

A-Engrossed
House Bill 4082

Ordered by the House February 14
Including House Amendments dated February 14

Sponsored by Representatives GOODWIN, EVANS, SMITH G, SMITH DB; Representatives CATE, GRAYBER, HAYDEN, HELM, LEWIS, RESCHKE, SCHARF, SCHOUTEN, WILDE, WITT, ZIKA, Senator HANSELL (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Directs county governing body of each county to designate person to ensure interment of unclaimed [*cremated or reduced*] **human** remains of veteran or spouse, dependent or survivor of veteran. Limits civil liability except for gross negligence.

Requires [*cemetery association*] **funeral establishment, crematory operator**, cemetery authority, alternative disposition facility operator, licensed funeral service practitioner or other entity in possession of unclaimed [*cremated or reduced*] **human** remains of veteran or spouse, dependent or survivor of veteran to release [*cremated or reduced*] **human** remains and associated veteran status information upon request to veterans' remains coordinator **under certain circumstances**. Limits civil liability for release of veteran status information except for gross negligence. Requires [*cemetery association*] **funeral establishment, crematory operator**, cemetery authority, alternative disposition facility operator, licensed funeral service practitioner or other entity in possession of unclaimed [*cremated or reduced*] **human** remains of veteran or spouse, dependent or survivor of veteran to notify county veterans' service officer under certain circumstances. **Requires funeral establishment, crematory operator, cemetery authority, alternative disposition facility operator or licensed funeral service practitioner in possession of unclaimed human remains of veteran or spouse, dependent or survivor of veteran to apply for state or federal benefits under certain circumstances. Authorizes funeral establishment, crematory operator, cemetery authority, alternative disposition facility operator or licensed funeral service practitioner in possession of unclaimed human remains of veteran or spouse, dependent or survivor of veteran to cremate, reduce or inter unclaimed human remains under certain circumstances.**

Directs county veterans' service officer to report information about veteran or spouse, dependent or survivor of veteran to United States Department of Veterans Affairs. Requires county veterans' service officer to establish and maintain list of reported information and to make information available upon request to veterans' remains coordinator.

A BILL FOR AN ACT

1
2 Relating to veterans; creating new provisions; and amending ORS 97.170.

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

4 **SECTION 1. Sections 2 to 6 of this 2022 Act are added to and made a part of ORS 97.110**
5 **to 97.450.**

6 **SECTION 2. As used in sections 2 to 6 of this 2022 Act:**

7 (1) "County veterans' service officer" means a county veterans' service officer appointed
8 under ORS 408.410.

9 (2) "Eligible decedent" means the unclaimed human remains of a veteran or spouse, de-
10 pendent or survivor of a veteran that are entitled to interment under federal law at a na-
11 tional cemetery administered by the United States Department of Veterans Affairs.

12 (3) "Entity in possession of an eligible decedent" means a funeral establishment licensed
13 under ORS 692.146, cemetery authority, crematory operator, alternative disposition facility

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 operator, funeral service practitioner licensed under ORS 692.045 or other entity in pos-
2 session of an eligible decedent.

3 (4) “Veteran” has the meaning given that term in ORS 408.225.

4 (5) “Veteran status information” means the data required by the Department of
5 Veterans’ Affairs to verify that human remains are those of a veteran or spouse, dependent
6 or survivor of a veteran for purposes of eligibility for interment in a national cemetery, in-
7 cluding the person’s name, service number, Social Security number, date of birth, date of
8 death, place of birth, branch of the service and military rank.

9 (6) “Veterans’ remains coordinator” means a person recognized by a county as a volun-
10 teer authorized to verify and inter unclaimed human remains of a veteran or spouse, de-
11 pendent or survivor of a veteran.

12 **SECTION 3.** (1) The county governing body of each county shall designate one or more
13 veterans’ remains coordinators who, without compensation, shall exercise due diligence to:

14 (a) Identify unclaimed human remains located in the county in consultation with the
15 county veterans’ service officer, the United States Department of Veterans Affairs, a na-
16 tional cemetery administered by the United States Department of Veterans Affairs, the
17 United States Social Security Administration or another entity;

18 (b) Establish that the unclaimed human remains meet the definition of “eligible
19 decedent”; and

20 (c) For an eligible decedent who died in the county, cause interment at a national ceme-
21 tery administered by the United States Department of Veterans Affairs.

22 (2) An interment under subsection (1) of this section may not occur at a cemetery used
23 only for the interment of indigent persons.

24 **SECTION 4.** (1) Before causing the interment of an eligible decedent under section 3 of
25 this 2022 Act, the veterans’ remains coordinator shall report to the county veterans’ service
26 officer:

27 (a) The facts relied upon to establish eligibility for interment under section 3 of this 2022
28 Act;

29 (b) The plan for the interment of the eligible decedent; and

30 (c) The date of death and place of interment of the eligible decedent.

31 (2) The county veterans’ service officer shall establish and maintain a record of infor-
32 mation received under subsection (1) of this section.

