

Enrolled Senate Bill 1091

Sponsored by Senator WOODS

CHAPTER

AN ACT

Relating to transportation protection agreements; creating new provisions; amending ORS 97.010 and 97.923; and prescribing an effective date.

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

SECTION 1. Services and merchandise offered under a transportation protection agreement shall not be considered funeral merchandise, funeral services, prearrangement sales or a prearrangement sales contract.

SECTION 2. ORS 97.010 is amended to read:

97.010. As used in ORS 97.010 to 97.040, 97.110 to 97.450, 97.510 to 97.730, 97.810 to 97.920, 97.923 to 97.949, 97.990 and 97.994 **and section 1 of this 2025 Act:**

(1) "Alkaline hydrolysis" or "hydrolysis" means the technical process for reducing human remains by placing the remains in a dissolution chamber that uses heat, pressure, water and base chemical agents, in a licensed hydrolysis facility, to reduce human remains to bone fragments and essential elements.

(2) "Alternative disposition facility" means a structure containing equipment purposed for reduction.

(3) "Burial" means the placement of human remains in a grave or lawn crypt.

(4) "Burial park" means a tract of land for the burial of human remains, used, or intended to be used, and dedicated for cemetery purposes.

(5) "Burial right" means the right to use a grave, mausoleum, columbarium, ossuary or scattering garden for the interment or other disposition of human remains.

(6) "Cemetery" means a place:

(a) Dedicated to and used, or intended to be used, for a permanent memorial or the permanent interment of human remains; and

(b) That may contain a mausoleum, crypt or vault interment, a columbarium, an ossuary, a cenotaph, a scattering garden, any other structure or place used or intended to be used for the interment or disposition of human remains or any combination of these structures or places.

(7) "Cemetery association" means a corporation or association authorized by its articles of incorporation to conduct the business of a cemetery, but does not include a corporation sole or a charitable, eleemosynary association or corporation.

(8) "Cemetery authority" means a person who owns or controls cemetery lands or property, including but not limited to a cemetery corporation, association or corporation sole.

(9) "Cemetery business" and "cemetery purpose" are used interchangeably and mean any business or purpose requisite or incident to, or necessary for establishing, maintaining, operating, im-

proving or conducting a cemetery, interring human remains, and the care, preservation and embellishment of cemetery property.

(10) "Cemetery merchandise" means personal property offered for sale or sold for use in connection with the final disposition, memorialization or interment of human remains. "Cemetery merchandise" includes, but is not limited to, an outer burial container and a memorial.

(11) "Cemetery services" means services provided by a cemetery authority for interment or scattering, and installation of cemetery merchandise.

(12) "Cenotaph" means a place, the primary purpose of which is to provide an area where a person may pay to establish a memorial to honor a person whose remains may be interred elsewhere or whose remains cannot be recovered.

(13) "Columbarium" means a structure or room containing receptacles for permanent inurnment of cremated or reduced remains in a place used, or intended to be used, and dedicated for cemetery purposes.

(14) "Cremated remains" means the remains of a cremated human body after completion of the cremation process.

(15) "Cremation" means the technical process, using direct flame and heat, that reduces human remains to bone fragments.

(16) "Crematory" means a structure containing a retort for the reduction of bodies of deceased persons to cremated remains.

(17) "Crypt" or "vault" means a space in a mausoleum of sufficient size used, or intended to be used, to entomb uncremated or unreduced human remains.

(18) "Directors" or "governing body" means the board of directors, board of trustees or other governing body of a cemetery association.

(19) "Endowment care" means the general care and maintenance of developed portions of a cemetery and memorials erected thereon financed from the income of a trust fund.

(20) "Entombment" means the placement of human remains in a crypt or vault.

(21) "Funeral merchandise" means personal property offered for sale or sold for use in connection with funeral services. "Funeral merchandise" includes, but is not limited to, acknowledgment cards, alternative containers, caskets, clothing, cremation containers, cremation interment containers, flowers, memory folders, monuments, outer burial containers, prayer cards, register books and urns.

