 takes pri-
25 ority over directions for the disposition of a decedent’s remains under this
26 section only if the person making the donation is of a priority under sub-
27 section (1) or (2) of this section the same as or higher than the priority of
28 the person directing the disposition of the remains.

29 “(7) If the decedent directs a disposition under subsection (1) of this sec-
30 tion and those financially responsible for the disposition are without suffi-

1 cient funds to pay for such disposition or the estate of the decedent has
2 insufficient funds to pay for the disposition, or if the direction is unlawful,
3 the direction is void and disposition shall be in accordance with the direc-
4 tion provided by the person given priority in subsection (2) of this section
5 and who agrees to be financially responsible.

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

10 “ _____

11 APPOINTMENT OF PERSON
12 TO MAKE DECISIONS
13 CONCERNING DISPOSITION
14 OF REMAINS

15

16 I, _____, appoint _____, whose ad-
17 dress is _____ and whose telephone number is (____)
18 _____, as the person to make all decisions regarding the disposition
19 of my remains upon my death for my burial [or], cremation **or alternative**
20 **disposition**. In the event _____ is unable to act, I appoint
21 _____, whose address is _____ and whose tele-
22 phone number is (____) _____, as my alternate person to make all de-
23 cisions regarding the disposition of my remains upon my death for my burial
24 [or], cremation **or alternative disposition**.

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

30

1 DATED this ____ day of _____, _____.

2 _____
3 (Signature)

4
5 DECLARATION OF WITNESSES

6
7 We declare that _____ is personally known to us, that he/she
8 signed this Appointment of Person to Make Decisions Concerning Disposition
9 of Remains in our presence, that he/she appeared to be of sound mind
10 and not acting under duress, fraud or undue influence, and that neither of
11 us is the person so appointed by this document.

12
13
14 Witnessed By:

15 _____ Date: _____

16 Witnessed By:

17 _____ Date: _____

18 “ _____

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

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

29 “(11) Notwithstanding subsections (2) and (3) of this section, if the person
30 who has the authority to direct the manner of disposition of cremated **or**

1 **reduced** remains pursuant to subsection (1) or (2) of this section transfers
2 any portion of the cremated **or reduced** remains to another person, the re-
3 cipient of the cremated **or reduced** remains has the authority to direct the
4 manner of disposition of the cremated **or reduced** remains in the recipient's
5 possession.

6 **“SECTION 4.** ORS 97.145 is amended to read:

7 “97.145. No cemetery authority, crematory operator, **alternative dispo-**
8 **sition facility operator** or licensed funeral service practitioner interring
9 [or], cremating **or reducing** remains pursuant to a written instrument signed
10 by the decedent or a person described in ORS 97.130 (2) shall be liable for
11 any failure to conform to the priority of control of remains provided in ORS
12 97.130, except when it shall have received two or more conflicting written
13 instruments prior to interment [or], cremation **or reduction** of said remains.

14 **“SECTION 5.** ORS 97.150 is amended to read:

15 “97.150. (1)(a) If the cemetery authority, crematory operator, **alternative**
16 **disposition facility operator** or licensed funeral service practitioner has
17 been authorized to cremate **or reduce** remains of a decedent pursuant to
18 ORS 97.130, the authorization must also contain further instructions to the
19 cemetery authority, crematory operator, **alternative disposition facility**
20 **operator** or licensed funeral service practitioner as to the final disposition
21 of the cremated **or reduced** remains.

22 “(b) If the cremated **or reduced** remains are left in the possession of the
23 cemetery authority, crematory operator, **alternative disposition facility**
24 **operator** or licensed funeral service practitioner and no instructions for
25 final disposition are given to the cemetery authority, crematory operator,
26 **alternative disposition facility operator** or licensed funeral service prac-
27 titioner within 180 days after the date of cremation **or reduction**, the cem-
28 etery authority, crematory operator, **alternative disposition facility**
29 **operator** or licensed funeral service practitioner shall make a reasonable
30 effort to notify the person who has the authority to direct disposition of the

1 cremated **or reduced** remains under ORS 97.130 (2). The notice must state
2 that the cemetery authority, crematory operator, **alternative disposition**
3 **facility operator** or licensed funeral service practitioner intends to dispose
4 of the cremated **or reduced** remains unless the person who has the authority
5 to direct disposition of the cremated **or reduced** remains gives instructions
6 to the contrary to the cemetery authority, crematory operator, **alternative**
7 **disposition facility operator** or licensed funeral service practitioner within
8 30 days after the date of the notice.

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

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

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

27 “(a) The cemetery authority, crematory operator, **alternative disposition**
28 **facility operator** or licensed funeral service practitioner has failed to make
29 a reasonable effort to notify the person who has the authority to direct dis-
30 position of the cremated **or reduced** remains as described in subsection (1)

1 of this section;

2 “(b) A written contract has been entered into with the cemetery author-
3 ity, crematory operator, **alternative disposition facility operator** or li-
4 censed funeral service practitioner for care of the cremated **or reduced**
5 remains; or

6 “(c) Permanent interment has been made.

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

12 “(4) A cemetery authority is not liable in any civil or criminal proceeding
13 relating to cremated **or reduced** remains that have been scattered within the
14 cemetery without the knowledge of the cemetery authority. The cemetery
15 authority may dispose of cremated **or reduced** remains that have been scat-
16 tered within the cemetery without the knowledge of the cemetery authority
17 as is legally practicable.

