

Chapter 692

1985 REPLACEMENT PART

Funeral Service Practitioners; Embalmers; Funeral Establishments; Cemetery and Crematory Operators

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GENERAL PROVISIONS

692.010 Definitions. As used in this chapter:

(1) "Board" means the State Mortuary and Cemetery Board.

(2) "Cemetery" means any one, or a combination of more than one, of the following, in a place used, or intended to be used, and dedicated, for cemetery purposes:

(a) A burial park, for earth interments.

(b) A mausoleum, for crypt interments.

(c) A columbarium, for permanent cinerary interments. [Amended by 1957 c.596 §1; 1983 c.810 §3; 1985 c.207 §7]

692.020 [Amended by 1973 c.411 §1, repealed by 1983 c.810 §29]

692.025 License required for funeral service practitioner, embalmer, funeral establishment operator, cemetery or crematory operator. (1) An individual may not practice as a funeral service practitioner unless the individual is licensed as a funeral service practitioner under ORS 692.045. An individual practices as a funeral service practitioner if the individual for payment is engaged directly or indirectly in supervising or otherwise controlling the transportation, care, preparation, processing and handling of dead human bodies before the bodies undergo cremation, entombment or burial, or before the bodies are transported out of the State of Oregon.

(2) An individual may not practice as an embalmer unless the individual is licensed as an embalmer under ORS 692.105. An individual practices as an embalmer if the individual is engaged or purports to be engaged in either of the following:

(a) The practice of disinfecting or preserving from decay dead human bodies.

(b) Preparing human bodies dead of contagious or infectious disease for transportation by railroad, express company or common carrier.

(3) A person may not operate a funeral establishment unless the establishment meets the requirements under this subsection. A place is a funeral establishment if the place is used for the care and preparation of dead human bodies before the bodies undergo cremation, entombment or burial, or before the bodies are transported out of the State of Oregon. A funeral establishment must:

(a) Be licensed by the board under ORS 692.146;

(b) Be operated by a funeral service practitioner; and

(c) If offering the service of embalming, employ a licensed embalmer and have on the premises embalming facilities meeting requirements established by the State Mortuary and Cemetery Board.

(4) A person may not operate a cemetery that receives or intends in the future to receive endowment care funds and or pre-need merchandise funds on any section thereof unless the cemetery meets the requirements of ORS 692.275.

(5) A person may not operate a crematorium unless the crematorium meets the requirements of ORS 692.275.

(6) All applicants for licenses or licensees under this section and all principals of any licensed establishment must consent to a background check, including information solicited from the Department of State Police. [1983 c.810 §4; 1985 c.207 §9]

692.030 [Amended by 1973 c.411 §2; repealed by 1983 c.810 §29]

692.040 Application of chapter. This chapter does not apply to any of the following:

(1) A public institution, medical college, county medical society, anatomical association, college of embalming, or any officer thereof, or to any other recognized person carrying out the statutes of the State of Oregon prescribing the conditions under which indigent dead human bodies are held subject for scientific or anatomical study.

(2) The customs or rites of any religious sect except as to the burial or other disposition of their dead.

(3) A person who picks up dead human bodies under the direction of a funeral service practitioner for delivery to a funeral service practitioner, funeral establishment, cemetery or crematorium pursuant to an agreement with the funeral service practitioner, if the person is not otherwise engaged in any of the activities of a funeral service practitioner, an embalmer, a funeral establishment, a cemetery or a crematorium as described in ORS 692.025. [Amended by 1957 c.596 §2; 1983 c.810 §5, 1985 c.207 §10]

LICENSING

692.045 Funeral service practitioner license; application; fee; examination. (1) The board shall issue a license to an individual to

practice as a funeral service practitioner if the individual meets all of the following requirements:

(a) The individual must apply to the board for a funeral service practitioner's license on an application form provided by the board.

(b) The individual must pay the fee established under ORS 692.160. The fee must accompany the application.