(22) "Funeral services" means services customarily provided by a funeral service practitioner including, but not limited to, care and preparation of human remains for final disposition, professional services relating to a funeral or an alternative to a funeral, transportation of human remains, limousine services, use of facilities or equipment for viewing human remains, visitation, memorial services or services that are used in connection with a funeral or alternative to a funeral, coordinating or conducting funeral rites or ceremonies, and other services provided in connection with a funeral, alternative to a funeral or final disposition of human remains.

(23) "Grave" means a space of ground in a burial park used, or intended to be used, for burial of the remains of one person.

(24) "Human remains" or "remains" means the body of a deceased person in any stage of decomposition or after cremation or reduction.

(25) "Interment" means the disposition of human remains by inurnment, entombment or burial.

(26) "Inurnment" means the placement of cremated or reduced remains in a receptacle and the deposit of the receptacle in a niche.

(27) "Lot," "plot" or "burial space" means space in a cemetery owned by one or more individuals, an association or fraternal or other organization and used, or intended to be used, for the permanent interment therein of the remains of one or more deceased persons. Such terms include and apply with like effect to one, or more than one, adjoining grave, crypt, vault or niche.

(28) "Mausoleum" means a structure substantially exposed above ground for the entombment of human remains in crypts or vaults in a place used, or intended to be used, and dedicated for cemetery purposes.

(29) “Memorial” means a product, other than a mausoleum or columbarium, used for identifying an interment space or for commemoration of the life, deeds or career of a decedent including, but not limited to, an ossuary, monument, marker, niche plate, urn garden plaque, crypt plate, cenotaph, marker bench or vase.

(30) “Natural organic reduction” means the contained, accelerated conversion of human remains to soil.

(31) “Niche” means a recess usually in a columbarium used, or intended to be used, for the inurnment of the cremated or reduced remains of one or more persons.

(32) “Ossuary” means a receptacle used for the communal placement of cremated or reduced remains without benefit of an urn or any other container in which cremated or reduced remains may be commingled with other cremated or reduced remains and are nonrecoverable.

(33) “Plot owner” or “owner” means any person identified in the records of the cemetery authority as owner of the burial rights to a burial plot, or who holds a certificate of ownership conveyed from the cemetery authority of the burial rights in a particular lot, plot or space.

(34) “Reduced remains” means the remains of a human body after completion of reduction.

(35) “Reduction” means alkaline hydrolysis, natural organic reduction and any other method of final disposition of human remains authorized by the State Mortuary and Cemetery Board.

(36) “Scattering” means the lawful dispersion of cremated or reduced remains that need not be associated with an interment right or issuance of a deed, that may be recorded only as a service that has taken place and may not be recorded on the permanent records of the cemetery authority.

(37) “Scattering garden” means a location set aside within a cemetery that is used for the spreading or broadcasting of cremated or reduced remains that have been removed from their container and can be mixed with or placed on top of the soil or ground cover or buried in an underground receptacle on a commingled basis and that are nonrecoverable.

(38) “Special care” means any care in excess of endowed care in accordance with the specific directions of a donor of funds.

(39) “Transportation protection agreement” means an agreement that primarily provides for the coordination and arrangement of all professional services related to the transportation of human remains and the preparation for the transportation of human remains.

SECTION 3. ORS 97.923 is amended to read:

97.923. As used in ORS 97.923 to 97.949 and 97.994 **and section 1 of this 2025 Act**, unless the context requires otherwise:

(1) “Beneficiary” means the person who is to receive the funeral and cemetery merchandise, funeral and cemetery services or completed interment spaces.

(2) “Certified provider” means an entity certified under ORS 97.933 to:

(a) Sell or offer for sale prearrangement sales contracts or preconstruction sales contracts;

(b) Administer prearrangement sales contracts or preconstruction sales contracts; or

(c) Provide merchandise or services to fulfill prearrangement sales contracts or preconstruction sales contracts.

(3) “Delivery” occurs when:

(a) Physical possession of the funeral or cemetery merchandise is transferred to the purchaser; or

(b) If authorized by a purchaser under a purchase agreement:

(A) The title to the funeral or cemetery merchandise has been transferred to the purchaser, has been paid for, and is in the possession of the seller, who has documented the sale in the purchaser’s records through use of a serial or other identifying number and placed the merchandise, until needed, for storage on the seller’s premises; or

(B) The merchandise has been identified for the purchaser or the beneficiary as documented by the manufacturer’s receipt placed by the seller in the purchaser’s records and held by the manufacturer for future delivery.

