

Enrolled
House Bill 2519

Sponsored by Representative MARSH; Representative DEXTER, Senators GELSER BLOUIN, PATTERSON (Presession filed.)

CHAPTER

AN ACT

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

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

SECTION 1. Sections 2 and 3 of this 2023 Act are added to and made a part of ORS 97.110 to 97.223.

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

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

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

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

(A) A funeral establishment, crematory or alternative disposition facility licensed under ORS 692.320 (1)(a);

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

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

or

(D) The Oregon Museum of Science and Industry.

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

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

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

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

(b) Punitive damages.

(3)(a) The court shall award reasonable attorney fees to the prevailing plaintiff in an action brought under this section.

(b) The court may award reasonable attorney fees and expert witness fees incurred by a defendant who prevails in the action if the court determines that the plaintiff had no objectively reasonable basis for asserting a claim or no reasonable basis for appealing an adverse decision of a trial court.

SECTION 4. Sections 2 and 3 of this 2023 Act apply to conduct occurring on or after the effective date of this 2023 Act.

SECTION 5. This 2023 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect on its passage.

Passed by House April 13, 2023

Received by Governor:

Repassed by House June 23, 2023

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Approved:

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Timothy G. Sekerak, Chief Clerk of House

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Dan Rayfield, Speaker of House

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Tina Kotek, Governor

Passed by Senate June 21, 2023

Filed in Office of Secretary of State:

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Rob Wagner, President of Senate

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Secretary of State