33 **SECTION 5.** (1) An entity in possession of an eligible decedent shall, upon request of a
34 veterans’ remains coordinator, release the veteran status information associated with the
35 eligible decedent to the veterans’ remains coordinator.

36 (2) A veterans’ remains coordinator may use the veteran status information received
37 under subsection (1) of this section only for disclosure to the Department of Veterans’ Af-
38 fairs to verify the interment benefits of an eligible decedent.

39 (3) If disposition arrangements have not otherwise been made under law, an entity in
40 possession of an eligible decedent shall notify the county veterans’ service officer for the
41 county in which the eligible decedent is located of the existence of the eligible decedent no
42 later than six months after the date of death associated with the eligible decedent.

43 (4) An entity in possession of unclaimed human remains shall, upon request of a
44 veterans’ remains coordinator, provide reasonable assistance to the veterans’ remains coor-
45 dinator to identify and establish that the unclaimed human remains meet the definition of

1 “eligible decedent” pursuant to section 3 of this 2022 Act.

2 (5) An entity in possession of an eligible decedent shall, upon request by a veterans’ re-
3 mains coordinator, release the eligible decedent to the veterans’ remains coordinator for
4 interment under section 3 of this 2022 Act, provided that the following conditions are satis-
5 fied:

6 (a) The veterans’ remains coordinator has verified the interment benefits of the eligible
7 decedent with the department or county veterans’ service officer and provided documenta-
8 tion of that verification to the entity in possession of the eligible decedent.

9 (b) The veterans’ remains coordinator has exercised due diligence to provide notice of the
10 plan to inter the eligible decedent to any agents or family members of the eligible decedent
11 with the legal right to control the disposition of the eligible decedent.

12 (c) An agent or family member of the eligible decedent with a legal right to control the
13 disposition of the eligible decedent has not exercised that right.

14 (d) The entity in possession of the eligible decedent has possessed the eligible decedent
15 for at least six months.

16 (6) An entity in possession of an eligible decedent that releases veteran status informa-
17 tion under subsection (1) of this section is not subject to civil liability except for gross
18 negligence.

19 (7) A veterans’ remains coordinator who inters an eligible decedent under section 3 of
20 this 2022 Act is not subject to civil liability for acts or omissions arising from the interment
21 except for gross negligence.

22 **SECTION 6.** (1) A county veterans’ service officer who identifies or locates an eligible
23 decedent shall report to the United States Department of Veterans Affairs:

24 (a) Veteran status information known about the veteran associated with the eligible
25 decedent; and

26 (b) Contact information for the place and person in possession of the eligible decedent.

27 (2) The county veterans’ service officer shall establish and maintain a list of eligible
28 decedents that are reported under subsection (1) of this section and make the list available
29 in person or by telephone upon request by a veterans’ remains coordinator.

30 **SECTION 7.** ORS 97.170 is amended to read:

31 97.170. (1) As used in this section, “indigent person” means a deceased person who does not have
32 a death or final expense benefit or insurance policy that pays for disposition of the deceased
33 person’s body or other means to pay for disposition of the deceased person’s body and:

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

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

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

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

43 (3)(a) A funeral establishment licensed under ORS 692.146, **cemetery authority, crematory**
44 **operator, alternative disposition facility operator or licensed funeral service practitioner** that
45 takes custody of the unclaimed body of a deceased person shall, within five days after taking custody

1 of the body:

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

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

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

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

8 (E) **Except as provided in paragraph (d) of this subsection**, if no person listed in ORS 97.130
9 can be located to pay the expenses to make disposition of the body, arrange with a person or insti-
10 tution not listed in ORS 97.130 that will pay the expenses to make disposition of the body;

11 (F) Determine whether the State Treasurer or other person is appointed as the personal repre-
12 sentative of the deceased person pursuant to ORS 113.085; and

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

15 (b) If no one claims the body within 10 days after the funeral establishment, **cemetery au-**
16 **thority, crematory operator, alternative disposition facility operator or licensed funeral ser-**
17 **vice practitioner** takes custody of the body, or if the persons notified acquiesce, or if the decedent
18 is not eligible for any benefits described in paragraph (a)(G) of this subsection, the funeral estab-
19 lishment, **cemetery authority, crematory operator, alternative disposition facility operator or**
20 **licensed funeral service practitioner** may transfer the body to an institution on the list of insti-
21 tutions described in subsection (2) of this section that desires the body for education or research
22 purposes.

23 (c) If no person or institution claims the body as provided in paragraphs (a) and (b) of this
24 subsection, the funeral establishment, **cemetery authority, crematory operator, alternative dis-**
25 **position facility operator or licensed funeral service practitioner** may cremate or reduce or
26 bury the body without the consent of persons listed in ORS 97.130 and is indemnified from any li-
27 ability arising from having made such disposition. The method of disposition must be in the least
28 costly and most environmentally sound manner that complies with law, and that does not conflict
29 with known wishes of the deceased. If the deceased person is an indigent person, the board shall
30 reimburse the funeral establishment for the costs of disposition under subsection (5) of this section.