(4) "Depository" means a financial institution or trust company, as those terms are defined in ORS 706.008, that is authorized to accept deposits in this state or to transact trust business in this state and is not registered as a master trustee.

(5) "Guaranteed contract" means a written preconstruction sales contract or prearrangement sales contract that guarantees the beneficiary the specific undeveloped space or spaces or funeral and cemetery merchandise or funeral and cemetery services contained in the contract and under which no charges other than the sales price contained in the contract are required upon delivery or performance of the funeral or cemetery merchandise or services, if:

(a) Required payments have been made as specified in the contract; and

(b) The balance of payment required by the contract is paid before the death of the beneficiary.

(6) "Joint trust fund account" means trust funds received by a certified provider from two or more beneficiaries.

(7)(a) "Master trustee" means an entity that is not a certified provider under ORS 97.923 to 97.949 and that has fiduciary responsibility for the uniform administration of funds including, but not limited to, acceptance, custodianship, investment and accounting, delivered to it by a certified provider for the benefit of purchasers of preconstruction sales contracts or prearrangement sales contracts.

(b) "Master trustee" does not include a financial institution, as defined in ORS 706.008, that acts solely as a depository under ORS 97.923 to 97.949.

(8) "Nonguaranteed contract" means a written preconstruction sales contract or prearrangement sales contract that guarantees the beneficiary the specific undeveloped space or spaces or funeral or cemetery merchandise or services contained in the contract, when the price of the merchandise and services selected has not been fixed and will be determined by existing prices at the time the merchandise and services are delivered or provided.

(9) "Prearrangement sales" or "prearrangement sales contract" means any sale, excluding the sale and contemporaneous or subsequent assignment of a life insurance policy or an annuity contract, made to a purchaser, that has as its purpose the furnishing of funeral or cemetery merchandise or services in connection with the final disposition or commemoration of the memory of a dead human body, for use at a time determinable by the death of the person or persons whose body or bodies are to be disposed and where the sale terms require payment or payments to be made at a currently determinable time.

(10) "Preconstruction sale" or "preconstruction sales contract" means a sale made to a purchaser, for the purpose of furnishing undeveloped interment spaces and when the sale terms require payment or payments to be made at a currently determinable time.

(11) "Purchaser" means a beneficiary or a person acting on behalf of a beneficiary who enters into a prearrangement sales contract or a preconstruction sales contract with a certified provider under which any payment or payments made under the contract are required to be deposited in trust under ORS 97.941.

(12) "Salesperson" means an individual registered under ORS 97.931 and employed by a certified provider to engage in the sale of prearrangement or preconstruction sales contracts on behalf of the certified provider.

(13) "Sales price" means the gross amount paid by a purchaser for a prearrangement sales contract or preconstruction sales contract, excluding sales taxes, credit life insurance premiums and finance charges.

(14) "Trust" means an express trust created under ORS 97.941 whereby a trustee has the duty to administer the amounts specified under ORS 97.941 received under a prearrangement sales contract or a preconstruction sales contract for the benefit of the purchaser of a prearrangement sales contract or preconstruction sales contract.

(15) "Undeveloped interment spaces" or "undeveloped spaces" means any space to be used for the reception of human remains that is not completely constructed or developed at the time of initial payment.

SECTION 4. (1) ORS 97.929 and 97.937 are added to and made a part of ORS 97.923 to 97.949.

(2) ORS 97.992 and 97.994 are added to and made a part of ORS chapter 97.

SECTION 5. This 2025 Act takes effect on the 91st day after the date on which the 2025 regular session of the Eighty-third Legislative Assembly adjourns sine die.

Passed by Senate April 10, 2025

.....
Obadiah Rutledge, Secretary of Senate

.....
Rob Wagner, President of Senate

Passed by House May 20, 2025

.....
Julie Fahey, Speaker of House

Received by Governor:

.....M.,....., 2025

Approved:

.....M.,....., 2025

.....
Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2025

.....
Tobias Read, Secretary of State