18 “(5) If the cemetery authority, crematory operator, **alternative disposi-**
19 **tion facility operator** or licensed funeral service practitioner has complied
20 with this section, then the cemetery authority, crematory operator, **alter-**
21 **native disposition facility operator** or licensed funeral service practitioner
22 may dispose of the remains as is legally practicable.

23 **“SECTION 6.** ORS 97.153 is amended to read:

24 “97.153. Notwithstanding section 14, chapter 653, Oregon Laws 1991, or
25 ORS 469.525, diagnostic or therapeutic radioisotopes remaining inside the
26 uncremated **or unreduced** body of a deceased person may be buried, en-
27 tombed or otherwise disposed of in a cemetery or other lawful place for the
28 burial, entombment or other disposal of the uncremated **or unreduced** body
29 of the deceased person even though the body contains low-level radioactive
30 waste as defined under 42 U.S.C. 2021(b) as of January 1, 1995, by-product

1 material as defined under 42 U.S.C. 2014 as of January 1, 1995, or special
2 nuclear material exempted by the United States Nuclear Regulatory Com-
3 mission as of January 1, 1995, under authority of 42 U.S.C. 2077(d).

4 **“SECTION 7.** ORS 97.170 is amended to read:

5 “97.170. (1) As used in this section, ‘indigent person’ means a deceased
6 person who does not have a death or final expense benefit or insurance pol-
7 icy that pays for disposition of the deceased person’s body or other means
8 to pay for disposition of the deceased person’s body and:

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

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

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

18 “(2) The State Mortuary and Cemetery Board shall maintain a list of in-
19 stitutions that may accept or process bodies for education or research pur-
20 poses.

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

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

25 “(B) Obtain all contact information known to the medical examiner, a
26 health care facility or law enforcement regarding persons listed in ORS
27 97.130;

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

29 “(D) Arrange with any person listed in ORS 97.130 who will pay the ex-
30 penses to make disposition of the body;

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

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

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

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

16 “(c) If no person or institution claims the body as provided in paragraphs
17 (a) and (b) of this subsection, the funeral establishment may cremate **or re-**
18 **duce** or bury the body without the consent of persons listed in ORS 97.130
19 and is indemnified from any liability arising from having made such dispo-
20 sition. The method of disposition must be in the least costly and most envi-
21 ronmentally sound manner that complies with law, and that does not conflict
22 with known wishes of the deceased. If the deceased person is an indigent
23 person, the board shall reimburse the funeral establishment for the costs of
24 disposition under subsection (5) of this section.

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

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

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

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

16 “97.170. (1) As used in this section, ‘indigent person’ means a deceased
17 person who does not have a death or final expense benefit or insurance pol-
18 icy that pays for disposition of the deceased person’s body or other means
19 to pay for disposition of the deceased person’s body and:

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

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

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

29 “(2) The State Mortuary and Cemetery Board shall maintain a list of in-
30 stitutions that may accept or process bodies for education or research pur-

1 poses.

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

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

6 “(B) Obtain all contact information known to the medical examiner, a
7 health care facility or law enforcement regarding persons listed in ORS
8 97.130;

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

10 “(D) Arrange with any person listed in ORS 97.130 who will pay the ex-
11 penses to make disposition of the body;

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

16 “(F) Determine whether the State Treasurer or other person is appointed
17 as the personal representative of the deceased person pursuant to ORS
18 113.085; and

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

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

27 “(c) If no person or institution claims the body as provided in paragraphs
28 (a) and (b) of this subsection, the funeral establishment may cremate **or re-**
29 **duce** or bury the body without the consent of persons listed in ORS 97.130
30 and is indemnified from any liability arising from having made such dispo-

1 sition. The method of disposition must be in the least costly and most envi-
2 ronmentally sound manner that complies with law, and that does not conflict
3 with known wishes of the deceased. If the deceased person is an indigent
4 person, the board shall reimburse the funeral establishment for the costs of
5 disposition under subsection (5) of this section.

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

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

25 **“SECTION 9.** ORS 97.200 is amended to read:

26 “97.200. (1) An institution that uses a body for ongoing research pursuant
27 to ORS 97.170 shall bury respectfully or cremate **or reduce** the remains upon
28 completion of use. If the institution cremates **or reduces** the remains, the
29 institution shall deliver the [*ashes*] **cremated or reduced remains** to a
30 relative of the deceased person if a relative is known to the institution. If

1 no relative is known to the institution, the institution shall hold the
2 [*ashes*] **cremated or reduced remains** for three years after cremation or
3 **reduction** and may then dispose of the [*ashes*] **cremated or reduced re-**
4 **mains** in a respectful manner. The institution shall pay burial, cremation ,
5 **reduction**, storage and delivery expenses for a body the institution used
6 pursuant to ORS 97.170.

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

11 **“SECTION 10.** ORS 97.220 is amended to read:

12 “97.220. (1) Except as provided in ORS 97.223, the remains of a deceased
13 person interred in a plot in a cemetery may be removed from the plot with
14 the consent of the cemetery authority and written consent of:

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

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

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

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

1 suitable place.

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

4 **“SECTION 11.** ORS 97.510 is amended to read:

5 “97.510. (1) After filing the map or plat and recording the declaration of
6 dedication, a cemetery authority may sell and convey plots subject to such
7 rules and regulations as may be then in effect and subject to such other and
8 further limitations, conditions and restrictions made a part of the declara-
9 tion of dedication by reference or included in the instrument of conveyance
10 of the plot.

