

Senate Bill 1518

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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**.

Authorizes cemetery authority to move, temporarily store or reinter human remains dislodged from original cemetery plot by natural disaster or other similar emergency.

A BILL FOR AN ACT

1
2 Relating to emergency planning; creating new provisions; and amending ORS 97.220 and 432.158.

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

4 **SECTION 1. Section 2 of this 2018 Act is added to and made a part of ORS 97.110 to 97.450.**

5 **SECTION 2. (1) In the event of a natural disaster or other similar emergency that causes**
6 **interred human remains to be completely or partially removed from their original designated**
7 **plot, the cemetery authority of the cemetery where the plot is located may, as the cemetery**
8 **authority deems fit:**

9 (a) **Inter the human remains in the original designated plot;**

10 (b) **Temporarily store the human remains in a safe storage location until the cemetery**
11 **authority can inter the human remains; or**

12 (c) **Inter the human remains in another plot in the cemetery.**

13 (2) **The cemetery authority shall, before performing an act specified in subsection (1)(b)**
14 **or (c) of section, make a reasonable attempt to identify the human remains and notify the**
15 **person listed in ORS 97.130 (2) who has authority to direct disposition of the remains of the**
16 **deceased person.**

17 (3) **A cemetery authority that performs an act specified in subsection (2) of this section**
18 **may not be held liable for performing that act.**

19 **SECTION 3. ORS 97.220 is amended to read:**

20 97.220. (1) **Except as provided in section 2 of this 2018 Act,** the remains of a deceased person
21 interred in a plot in a cemetery may be removed from the plot with the consent of the cemetery
22 authority and written consent of:

23 (a) The person under ORS 97.130 (2)(a), (b) or (c) who has the authority to direct disposition of
24 the remains of the deceased person; or

25 (b) If the remains are cremated remains, the person who had possession of the cremated remains
26 and authorized the interment of the cremated remains.

27 (2) If the consent of a person described in subsection (1) of this section or of the cemetery au-
28 thority cannot be obtained, permission by the county court of the county where the cemetery is
29 situated is sufficient. Notice of application to the court for such permission must be given at least
30 60 days prior thereto, personally or by mail, to the cemetery authority, to the person not consenting

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 and to every other person or authority on whom service of notice is required by the county court.

2 (3) If the payment for the purchase of an interment space is past due for a period of 90 days or
3 more, this section does not apply to or prohibit the removal of any remains from one plot to another
4 in the same cemetery or the removal of remains by the cemetery authority from a plot to some other
5 suitable place.

6 (4) This section does not apply to the disinterment of remains upon order of court or if ordered
7 under the provisions of ORS 146.045 (3)(e).

8 **SECTION 4.** ORS 432.158 is amended to read:

9 432.158. (1) Human remains shall be disposed of in accordance with ORS chapter 97.

10 (2) The funeral service practitioner or person acting as a funeral service practitioner who first
11 assumes possession of a dead body or fetus shall submit written notice to the county registrar in the
12 county in which death occurred or in which the dead body or fetus was found within 24 hours of
13 taking possession of the dead body or fetus. The notice must be on a form prescribed and furnished
14 by the State Registrar of the Center for Health Statistics.

15 (3) Before the final disposition of a dead body, the funeral service practitioner or person acting
16 as a funeral service practitioner who first assumes custody of the dead body shall obtain written
17 authorization, on a form prescribed and furnished by the state registrar, for final disposition of the
18 dead body from the medical certifier or medical examiner who certifies the cause of death as de-
19 scribed in ORS 432.133. If the funeral service practitioner or person acting as a funeral service
20 practitioner is unable to obtain written authorization before the final disposition of the dead body,
21 the funeral service practitioner or person acting as a funeral service practitioner may authorize,
22 with the oral consent of the medical certifier or medical examiner who is responsible for certifying
23 the cause of death, the final disposition of the dead body on a form prescribed and furnished by the
24 state registrar.

25 (4) Upon request of a parent or the parent's authorized representative, a disposition permit may
26 be issued for a fetus that is not reportable as a fetal death.

27 (5) A permit authorizing final disposition issued under the law of another state that accompanies
28 human remains brought into this state shall have the same force and effect as a permit authorizing
29 final disposition issued by the state registrar.

30 (6) A person in charge of a place where interment or other disposition of human remains is made
31 may not inter or allow interment or other disposition of human remains unless the human remains
32 are accompanied by a permit authorizing disposition.

33 (7) A person in charge of a place where interment or other disposition of human remains is made
34 shall indicate on the permit authorizing disposition the date of disposition and return the completed
35 permit to the county registrar of the county where death occurred. If there is no such person, the
36 funeral service practitioner or person acting as the funeral service practitioner shall complete the
37 permit and return it to the county registrar of the county where death occurred.

38 (8) **Except as provided in section 2 of this 2018 Act,** disinterment of human remains requires
39 authorization for disinterment and reinterment. The state registrar may issue authorization for
40 disinterment and reinterment to a funeral service practitioner or person acting as a funeral service
41 practitioner upon application, as required by the state registrar by rule.

42 (9) Prior to removing a dead body or fetus from this state under ORS 692.270, a funeral service
43 practitioner or a person acting as a funeral service practitioner shall submit a written notice of
44 removal to the country registrar in the county in which death occurred or in which the dead body
45 or fetus was found. The notice shall be on a form prescribed and furnished by the state registrar.

1 A copy of a written notice of removal serves as a permit for transporting the remains of a decedent
2 named on the notice.

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