(c) The individual must pass an examination conducted by the board under ORS 692.070 following application for the funeral service practitioner's license.

(2) An individual may not take an examination under ORS 692.070 until the individual has successfully completed practical experience as a funeral service practitioner's apprentice as provided in ORS 692.190. [1983 c 810 §6]

692.050 [Repealed by 1983 c.810 §29]

692.060 [Amended by 1971 c.115 §1; 1979 c.858 §1, repealed by 1983 c 810 §29]

692.070 Scope of examination for funeral service practitioner license; notice of examination. (1) The board shall offer an examination at least once each year to applicants for a license to practice as a funeral service practitioner.

(2) The examination shall include Oregon and federal laws, rules and regulations relating to the care, preparation, disposition and transportation of dead human bodies and to survivor death benefits.

(3) Notice of the time and place of the examination shall be sent to the applicants by mail at least 10 days before the examination. [Amended by 1981 c.719 §1; 1983 c.810 §7]

692.080 [Repealed by 1983 c 810 §29]

692.090 Assistant funeral directors.

(1) No assistant funeral director's license shall be issued after July 1, 1971, except as provided in subsection (2) of this section.

(2) Any person who has been lawfully engaged in conducting funerals as a licensed assistant funeral director in the state for the six months prior to December 31, 1970, shall, upon payment of the license fee as provided in ORS 692.160 and after proper application, be entitled to a renewal of the license as an assistant funeral director. [Amended by 1971 c.115 §2]

692.100 [Repealed by 1983 c.810 §29]

692.105 Embalmer license; application; fee; qualifications of applicant. (1) The board shall issue a license to an individual to practice as an embalmer if the individual is 18

years of age or older, applies for a license and has successfully met the qualifications described in this section.

(2) An individual must apply for a license as follows:

(a) The individual shall apply to the board on an application form provided by the board.

(b) The individual must pay the fee established under ORS 692.160. The fee must accompany the application.

(3) An individual applying for a license under this section must meet the following requirements:

(a) The individual must complete 12 months of practical experience as an embalmer's apprentice as provided in ORS 692.190.

(b) The individual must provide written evidence of graduation from an accredited program of funeral service education.

(c) The individual must obtain a passing score on the examination provided in ORS 692.130 or show evidence satisfactory to the board that the individual has successfully passed the National Board Examination as administered by the Conference of Funeral Service Examining Boards.

(d) The individual must be knowledgeable in the application of state law.

(4) When an individual provides written evidence of graduation from an accredited program of funeral service education, if the individual does not show evidence satisfactory to the board, as provided under subsection (3) of this section, that the individual has passed the National Board Examination, the board may examine the individual as provided in ORS 692.130. In any case, however, the board shall not issue an embalmer's license until an individual has completed the apprenticeship qualification. [1983 c 810 §8]

692.110 [Amended by 1971 c.115 §3; repealed by 1983 c.810 §29]

692.120 [Amended by 1971 c.115 §4; 1981 c.719 §2; repealed by 1983 c 810 §29]

692.130 Scope and conduct of embalmer examination. (1) The board shall offer an examination at least once each year to applicants for a license to practice as an embalmer.

(2) Notice of the time and place of the examination shall be sent to the applicants by mail at least 10 days before the examination.

(3) The board shall specify the subjects in funeral service arts and science to be included in the examination for a license to operate as an

embalmer. The board may use the questions prepared by the Conference of Funeral Service Examining Boards or its successor.

(4) The board shall adopt rules establishing standards for minimum performance on the examination and conditions for reexamination. [Amended by 1955 c 754 §1; 1971 c.115 §5; 1973 c.411 §3; 1979 c.858 §2; 1981 c 719 §3; 1983 c.810 §9]

692.140 Reciprocity for embalmers or funeral service practitioners. (1) The board shall issue a license to practice as a funeral service practitioner or an embalmer to an applicant from another state if:

(a) The applicant for recognition of the license applies to the board and fulfills the requirements specified in subsection (2) of this section; and

(b) The board is satisfied that the applicant has the requisite qualifications for licensing as a funeral service practitioner or an embalmer in this state.