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

13 **“SECTION 12.** ORS 97.660 is amended to read:

14 “97.660. A nonprofit corporation organized and existing solely for the
15 purposes of either owning and operating a cemetery or cremating [*dead*
16 *bodies*] **or reducing the bodies of deceased persons** and burying and car-
17 ing for [*incinerate*] **cremated or reduced** remains, may purchase or take,
18 by gift or devise, and own and hold lands for the sole purpose of either a
19 cemetery, [*or*] a crematory **or an alternative disposition facility** and burial
20 place for [*incinerate*] **cremated or reduced** remains. Such lands shall be
21 exempt from execution, and from any appropriation for public purposes, and
22 lots or portions of such land and space in any buildings thereon may be sold,
23 if intended to be used exclusively for burial purposes, and in no wise with
24 a view to the profit of the members of such corporation. The land so held for
25 cemetery purposes shall not exceed 600 acres, but if the land already held for
26 such purpose by the corporation is all practically used, the amount thereof
27 may be increased by adding thereto not more than 20 acres at any one time.
28 The land so held for the purposes of a crematory **or alternative disposition**
29 **facility** and the burial of [*incinerate*] **cremated or reduced** remains shall
30 not exceed 30 acres, but if the land already held for such purposes by the

1 corporation is all practically used, the amount thereof may be increased by
2 adding thereto not more than 10 acres at any one time. Lands held for the
3 purposes described in this section shall be exempt from taxation as provided
4 in ORS 307.150.

5 **“SECTION 13.** ORS 97.665 is amended to read:

6 “97.665. (1) A nonprofit corporation organized or existing solely for the
7 purposes of either owning and operating a cemetery or cremating [*dead*
8 *bodies*] **or reducing the bodies of deceased persons** and burying and car-
9 ing for [*incinerate*] **cremated or reduced** remains may, by its bylaws, pro-
10 vide that a stated percentage of the money received from the sale of lots and
11 burial space, cremation **or reduction** of bodies, donations, gifts or other
12 sources of revenue shall constitute an irreducible fund. Any bylaw enacted
13 for the creation of the irreducible fund cannot be amended to reduce the
14 fund.

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

30 “(3) The interest or income arising from the irreducible fund provided for

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

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

20 “(5) No debts shall be contracted by such corporation in anticipation of
21 any future receipts, except for originally purchasing the lands authorized to
22 be purchased by it, laying out and embellishing the grounds and avenues,
23 erecting buildings and vaults on such land, and improving them for the
24 purposes of the corporation. The corporation may issue bonds or notes for
25 debts so contracted and may secure them by way of mortgage upon any of
26 its lands, buildings, property and improvements excepting lots or space con-
27 veyed to the members.

28 **“SECTION 14.** ORS 97.670 is amended to read:

29 “97.670. If in the board of directors’ opinion, any portion of the lands of
30 a nonprofit corporation organized and existing solely for the purposes of ei-

1 ther owning or operating a cemetery or the cremation [*of dead bodies*] **or**
2 **reduction of bodies of deceased persons** and the burial and care of
3 [*incinerate*] **cremated or reduced** remains is unsuitable for burial purposes
4 or other purposes of the corporation, the board of directors may sell such
5 portion and apply the proceeds to the general purposes of such corporation
6 in the same proportion and manner as provided by ORS 97.660 to 97.680.

7 **“SECTION 15.** ORS 97.675 is amended to read:

8 “97.675. Burial lots or space for burial of [*incinerate*] **cremated or re-**
9 **duced** remains in buildings or grounds sold by a nonprofit corporation or-
10 ganized and existing solely for the purposes of either owning and operating
11 a cemetery or cremating [*dead bodies*] **or reducing the bodies of deceased**
12 **persons** and burying and caring for [*incinerate*] **cremated or reduced** re-
13 mains shall be for the sole purpose of interment or deposit and safekeeping
14 of [*incinerate*] **cremated or reduced** remains. Such lots or space shall be
15 exempt from execution, attachment or other lien or process, if used as in-
16 tended by the purchaser thereof from such corporation, or the assigns or
17 representatives of the purchaser, exclusively for burial purposes, and in no
18 wise with a view to profit. Such lots or space shall be exempt from taxation
19 as provided in ORS 307.150. The vendor of any gravestone, however, shall
20 not be prevented from having and enforcing a lien thereon for all or part of
21 its purchase price. If a suit is brought to enforce such a lien, the judgment
22 therein is enforceable thereafter; and, for the purpose of enabling the lien
23 to be had and enforced, the gravestone shall be deemed personal property and
24 may be severed and removed, under execution and order of sale, from the lot
25 where it is situated and may be sold in the same manner as any other per-
26 sonal property.

27 **“SECTION 16.** ORS 97.680 is amended to read:

28 “97.680. (1) As used in this section, ‘plan’ means a document indicating
29 the placement of lots or burial spaces, and of the niches or inurnment spaces
30 in the buildings erected thereon, as established and authorized by the ceme-

1 tery authority.

2 “(2) A nonprofit corporation organized and existing solely for the pur-
3 poses of owning and operating a cemetery or cremating [*dead bodies*] **or re-**
4 **ducing the bodies of deceased persons** and burying and caring for
5 [*incinerate*] **cremated or reduced** remains shall cause a plan of its land and
6 grounds and of the lots laid out by it and of the niches or burial space in
7 the buildings erected thereon to be made and recorded in the county in which
8 such grounds and land are located, such lots or spaces to be numbered by
9 regular consecutive numbers. Such corporation may enclose, improve, and
10 adorn the grounds, buildings, and avenues, prescribe rules for the desig-
11 nation, improvement and adorning of lots and burial spaces and for erecting
12 monuments, and prohibit any use, division, improvement or adornment of a
13 lot or burial space which it may deem improper.

