

# House Bill 2519

Sponsored by Representative MARSH; Representative DEXTER (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 **as introduced**.

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.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to the display of human remains; creating new provisions; amending ORS 692.375; and de-  
3 claring an emergency.

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

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

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

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

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

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

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

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

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

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

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

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

20 **SECTION 3. (1) Violation of section 2 of this 2023 Act is punishable as a misdemeanor.**  
21 **A person convicted of a violation may be sentenced to a maximum term of imprisonment of**  
22 **not more than one year.**

23 **(2)(a) In addition to any other penalty provided by law, a person that violates section 2**  
24 **of this 2023 Act is subject to a civil penalty imposed by the State Mortuary and Cemetery**  
25 **Board of not more than \$5,000 per day of violation.**

26 **(b) Moneys from penalties imposed under this section shall be deposited in the State**  
27 **Mortuary and Cemetery Board Account established under ORS 692.375.**

28 **SECTION 4. ORS 692.375 is amended to read:**

29 **692.375. The State Mortuary and Cemetery Board Account is established in the State Treasury,**  
30 **separate and distinct from the General Fund. All moneys received by the State Mortuary and Cem-**

**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 every Board under this chapter shall be paid into the account and are appropriated continuously to  
2 **the State Mortuary and Cemetery Board** to be used only for the administration and enforcement  
3 of this chapter, for the administration and enforcement of ORS 97.931 **and sections 2 and 3 of this**  
4 **2023 Act** and for the purpose of education of funeral service practitioners, embalmers and death  
5 care consultants. Any interest or other income from moneys in the account shall be credited to the  
6 account.

7 **SECTION 5. Sections 2 and 3 of this 2023 Act apply to conduct occurring on or after the**  
8 **effective date of this 2023 Act.**

9 **SECTION 6. This 2023 Act being necessary for the immediate preservation of the public**  
10 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**  
11 **on its passage.**

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