(2) An applicant under this section shall apply to the board on a form provided by the board. The applicant shall include the following with the application:

(a) Proof satisfactory to the board that the applicant is licensed and has practiced as a funeral service practitioner or an embalmer in another state for the two years immediately preceding the application date.

(b) Proof satisfactory to the board of compliance, in the state in which the applicant is regularly licensed, with requirements substantially equal to the requirements of this chapter.

(c) Payment of the initial reciprocity licensing fee established under ORS 692.160. [Amended by 1971 c.115 §6; 1973 c.411 §4; 1981 c.719 §4; 1983 c.810 §10]

692.144 [1957 c.596 §4; 1971 c.115 §7; repealed by 1983 c.810 §29]

692.146 Application for funeral establishment license; inspection of establishment; issuance of license. (1) The board shall issue a license to a funeral establishment if the person who will operate the establishment applies to the board for a license on a form provided by the board. The application shall be accompanied by the application fee established under ORS 692.160.

(2) The application shall disclose the following:

(a) The name and address of the establishment.

(b) That the establishment is operated by a licensed funeral service practitioner.

(3) For purposes of this section and ORS 692.025, each branch of a licensee's funeral establishment is a separate establishment and must be licensed at a fixed place of business. [1957 c.596 §5; 1971 c.115 §8; 1983 c 810 §11]

692.150 [Repealed by 1983 c.810 §29]

692.160 Fees; how determined; expiration date; notice of renewal. (1) The fees that may be charged under this chapter are:

(a) Application fee for a funeral establishment.

(b) Fee for a funeral establishment.

(c) Change of location.

(d) Establishment change of name.

(e) Examination fee for a funeral service practitioner license.

(f) Funeral service practitioner license issuance and renewal.

(g) Examination fee for an embalmer license.

(h) Embalmer license issuance and renewal.

(i) Application fee for an apprentice certificate.

(j) Renewal fee for a registered apprentice.

(k) License fee for an assistant funeral director.

(L) Limited funeral service practitioner license issuance and renewal (limited to direct disposition).

(m) Initial reciprocity license fee.

(n) Cemetery certificate of authority issuance and renewal.

(o) Crematorium certificate of authority issuance and renewal.

(p) Reinstatement of lapsed license or certificate.

(2) All licenses granted under this chapter shall expire on January 1 following their issuance or renewal, and shall become invalid unless renewed as provided in this section.

(3) The board shall mail on or before November 1 of each year to each licensed funeral service practitioner, to each licensed embalmer, to each licensed operator and to each licensed cemetery and crematorium, addressed to the licensee at the licensee's last-known address, a notice that the renewal fee is due and payable and that if such fee is not paid by the renewal date the license shall lapse. On or after July 1, 1986, the State Mortuary and Cemetery Board may impose continuing education requirements as a prerequisite for relicensure.

(4) Subject to the review of the Executive Department and the prior approval of the appropriate legislative review agency, the fees and charges established under this section shall not exceed the cost of administering the regulatory program of the board pertaining to the purpose for which the fee or charge is established, as authorized by the Legislative Assembly for the board's budget, as modified by the Emergency Board or future sessions of the Legislative Assembly. [Amended by 1957 c.596 §11; 1971 c.115 §9; 1973 c.411 §5; 1977 c.873 §11; 1979 c.36 §1, 1981 c.719 §5; 1983 c.290 §1, 1985 c.207 §11]

692.165 Reissuing funeral establishment license when name or location of establishment changed. If a person conducting a funeral establishment licensed under ORS 692.146 wishes to change the name or location of the establishment, the person shall apply to the board for reissuance of the license of the establishment. The person shall include payment of the fee established under ORS 692.160 with the application. The board shall reissue the license in the changed name or location when the board receives the application and the fee. [1957 c.596 §7; 1971 c.115 §10; 1983 c.810 §14]

692.170 Reinstatement of lapsed licenses. (1) When a licensee or an apprentice has allowed a license or a certificate of apprenticeship to lapse, the board may reinstate the license or certificate if the licensee or apprentice:

(a) Applies for reinstatement not later than the 90th day after the lapse; and

(b) Pays all fees owing to the date of reinstatement as well as a reinstatement fee established under ORS 692.160.