14 **“SECTION 17.** ORS 97.720 is amended to read:

15 “97.720. (1) The person in charge of any premises on which interments
16 [*or*], cremations **or reductions** are made shall keep a record of all remains
17 interred or cremated **or reduced** on the premises under the person’s charge,
18 in each case stating the name of each deceased person, the date of interment
19 [*or*], cremation **or reduction**, and the name and address of the funeral ser-
20 vice practitioner. The interment records shall be open to inspection by sur-
21 vivors of the decedent during the customary office hours of the cemetery
22 authority.

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

26 **“SECTION 18.** ORS 97.972 is amended to read:

27 “97.972. (1) When a hospital refers an individual at or near death to a
28 procurement organization, the organization shall make a reasonable search
29 of the records of the Department of Transportation and any donor registry
30 that it knows exists for the geographical area in which the individual resides

1 to ascertain whether the individual has made an anatomical gift.

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

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

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

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

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

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

28 “(7) Upon referral by a hospital under subsection (1) of this section, a
29 procurement organization shall make a reasonable search for any person
30 listed in ORS 97.965 having priority to make an anatomical gift on behalf

1 of a prospective donor. If a procurement organization receives information
2 that an anatomical gift to any other person was made, amended or revoked,
3 it shall promptly advise the other person of all relevant information.

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

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

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

20

21 “STATE MORTUARY AND CEMETERY BOARD

22

23 “**SECTION 19.** ORS 692.010 is amended to read:

24 “692.010. As used in this chapter:

25 “(1) **‘Alkaline hydrolysis’ or ‘hydrolysis’ means the technical pro-**
26 **cess for reducing human remains by placing the remains in a dissol-**
27 **ution chamber that uses heat, pressure, water and base chemical**
28 **agents, in a licensed hydrolysis facility, to reduce human remains to**
29 **bone fragments and essential elements.**

30 “[*1*] (2) ‘Board’ means the State Mortuary and Cemetery Board.

1 “[2] (3) ‘Cemetery’ means any one, or a combination of more than one,
2 of the following, in a place used, or intended to be used, and dedicated, for
3 cemetery purposes:

4 “(a) A burial park, for earth interments;

5 “(b) A mausoleum, for crypt interments;

6 “(c) A columbarium, for permanent [*cinerary*] interments **of cremated or**
7 **reduced remains;**

8 “(d) A scattering garden or other designated area above or below ground
9 where a person may pay to establish a memorial of cremated **or reduced**
10 remains; or

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

14 “[3] (4) ‘Exempt operating cemetery’ means an operating cemetery that
15 has 10 or fewer interments annually.

16 “[4] (5) ‘Final disposition’ means the burial, interment, cremation, dis-
17 solution, **reduction** or other disposition of human remains authorized by the
18 board by rule.

19 “[5] (6) ‘Holding room’ means a room that is located in a licensed fa-
20 cility for the care, storage or holding of dead human bodies prior to effecting
21 disposition.

22 “[6] (7) ‘Immediate disposition company’ means any business licensed
23 under this chapter, other than a licensed funeral establishment, where a li-
24 censed funeral service practitioner operates the business of immediate final
25 disposition and where business records are kept.

26 “(8) ‘**Natural organic reduction**’ means the **contained, accelerated**
27 **conversion of human remains to soil.**

28 “[7] (9) ‘Operating cemetery’ means a cemetery that:

29 “(a) Performs interments;

30 “(b) Has fiduciary responsibility for endowment care, general care or

1 special care funds; or

2 “(c) Has outstanding preneed service contracts for unperformed services.

3 “(10) **‘Reduced remains’ means the remains of a human body after**
4 **completion of reduction.**

5 “(11) **‘Reduction’ means alkaline hydrolysis, natural organic re-**
6 **duction and any other method of final disposition of human remains**
7 **authorized by the board.**

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

11 **“SECTION 20.** ORS 692.025 is amended to read:

12 “692.025. (1) An individual may not practice as a funeral service practi-
13 tioner unless the individual is licensed as a funeral service practitioner un-
14 der ORS 692.045. Regardless of any title used by the individual, an individual
15 practices as a funeral service practitioner if the individual is engaged di-
16 rectly or indirectly in offering funeral services for payment or supervising
17 or otherwise controlling the transportation, care, preparation, processing and
18 handling of dead human bodies before the bodies undergo final disposition,
19 or before the bodies are transported out of the State of Oregon.

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

24 “(a) The practice of disinfecting or preserving from decay dead human
25 bodies.

26 “(b) Preparing human bodies dead of contagious or infectious disease for
27 transportation by railroad, express company or common carrier.

28 “(3) An individual may not practice as a death care consultant unless the
29 individual is licensed as a death care consultant under ORS 692.143. Re-
30 gardless of any title used by the individual, an individual practices as a

1 death care consultant if the individual offers, for payment, consultations di-
2 rectly relating to the performance of funeral or final disposition services.

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

9 “(a) Be licensed by the State Mortuary and Cemetery Board under ORS
10 692.146;

11 “(b) Be operated by a funeral service practitioner;

12 “(c) Have on the premises embalming facilities or holding room facilities
13 meeting requirements established by the board; and

14 “(d) Have access to hospital or mortuary refrigeration.

