

A-Engrossed House Bill 2147

Ordered by the House March 22
Including House Amendments dated March 22

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Veterans and Emergency Management for Representatives Christine Goodwin, Dacia Grayber)

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

Requires [*certain funerary entities*] **funeral establishments** in possession of unclaimed [*human*] **cremated** remains of veteran or survivor of veteran, under certain circumstances, to release [*human*] **unclaimed cremated** remains and associated veteran status information upon request [*to*] **by veterans' remains coordinator**[, *notify county veterans' service officer*] and apply for state or federal benefits **on behalf of decedent**.

Limits civil liability **of funeral establishment** for release of veteran status information **or re-release of eligible decedent** except for gross negligence.

Authorizes [*certain funerary entities*] **funeral establishments** in possession of unclaimed human remains of veteran or survivor of veteran to cremate, reduce or inter unclaimed human remains under certain circumstances.

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

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 2023 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 2023 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 cremated remains of a veteran or spouse,
10 **dependent 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) **"Funeral establishment"** means a funeral establishment licensed under ORS 692.146.

13 (4) **"Veteran"** has the meaning given that term in ORS 408.225.

14 (5) **"Veteran status information"** means the data required by the United States Depart-
15 **ment of Veterans Affairs to verify that cremated remains are those of a veteran or spouse,**
16 **dependent or survivor of a veteran for purposes of eligibility for interment in a national**
17 **cemetery, including the person's name, service number, Social Security number, date of**
18 **birth, date of death, place of birth, branch of the service and military rank.**

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 (6) “Veterans’ remains coordinator” means a person recognized by a county as a paid
2 employee or unpaid volunteer authorized to verify and assist in the interment of unclaimed
3 cremated remains of a veteran or spouse, dependent or survivor of a veteran.

4 **SECTION 3.** (1) The governing body of each county shall designate one or more veterans’
5 remains coordinators who shall exercise due diligence to:

6 (a) Identify unclaimed cremated remains located in the county in consultation with the
7 county veterans’ service officer, the United States Department of Veterans Affairs, a na-
8 tional cemetery administered by the United States Department of Veterans Affairs, the
9 United States Social Security Administration or another entity;

10 (b) Establish that the unclaimed cremated remains meet the definition of “eligible
11 decedent”; and

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

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

16 **SECTION 4.** (1) Before causing the interment of an eligible decedent under section 3 of
17 this 2023 Act, the veterans’ remains coordinator shall report to the county veterans’ service
18 officer:

19 (a) The facts relied upon to establish eligibility for interment under section 3 of this 2023
20 Act;

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

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

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

25 **SECTION 5.** (1) A funeral establishment in possession of an eligible decedent shall, upon
26 request of a veterans’ remains coordinator, release the veteran status information associ-
27 ated with the eligible decedent to the veterans’ remains coordinator.

28 (2) A veterans’ remains coordinator may use the veteran status information received
29 under subsection (1) of this section only for disclosure to the United States Department of
30 Veterans Affairs to verify the interment benefits of an eligible decedent.

31 (3) A funeral establishment in possession of unclaimed cremated remains shall, upon re-
32 quest of a veterans’ remains coordinator, provide reasonable assistance to the veterans’ re-
33 mains coordinator to identify and establish that the unclaimed cremated remains meet the
34 definition of “eligible decedent” under section 3 of this 2023 Act.

35 (4) A funeral establishment in possession of an eligible decedent shall, upon request by
36 a veterans’ remains coordinator, release the eligible decedent to a person authorized, under
37 rules promulgated by the United States Department of Veterans Affairs, to receive the eli-
38 gible decedent for interment under section 3 of this 2023 Act, provided that the following
39 conditions are satisfied:

40 (a) The veterans’ remains coordinator has verified the interment benefits of the eligible
41 decedent with the department or county veterans’ service officer and provided documenta-
42 tion of that verification to the funeral establishment in possession of the eligible decedent.

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

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

3 (d) The funeral establishment in possession of the eligible decedent has possessed the
4 eligible decedent for at least six months.

5 (5) Notwithstanding ORS 30.265, a person may not bring a civil claim against a funeral
6 establishment in possession of an eligible decedent for any action taken by the funeral es-
7 tablishment in accordance with this section, except in the case of gross negligence, or for
8 any subsequent action taken by a veterans' remains coordinator.

9 (6) Notwithstanding ORS 30.265, a person may not bring a civil claim against a veterans'
10 remains coordinator for acts or omissions arising from the interment of an eligible decedent
11 under section 3 of this 2023 Act, except in the case of gross negligence.

12 **SECTION 6. (1) A veterans' remains coordinator who identifies or locates an eligible**
13 **decedent shall report to the United States Department of Veterans Affairs:**

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

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

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

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

21 97.170. (1) As used in this section, "indigent person" means a deceased person who does not have
22 a death or final expense benefit or insurance policy that pays for disposition of the deceased
23 person's body or other means to pay for disposition of the deceased person's body and:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 **(d)(A) Notwithstanding paragraphs (b) and (c) of this subsection, if the decedent is eligi-**
16 **ble for state or federal benefits described in paragraph (a)(G) of this subsection, the funeral**
17 **establishment shall apply for the benefits within 10 days of taking custody of the body.**

18 **(B) If no person claims the body within 10 days of taking custody, the funeral establish-**
19 **ment may cremate or reduce the body before or after notifying the veterans' remains coor-**
20 **dinators under section 5 (3) of this 2023 Act or cause the body to be buried or interred at a**
21 **national cemetery administered by the United States Department of Veterans Affairs.**

22 **(C) The body of a decedent eligible for benefits described in paragraph (a)(G) of this**
23 **subsection may not be transferred to an institution described in subsection (2) of this sec-**
24 **tion.**

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

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

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