(2) Upon the lapse of a license or certificate, the board shall send the notice of lapse to the licensee or apprentice by registered or certified mail at the last-known address of the licensee or apprentice. [Amended by 1971 c.115 §11; 1973 c.411 §6; 1983 c.810 §15]

692.180 Grounds for revocation, suspension or refusal to issue or renew licenses or certificates; civil penalty. (1) Upon complaint or upon its own motion, the board may investigate any complaint concerning a licensee or holder of a certificate of authority made by any person or by the board. If the board after a hearing as provided in ORS 692.265 finds any of the causes described in this section in regard to a licensee or applicant or the holder of a certificate of authority, the board may impose a civil penalty of not more than \$1,000 for each violation, suspend or revoke a license to practice or to operate

under this chapter or refuse to grant or renew a license. The causes are as follows:

(a) Misrepresentation in the conduct of business or in obtaining a license.

(b) Except as provided in ORS 128.410 to 128.420, solicitation of human dead bodies by the licensee or any agent, assistant or employe of the licensee, either before or after death.

(c) Offensive treatment of dead human bodies or a body in the person's custody has been disposed of in violation of ORS chapter 432 or rules adopted pursuant thereto.

(d) Aiding or abetting a person who is not a licensee or an apprentice in any act involving the disposition of dead human bodies before the bodies undergo cremation, entombment or burial or before the bodies are transported out of the State of Oregon.

(e) Resale of any casket or body container which has been purchased by the personal representative of a deceased person.

(f) Violation by a licensee of any of the provisions of this chapter or any rules adopted under this chapter.

(g) Violation by a licensee of any provision of ORS 128.410 to 128.420 or regulations adopted by the Federal Trade Commission regulating funeral industry practices.

(h) Refusing to surrender promptly the custody of a dead human body, upon the express order of the person lawfully entitled to the custody of the body.

(i) Acting as the legal representative of any deceased person for whom the licensee has rendered services governed by this chapter. This subsection does not prohibit a licensee from acting as the legal representative of a deceased relative or a deceased licensee if the deceased licensee was a partner, employe or employer in the licensee's practice.

(j) Failure to pay any civil penalty imposed by the board within 10 days after the order is entered or, if appealed, within 10 days after the order is sustained on appeal.

(2) All amounts recovered under this section shall be deposited in the General Fund.

(3) If an order imposing a civil penalty is not appealed, the amount of the penalty is payable within 10 days after the order is entered. If the order is appealed and is sustained, the amount of the penalty is payable within 10 days after the court decision. The order, if not appealed or sustained on appeal, shall constitute a judgment and may be filed in accordance with the provi-

sions of ORS 18.320 to 18.370. Execution may be issued upon the order in the same manner as execution upon a judgment of a court of record.

(4) The court may assess costs and reasonable attorney fees against the licensee on trial and on appeal. Costs and fees shall be payable and collectible in the same manner as the fine. [Amended by 1971 c.115 §12; 1983 c.810 §16; 1985 c.207 §12]

692.190 Application for and issuance of apprentice certificates; conditions and duration of apprenticeship. (1) An individual who wishes to engage as an apprentice shall apply to the board for registration as a funeral service practitioner apprentice or an embalmer apprentice upon a form provided by the board. The individual must consent to a background check, including information solicited from the Department of State Police. The application must be accompanied by the fee established under ORS 692.160.