15 “(5) A person may not operate an immediate disposition company unless
16 the immediate disposition company meets the requirements under this sub-
17 section. An immediate disposition company must:

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

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

20 “(6) A person or city, county or other municipal corporation may not
21 conduct the business of an operating cemetery without first receiving a cer-
22 tificate of authority to conduct the business of an operating cemetery under
23 ORS 692.275.

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

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

28 “[8] (9) An applicant for a license or certificate described in this section
29 and a principal of a licensed establishment described in this section must
30 consent to a background check, including information solicited from the

1 Department of State Police.

2 **“SECTION 21.** ORS 692.040 is amended to read:

3 “692.040. This chapter does not apply to any of the following:

4 “(1) A public institution, medical college, county medical society, ana-
5 tomical association, college of embalming or institution approved by the
6 State Mortuary and Cemetery Board to accept bodies for education or re-
7 search purposes under ORS 97.170.

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

10 “(3) A person who picks up dead human bodies under the direction of a
11 licensed funeral service practitioner for delivery to a licensed funeral service
12 practitioner, a licensed funeral establishment, an authorized cemetery, an
13 authorized crematorium or another authorized facility for final disposition
14 of human remains pursuant to an agreement with the funeral service prac-
15 titioner, if the person is not otherwise engaged in any of the activities of a
16 funeral service practitioner, an embalmer, a funeral establishment, a death
17 care consultant, a cemetery, [or] a crematorium **or an alternative dispo-**
18 **sition facility** as described in ORS 692.025 or another authorized facility for
19 final disposition of human remains as described in ORS 692.275.

20 “(4) A person who picks up dead human bodies under the direction of a
21 licensed funeral service practitioner employed by a funeral establishment
22 registered under ORS 692.270 for transportation out of the state or for de-
23 livery out of the state to a funeral service practitioner, funeral establish-
24 ment, cemetery, [or] crematorium **or alternative disposition facility**
25 pursuant to an agreement with the funeral service practitioner, if the person
26 is not otherwise engaged in any of the activities of a funeral service practi-
27 tioner, an embalmer, a funeral establishment, a death care consultant, a
28 cemetery, [or] a crematorium **or an alternative disposition facility** as de-
29 scribed in ORS 692.025 or another authorized facility for final disposition of
30 human remains as described in ORS 692.275.

1 **“SECTION 22.** ORS 692.148 is amended to read:

2 “692.148. (1) If the principals of a licensed funeral establishment or im-
3 mediate disposition company change, the establishment or company shall
4 apply to the State Mortuary and Cemetery Board for a new license.

5 “(2) A person holding a license or certificate of authority or who is reg-
6 istered under this chapter shall apply to the board for reissuance of the li-
7 cense, certificate or registration if any of the following occur:

8 “(a) The name of the person changes;

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

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

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

14 or

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

18 “(3) The application for reissuance of the license, registration or certif-
19 icate shall include payment of the fee established under ORS 692.160. The
20 board shall reissue the license, certificate or registration when the board
21 receives the application and the fee.

22 **“SECTION 23.** ORS 692.275 is amended to read:

23 “692.275. (1) A person may not conduct the business of an operating cem-
24 etery unless the person has a certificate of authority to do so. A person may
25 apply for a certificate of authority on a form provided by the State Mortuary
26 and Cemetery Board. The application must be accompanied by the applica-
27 tion fee established under ORS 692.160. However, any exempt operating
28 cemetery is entitled to receive a certificate of authority to operate upon
29 payment of an initial fee not to exceed \$100 and a fee not to exceed \$50 for
30 registration of all principals regardless of the total number of principals.

1 An exempt operating cemetery is not required to pay the renewal fee or the
2 fee for any change in principal other than the cemetery manager.

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

10 “(3) A person may not operate a crematorium unless the person has a
11 certificate of authority to do so. A person may apply for a certificate of au-
12 thority to operate a crematorium on a form provided by the board. The ap-
13 plication must be accompanied by the application fee established under ORS
14 692.160.

15 “(4) **A person may not operate a facility for final disposition of hu-**
16 **man remains other than a cemetery or a crematorium unless the**
17 **person has a certificate of authority to do so. A person may apply for**
18 **a certificate of authority on a form provided by the board. The appli-**
19 **cation must be accompanied by an application fee established under**
20 **ORS 692.160.**

21 “[~~4~~] (5) For purposes of this section and ORS 692.025, each location of
22 a cemetery, [*or*] crematorium **or other facility for final disposition of**
23 **human remains** is a separate location and must be licensed separately.
24 Those cemeteries that are subject to registration must be registered sepa-
25 rately.

26 “[~~5~~] (6) The board may consider the recommendations of national asso-
27 ciations:

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

29 “(b) **Related to an alternative final disposition in adopting rules**
30 **regulating the alternative final disposition.**

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

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

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

10 “**SECTION 24.** ORS 692.405 is amended to read:

11 “692.405. The funeral service practitioner or person acting as such shall
12 be responsible for causing to be affixed to each receptacle, as defined by rule
13 of the State Mortuary and Cemetery Board, in which a dead human body is
14 contained an identifying metal disc, of a design to be approved by rule of the
15 State Mortuary and Cemetery Board, that shall remain attached to the re-
16 ceptacle in which the body is contained and shall bear a corresponding
17 number that is also in the report of death and the final disposition permit.
18 In the event of cremation **or reduction**, the disc shall stay with the
19 cremated **or reduced** remains.

