

A-Engrossed
House Bill 2519

Ordered by the House April 6
Including House Amendments dated April 6

Sponsored by Representative MARSH; Representative DEXTER (Pre-session 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.

Prohibits acceptance of consideration for displaying human remains to public. Creates exception in certain circumstances.

[Punishes violations by maximum of one year's imprisonment. Imposes civil penalty of not more than \$5,000 per day of violation.]

Creates civil cause of action for estate of decedent whose remains are unlawfully displayed.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the display of human remains; and declaring an emergency.

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

4 **SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS 97.110 to 97.223.**

5 **SECTION 2. (1) Except as provided in subsection (2) of this section, a person may not**
6 **knowingly accept payment or other consideration, directly or indirectly, for displaying hu-**
7 **man remains to the public.**

8 **(2) Subsection (1) of this section does not apply if:**

9 **(a) The display has the written consent of the decedent or a person with the right to**
10 **control the disposition of the decedent's remains under ORS 97.130; and**

11 **(b) The payment or other consideration is accepted by:**

12 **(A) A person licensed under ORS 692.320 (1)(a);**

13 **(B) An organization accredited by the American Alliance of Museums;**

14 **(C) An institution accredited by the Northwest Commission on Colleges and Universities;**

15 **(D) The Oregon Museum of Science and Industry; or**

16 **(E) A person facilitating a funeral, provided appropriate public health safeguards are**
17 **implemented.**

18 **(3) This section shall preempt any conflicting provision of ORS 97.110 to 97.223.**

19 **SECTION 3. (1) The estate of a decedent whose remains are displayed in violation of**
20 **section 2 of this 2023 Act may bring a civil action for injunctive relief, damages or other**
21 **appropriate relief against any person whose conduct in connection with the display is un-**
22 **lawful under section 2 of this 2023 Act.**

23 **(2) Upon prevailing in an action brought under this section, the plaintiff may recover:**

24 **(a) Both special and general damages, including damages for emotional distress; and**

25 **(b) Punitive damages.**

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.

