

Senate Bill 1091

Sponsored by Senator WOODS

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act would set out what a transportation protection agreement for human remains is and is not. (Flesch Readability Score: 60.1).

Defines what a transportation protection agreement for human remains is. Provides that services and merchandise offered under a transportation protection agreement are not funeral merchandise, funeral services, prearrangement sales or a prearrangement sales contract.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to transportation protection agreements; creating new provisions; amending ORS 97.010 and
3 97.923; and prescribing an effective date.

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

5 **SECTION 1. Services and merchandise offered under a transportation protection agree-**
6 **ment shall not be considered funeral merchandise, funeral services, prearrangement sales**
7 **or a prearrangement sales contract.**

8 **SECTION 2.** ORS 97.010 is amended to read:

9 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
10 to 97.949, 97.990 and 97.994 **and section 1 of this 2025 Act:**

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

15 (2) "Alternative disposition facility" means a structure containing equipment purposed for re-
16 duction.

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

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

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

22 (6) "Cemetery" means a place:

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

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

28 (7) "Cemetery association" means a corporation or association authorized by its articles of in-

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 corporation to conduct the business of a cemetery, but does not include a corporation sole or a
2 charitable, eleemosynary association or corporation.

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

5 (9) "Cemetery business" and "cemetery purpose" are used interchangeably and mean any busi-
6 ness or purpose requisite or incident to, or necessary for establishing, maintaining, operating, im-
7 proving or conducting a cemetery, interring human remains, and the care, preservation and
8 embellishment of cemetery property.

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

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

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

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

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

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

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

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

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

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

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

33 (21) "Funeral merchandise" means personal property offered for sale or sold for use in con-
34 nection with funeral services. "Funeral merchandise" includes, but is not limited to, acknowledg-
35 ment cards, alternative containers, caskets, clothing, cremation containers, cremation interment
36 containers, flowers, memory folders, monuments, outer burial containers, prayer cards, register
37 books and urns.

38 (22) "Funeral services" means services customarily provided by a funeral service practitioner
39 including, but not limited to, care and preparation of human remains for final disposition, profes-
40 sional services relating to a funeral or an alternative to a funeral, transportation of human remains,
41 limousine services, use of facilities or equipment for viewing human remains, visitation, memorial
42 services or services that are used in connection with a funeral or alternative to a funeral, coordi-
43 nating or conducting funeral rites or ceremonies, and other services provided in connection with a
44 funeral, alternative to a funeral or final disposition of human remains.

45 (23) "Grave" means a space of ground in a burial park used, or intended to be used, for burial

1 of the remains of one person.

2 (24) "Human remains" or "remains" means the body of a deceased person in any stage of de-
3 composition or after cremation or reduction.

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

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

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

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

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

18 (30) "Natural organic reduction" means the contained, accelerated conversion of human remains
19 to soil.

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

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

25 (33) "Plot owner" or "owner" means any person identified in the records of the cemetery au-
26 thority as owner of the burial rights to a burial plot, or who holds a certificate of ownership con-
27 veyed from the cemetery authority of the burial rights in a particular lot, plot or space.

28 (34) "Reduced remains" means the remains of a human body after completion of reduction.

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

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

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

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

40 **(39) "Transportation protection agreement" means an agreement that primarily provides**
41 **for the coordination and arrangement of all professional services related to the transporta-**
42 **tion of human remains and the preparation for the transportation of human remains.**

43 **SECTION 3.** ORS 97.923 is amended to read:

44 97.923. As used in ORS 97.923 to 97.949 and 97.994 **and section 1 of this 2025 Act**, unless the
45 context requires otherwise:

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

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

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

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

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

8 (3) “Delivery” occurs when:

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

10 or

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

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

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

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

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

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

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

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

31 (7)(a) “Master trustee” means an entity that is not a certified provider under ORS 97.923 to
 32 97.949 and that has fiduciary responsibility for the uniform administration of funds including, but
 33 not limited to, acceptance, custodianship, investment and accounting, delivered to it by a certified
 34 provider for the benefit of purchasers of preconstruction sales contracts or prearrangement sales
 35 contracts.

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

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

43 (9) “Prearrangement sales” or “prearrangement sales contract” means any sale, excluding the
 44 sale and contemporaneous or subsequent assignment of a life insurance policy or an annuity con-
 45 tract, made to a purchaser, that has as its purpose the furnishing of funeral or cemetery merchan-

1 dise or services in connection with the final disposition or commemoration of the memory of a dead
 2 human body, for use at a time determinable by the death of the person or persons whose body or
 3 bodies are to be disposed and where the sale terms require payment or payments to be made at a
 4 currently determinable time.

5 (10) “Preconstruction sale” or “preconstruction sales contract” means a sale made to a pur-
 6 chaser, for the purpose of furnishing undeveloped interment spaces and when the sale terms require
 7 payment or payments to be made at a currently determinable time.

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

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

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

18 (14) “Trust” means an express trust created under ORS 97.941 whereby a trustee has the duty
 19 to administer the amounts specified under ORS 97.941 received under a prearrangement sales con-
 20 tract or a preconstruction sales contract for the benefit of the purchaser of a prearrangement sales
 21 contract or preconstruction sales contract.

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

25 **SECTION 4. (1) ORS 97.929 and 97.937 are added to and made a part of ORS 97.923 to**
 26 **97.949.**

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

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

30