20

21 “**CONFORMING AMENDMENTS**

22

23 “**SECTION 25.** ORS 146.121 is amended to read:

24 “146.121. (1) No person shall bury or otherwise dispose of the body of a
25 person whose death required investigation, without having first obtained a
26 burial [*or*], cremation **or reduction** permit, or a report of death completed
27 and signed by a medical examiner.

28 “(2) When a medical examiner investigates the death of a person whose
29 body is not claimed by a friend or relative within five days of the date of
30 death, the sheriff or, in counties having a population of 400,000 or more, the

1 medical examiner shall dispose of the body according to the provisions of
2 ORS 97.170 to 97.210.

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

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

13 **“SECTION 26.** ORS 147.005 is amended to read:

14 “147.005. As used in ORS 147.005 to 147.367 unless the context requires
15 otherwise:

16 “(1) ‘Applicant’ means:

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

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

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

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

23 “(2) ‘Board’ means the Workers’ Compensation Board.

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

26 “(4) ‘Compensable crime’ means abuse of corpse in any degree or an in-
27 tentional, knowing, reckless or criminally negligent act that results in injury
28 or death of another person and that, if committed by a person of full legal
29 capacity, would be punishable as a crime in this state.

30 “(5) ‘Counseling’ has the meaning given that term by the department by

1 rule.

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

6 “(7) ‘Department’ means the Department of Justice.

7 “(8) ‘Funeral expenses’ means expenses of the funeral, burial, cremation
8 , **reduction** or other chosen method of interment, including plot or tomb and
9 other necessary incidents to the disposition of the remains and also includ-
10 ing, in the case of abuse of corpse in any degree, reinterment.

11 “(9) ‘Injury’ means abuse of a corpse or actual bodily harm and, with re-
12 spect to a victim, includes pregnancy and mental or nervous shock.

13 “(10) ‘International terrorism’ means activities that:

14 “(a) Involve violent acts or acts dangerous to human life that are a vio-
15 lation of the criminal laws of the United States or any state or that would
16 be a criminal violation if committed within the jurisdiction of the United
17 States or of any state;

18 “(b) Appear to be intended to:

19 “(A) Intimidate or coerce a civilian population;

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

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

22 and

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

27 “(11) ‘Involved in the hearing’ and ‘involved in the oral argument’ have
28 the meaning given those terms by the department by rule.

29 “(12) ‘Law enforcement official’ means a sheriff, constable, marshal, mu-
30 nicipal police officer or member of the Oregon State Police and such other

1 persons as may be designated by law as a peace officer.

2 **“(13) ‘Reduction’ has the meaning given that term in ORS 97.010.**

3 “[~~13~~] (14) ‘Relative’ means a person related to the victim within the
4 third degree as determined by the common law, a spouse, or an individual
5 related to the spouse within the third degree as so determined and includes
6 an individual in an adoptive relationship.

7 “[~~14~~] (15) ‘Survivor’ means any spouse, parent, grandparent, guardian,
8 sibling, child or other immediate family member or household member of a
9 deceased victim.

10 “[~~15~~] (16) ‘Victim’ means:

11 “(a) A person:

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

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

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

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

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

28 “(F) Who is an Oregon resident killed or injured by an act of interna-
29 tional terrorism committed outside the United States; or

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

1 of the corpse.

2 **“SECTION 27.** ORS 226.410 is amended to read:

3 “226.410. Any incorporated city may acquire, own, maintain and operate
4 cemeteries, [and] crematoria **and other facilities authorized for the dis-**
5 **position of human remains** either inside or outside its corporate limits, in
6 accordance with such plans as the city governing body deems best.

7 **“SECTION 28.** ORS 409.742 is amended to read:

8 “409.742. (1) Notwithstanding any other provision of law, the Department
9 of Human Services shall disclose to the general public the name and the
10 dates of birth and death of a person whose cremated **or reduced** remains are
11 in the possession of the department for the purpose of:

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

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

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

23 “(3) As used in this section[,]:

24 **“(a) ‘Alkaline hydrolysis’ or ‘hydrolysis’ means the technical pro-**
25 **cess for reducing human remains by placing the remains in a dissol-**
26 **ution chamber that uses heat, pressure, water and base chemical**
27 **agents, in a licensed hydrolysis facility, to reduce human remains to**
28 **bone fragments and essential elements.**

29 **“(b) ‘Family member’ means any individual related by blood, marriage or**
30 **adoption to a person whose cremated or reduced remains are in the pos-**

1 session of the department.

2 “(c) **‘Natural organic reduction’ means the contained, accelerated**
3 **conversion of human remains to soil.**

4 “(d) **‘Reduced remains’ means the remains of a human body after**
5 **completion of an authorized process for reducing human remains.**
6 **Authorized processes for reducing human remains include alkaline**
7 **hydrolysis, natural organic reduction and any other alternative pro-**
8 **cess authorized by the State Mortuary and Cemetery Board.**

9 **“SECTION 29.** ORS 413.195 is amended to read:

10 “413.195. (1) As used in this section[,]:

11 “(a) **‘Family member’ means any individual related by blood, marriage or**
12 **adoption to a person whose cremated or reduced remains are in the pos-**
13 **session of the Oregon Health Authority.**

14 “(b) **‘Reduced remains’ means the remains of a human body after**
15 **completion of an authorized process for reducing human remains.**
16 **Authorized processes for reducing human remains include alkaline**
17 **hydrolysis, natural organic reduction and any other alternative pro-**
18 **cess authorized by the State Mortuary and Cemetery Board.**

19 “(2) Notwithstanding any other provision of law, the authority shall dis-
20 close to the general public the name and the dates of birth and death of a
21 person whose cremated **or reduced** remains are in the possession of the au-
22 thority for the purpose of:

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

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

27 “(3) If an individual contacts the authority to determine whether the au-
28 thority is in possession of the cremated **or reduced** remains of a family
29 member of the individual and the authority determines that the authority is
30 in possession of the cremated **or reduced** remains, the authority shall dis-

1 close to the individual that the authority is in possession of the cremated
2 **or reduced** remains and offer the individual the opportunity to claim the
3 remains.