31 **(d) Notwithstanding paragraphs (b) and (c) of this subsection, if the decedent is eligible**
32 **for state or federal benefits described in paragraph (a)(G) of this subsection, the funeral es-**
33 **tablishment, cemetery authority, crematory operator, alternative disposition facility opera-**
34 **tor or licensed funeral service practitioner shall apply for the benefits within 10 days of**
35 **taking custody of the body. If no person claims the body within 10 days of taking custody,**
36 **the funeral establishment, cemetery authority, crematory operator, alternative disposition**
37 **facility operator or licensed funeral service practitioner may cremate or reduce the body**
38 **before or after notifying the county veterans' service officer under section 5 (3) of this 2022**
39 **Act or cause the body to be buried or interred at a national cemetery administered by the**
40 **United States Department of Veterans Affairs. A body eligible for benefits described in par-**
41 **agraph (a)(G) of this subsection may not be transferred to an institution described in sub-**
42 **section (2) of this section.**

43 (4) If the deceased person is a child over whom the Department of Human Services held
44 guardianship at the time of death, the department shall promptly attempt to locate and notify the
45 relatives of the deceased child or any other person who has an interest in the deceased child and

1 shall arrange with any person who will pay the expenses to make disposition of the body. If no
2 relatives or interested persons claim the body, the department may transfer the body to an institu-
3 tion that is on the list maintained by the board under subsection (2) of this section that desires the
4 body for education or research purposes, or may authorize burial or cremation or reduction of the
5 body. The department shall pay expenses related to burial or cremation or reduction authorized by
6 the department under this subsection.

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

13 **SECTION 8.** ORS 97.170, as operative until July 1, 2022, is amended to read:

14 97.170. (1) As used in this section, "indigent person" means a deceased person who does not have
15 a death or final expense benefit or insurance policy that pays for disposition of the deceased
16 person's body or other means to pay for disposition of the deceased person's body and:

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

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

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

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

26 (3)(a) A funeral establishment licensed under ORS 692.146, **cemetery authority, crematory**
27 **operator, alternative disposition facility operator or licensed funeral service practitioner** that
28 takes custody of the unclaimed body of a deceased person shall, within five days after taking custody
29 of the body:

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

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

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

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

36 (E) **Except as provided in paragraph (d) of this subsection**, if no person listed in ORS 97.130
37 can be located to pay the expenses to make disposition of the body, arrange with a person or insti-
38 tution not listed in ORS 97.130 that will pay the expenses to make disposition of the body;

39 (F) Determine whether the State Treasurer or other person is appointed as the personal repre-
40 sentative of the deceased person pursuant to ORS 113.085; and

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

43 (b) If no one claims the body within 10 days after the funeral establishment, **cemetery au-**
44 **thority, crematory operator, alternative disposition facility operator or licensed funeral ser-**
45 **vice practitioner** takes custody of the body, or if the persons notified acquiesce, or if the decedent

1 is not eligible for any benefits described in paragraph (a)(G) of this subsection, the funeral estab-
2 lishment, **cemetery authority, crematory operator, alternative disposition facility operator or**
3 **licensed funeral service practitioner** may transfer the body to an institution on the list of insti-
4 tutions described in subsection (2) of this section that desires the body for education or research
5 purposes.

6 (c) If no person or institution claims the body as provided in paragraphs (a) and (b) of this
7 subsection, the funeral establishment, **cemetery authority, crematory operator, alternative dis-**
8 **position facility operator or licensed funeral service practitioner** may cremate or bury the body
9 without the consent of persons listed in ORS 97.130 and is indemnified from any liability arising from
10 having made such disposition. The method of disposition must be in the least costly and most envi-
11 ronmentally sound manner that complies with law, and that does not conflict with known wishes of
12 the deceased. If the deceased person is an indigent person, the board shall reimburse the funeral
13 establishment for the costs of disposition under subsection (5) of this section.

14 (d) **Notwithstanding paragraphs (b) and (c) of this subsection, if the decedent is eligible**
15 **for state or federal benefits described in paragraph (a)(G) of this subsection, the funeral es-**
16 **tablishment, cemetery authority, crematory operator, alternative disposition facility opera-**
17 **tor or licensed funeral service practitioner shall apply for the benefits within 10 days of**
18 **taking custody of the body. If no person claims the body within 10 days of taking custody,**
19 **the funeral establishment, cemetery authority, crematory operator, alternative disposition**
20 **facility operator or licensed funeral service practitioner may cremate or reduce the body**
21 **before or after notifying the county veterans' service officer under section 5 (3) of this 2022**
22 **Act or cause the body to be buried or interred at a national cemetery administered by the**
23 **United States Department of Veterans Affairs. A body eligible for benefits described in par-**
24 **agraph (a)(G) of this subsection may not be transferred to an institution described in sub-**
25 **section (2) of this section.**

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

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

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