4 **“SECTION 30.** ORS 432.005 is amended to read:

5 “432.005. As used in this chapter, unless the context requires otherwise:

6 **“(1) ‘Alkaline hydrolysis’ or ‘hydrolysis’ means the technical pro-**
7 **cess for reducing human remains by placing the remains in a dissol-**
8 **ution chamber that uses heat, pressure, water and base chemical**
9 **agents, in a licensed hydrolysis facility, to reduce human remains to**
10 **bone fragments and essential elements.**

11 “[1] **(2)** ‘Amendment’ means a change to an item that appears on a cer-
12 tified copy of a vital record after a certified copy has been issued.

13 “[2] **(3)** ‘Authorized representative’ means an agent designated in a
14 written statement signed by the registrant or other qualified applicant, the
15 signing of which was witnessed.

16 “[3] **(4)** ‘Certified copy’ means the document, in either paper or elec-
17 tronic format, issued by the State Registrar of the Center for Health Statis-
18 tics and containing all or a part of the information contained on the original
19 vital record, and which, when issued by the state registrar, has the full force
20 and effect of the original vital record.

21 “[4] **(5)** ‘Certified copy item’ means any item of information that appears
22 on a certified copy.

23 “[5] **(6)** ‘Certifier’ means a person required to attest to the accuracy of
24 information submitted on a report.

25 “[6] **(7)** ‘Correction’ means a change to an item that is not included in
26 a certified copy of a vital record, or a change to an item that is included in
27 a certified copy provided that no certified copy has been issued.

28 “[7] **(8)** ‘Court of competent jurisdiction’ means a court within the
29 United States with jurisdiction over a person subject to regulation under this
30 chapter.

1 “[8] (9) ‘Date of registration’ means the month, day and year a vital
2 record is incorporated into the official records of the Center for Health
3 Statistics.

4 “[9] (10) ‘Dead body’ means a human body or such parts of such human
5 body from the condition of which it reasonably may be concluded that death
6 occurred.

7 “[10] (11) ‘Electronic signature’ means an electronic sound, symbol or
8 process attached to or logically associated with a contract or other record
9 that is executed or adopted by a person with the intent to attest to the ac-
10 curacy of the facts in the record.

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

13 “[12] (13) ‘Health research’ means a systematic study to gain informa-
14 tion and understanding about health, with the goal of finding ways to im-
15 prove human health, that conforms to or is conducted in accordance with
16 generally accepted scientific standards or principles and that is designed to
17 develop or contribute to general scientific knowledge.

18 “[13] (14) ‘Facts of live birth’ means the name of the child, date of birth,
19 place of birth, sex and parent’s name or parents’ names appearing on the
20 record of live birth.

21 “[14] (15) ‘Fetal death’ means death prior to the complete expulsion or
22 extraction from its mother of a product of human conception, irrespective
23 of the duration of pregnancy, that is not an induced termination of preg-
24 nancy. The death is indicated by the fact that after such expulsion or ex-
25 traction the fetus does not breathe or show any other evidence of life such
26 as beating of the heart, pulsation of the umbilical cord or definite movement
27 of the voluntary muscles.

28 “[15] (16) ‘Final disposition’ means the burial, interment, cremation ,
29 **reduction**, removal from the state or other authorized disposition of a dead
30 body or fetus, except that when removal from the state is conducted by the

1 holder of a certificate of removal registration issued under ORS 692.270, the
2 final disposition may not be considered complete until the report of death is
3 filed.

4 “[(16)(a)] **(17)(a)** ‘Human remains’ means a dead body.

5 “(b) ‘Human remains’ does not include [*human ashes*] **cremated or re-**
6 **duced human remains** recovered after cremation **or reduction.**

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

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

12 “[(18)] **(19)** ‘Institution’ means any establishment, public or private, that
13 provides inpatient or outpatient medical, surgical or diagnostic care or
14 treatment or nursing, custodial or domiciliary care, or to which persons are
15 committed by law.

16 “[(19)] **(20)** ‘Interment’ means the disposition of human remains by
17 entombment or burial.

18 “[(20)] **(21)** ‘Legal representative’ means a licensed attorney representing
19 the registrant or other qualified applicant.

20 “[(21)] **(22)** ‘Live birth’ means the complete expulsion or extraction from
21 its mother of a product of human conception, irrespective of the duration of
22 pregnancy, that, after such expulsion or extraction, breathes or shows any
23 other evidence of life such as beating of the heart, pulsation of the umbilical
24 cord or definite movement of voluntary muscles, whether or not the umbilical
25 cord has been cut or the placenta is attached.

26 “[(22)] **(23)** ‘Medical certifier’ means a physician, physician assistant or
27 nurse practitioner licensed under the laws of this state or under the laws
28 of Washington, Idaho or California who has treated a decedent within the
29 12 months preceding death.

30 “**(24) ‘Natural organic reduction’ means the contained, accelerated**

1 **conversion of human remains to soil.**

2 “[23] (25) ‘Person acting as a funeral service practitioner’ means:

3 “(a) A person other than a funeral service practitioner licensed under
4 ORS 692.045, including but not limited to a relative, friend or other inter-
5 ested party, who performs the duties of a funeral service practitioner without
6 payment; or

7 “(b) A funeral service practitioner who submits reports of death in an-
8 other state if the funeral service practitioner is employed by a funeral es-
9 tablishment licensed in another state and registered with the State Mortuary
10 and Cemetery Board under ORS 692.270.

11 “[24] (26) ‘Person in charge of an institution’ means the officer or em-
12 ployee who is responsible for administration of an institution.

13 “[25] (27) ‘Personally identifiable information’ means information that
14 can be used to distinguish or trace an individual’s identity or, when com-
15 bined with other personal or identifying information, is linked or linkable
16 to a specific individual.

17 “[26] (28) ‘Physician’ means a person authorized to practice medicine,
18 chiropractic or naturopathic medicine under the laws of this state or under
19 the laws of Washington, Idaho or California, a physician assistant licensed
20 under ORS 677.505 to 677.525 or a nurse practitioner licensed under ORS
21 678.375 to 678.390.

22 “[27] (29) ‘Record’ means a report that has been registered by the state
23 registrar.

24 “[28] (30) ‘Record of foreign live birth’ means a document registered by
25 the state registrar for a person born in a foreign country who may or may
26 not be a citizen of the United States and who was adopted under the laws
27 of this state.

28 **“(31) ‘Reduction’ means an authorized process for reducing human**
29 **remains. Authorized processes for reducing human remains include**
30 **alkaline hydrolysis, natural organic reduction and any other alterna-**

1 **tive process authorized by the State Mortuary and Cemetery Board.**

2 “[29] (32) ‘Registration’ means the process by which vital records and
3 reports are accepted and incorporated into the official records of the Center
4 for Health Statistics.

5 “[30] (33) ‘Report’ means a document, whether in paper or electronic
6 format, containing information related to a vital event submitted by a person
7 required to submit the information to the state registrar for the purpose of
8 registering a vital event.

9 “[31] (34) ‘State’ includes a state or territory of the United States, the
10 District of Columbia and New York City.

11 “[32] (35) ‘System of vital statistics’ means:

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

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

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

19 “[33] (36) ‘Verification’ means confirmation of the information on a vital
20 record based on the facts contained in a report.

21 “[34] (37) ‘Vital record’ means a report of a live birth, death, fetal death,
22 marriage, declaration of domestic partnership, dissolution of marriage or
23 domestic partnership and related data that have been accepted for registra-
24 tion and incorporated into the official records of the Center for Health Sta-
25 tistics.

26 “[35] (38) ‘Vital statistics’ means the aggregated data derived from re-
27 cords and reports of live birth, death, fetal death, induced termination of
28 pregnancy, marriage, declaration of domestic partnership, dissolution of
29 marriage, dissolution of domestic partnership and supporting documentation
30 and related reports.

1 **“SECTION 31.** ORS 801.288 is amended to read:

2 “801.288. (1) ‘Funeral escort vehicle’ means any two-wheel or three-wheel
3 vehicle that is accompanying a funeral procession and is properly equipped
4 under ORS 811.800.

5 “(2) ‘Funeral lead vehicle’ means any vehicle that is properly equipped
6 under ORS 811.800 and is used to lead and facilitate the movement of a fu-
7 neral procession.

8 “(3) ‘Funeral procession’ means two or more vehicles, including any fu-
9 neral lead vehicle or funeral escort vehicle, accompanying the body or
10 cremated **or reduced** remains of a deceased person.

11 **“SECTION 32.** ORS 307.150 is amended to read:

12 “307.150. (1) Notwithstanding ORS 307.022, upon compliance with ORS
13 307.162, the following property is exempt from taxation:

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

19 “(b) Lands used or held exclusively for cemetery purposes, not exceeding
20 600 acres.

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

24 “(d) Buildings on land described in paragraph (a) or (b) of this subsection
25 that are used to store machinery or equipment used exclusively for mainte-
26 nance of burial grounds.

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

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

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

3 **“SECTION 33. (1) The amendments to ORS 97.010, 97.130, 97.145,**
4 **97.150, 97.153, 97.170, 97.200, 97.220, 97.510, 97.660, 97.665, 97.670, 97.675,**
5 **97.680, 97.720, 97.972, 146.121, 147.005, 226.410, 307.150, 409.742, 413.195,**
6 **432.005, 692.010, 692.025, 692.040, 692.148, 692.275, 692.405 and 801.288 by**
7 **sections 1 to 32 of this 2021 Act become operative on July 1, 2022.**

8 **“(2) The State Mortuary and Cemetery Board may take any action**
9 **before the operative date specified in subsection (1) of this section that**
10 **is necessary for the board to exercise, on and after the operative date**
11 **specified in subsection (1) of this section, all of the duties, functions**
12 **and powers conferred on the board by the amendments to ORS 692.010,**
13 **692.025, 692.040, 692.148, 692.275 and 692.405 by sections 19 to 24 of this**
14 **2021 Act.**

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

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