(2) One funeral service practitioner apprentice is authorized to operate under or in connection with a licensed funeral service practitioner practicing in this state for the purpose of learning the functions of a funeral service practitioner.

(3) One embalmer apprentice is authorized to engage in the study of the art of embalming under the instruction and supervision of a licensed embalmer practicing in this state.

(4) The duration of an apprenticeship is:

(a) Two years for a full service funeral service practitioner apprentice.

(b) Twelve months for an embalmer apprentice.

(c) Twelve months for a funeral service practitioner apprentice who desires to become licensed as a limited funeral service practitioner with practice limited to direct disposition of dead human bodies.

(5) The apprenticeship of a funeral service practitioner apprentice:

(a) Shall not include time lost by interruptions caused by active duty of the applicant in the military service of the United States or its allies during war or national emergency, or time lost through attendance of formal funeral service education, or time lost by interruptions which the board finds excusable under rules of the board.

(b) Shall be completed not more than two years before the date of the examination under ORS 692.070, excluding time lost for interruptions described in paragraph (a) of this subsection.

(6) An embalmer apprentice may serve the apprenticeship concurrently with the funeral service practitioner apprenticeship.

(7) An embalmer apprentice shall complete the required apprenticeship within a period of not more than three consecutive years and not more than two years before the date of the examination under ORS 692.130. In computing time under this subsection, the board shall exclude time lost by interruptions caused by active duty of the apprentice in the military service of the United States or its allies during war or national emergency and by interruptions which the board finds are excusable under rules of the board.

(8) The board shall adopt rules under which the board may confer credit for apprenticeship service or its equivalency performed by an applicant in another state. [Amended by 1973 c.411 §7; 1981 c.719 §8; 1983 c.810 §12; 1985 c.207 §13]

692.200 [Amended by 1973 c.411 §8; repealed by 1983 c.810 §29]

692.210 [Repealed by 1983 c.810 §29]

692.220 [Repealed by 1983 c.810 §29]

692.230 Grounds for suspension and revocation of certificates of apprenticeship; reregistration when certificate has lapsed or is suspended or revoked. (1) The board may suspend or revoke a certificate of apprenticeship, after notice and upon hearing, if the board finds any of the causes specified in ORS 692.180 in regard to the apprentice.

(2) An apprentice who has had a certificate of apprenticeship suspended or revoked may apply for reregistration within one year after the suspension or revocation, but the board shall not allow more than two such reregistrations. When the circumstances warrant, the board may allow an apprentice credit under a reregistration for time actually served under a previous registration. However, if the previous registration has been suspended or revoked under subsection (1) of this section, the board shall not credit on the registration more than 75 percent of the time previously served. [Amended by 1973 c.411 §9, 1983 c.810 §17]

692.240 [Amended by 1971 c.115 §13; repealed by 1971 c.734 §21]

692.250 [Repealed by 1971 c.734 §21]

692.260 Grounds for revocation, suspension or refusal to renew funeral establishment license. The board may revoke, suspend or refuse to renew a license issued to a funeral establishment if the board finds any of the following in regard to the establishment or its operation:

(1) Any of the causes specified in ORS 692.180.

(2) Violation of ORS 692.025 (3).

(3) Failure to comply with the rules of the board. [1957 c.596 §6; 1971 c 734 §149; 1983 c.810 §18]

692.265 License denial and civil penalty procedure; rules and orders; judicial review. (1) If the board proposes to impose a civil penalty or to revoke, suspend or refuse to issue or renew any license or certificate, the board shall accord an opportunity for hearing as provided in ORS 183.310 to 183.550.

(2) Adoption of rules, conduct of hearings and issuance of orders and judicial review of rules and orders shall be as provided in ORS 183.310 to 183.550. [1971 c.734 §151; 1983 c.810 §19]

692.275 Certificate for cemetery or crematorium; rules applicable to crematoriums. (1) The board shall issue a certificate of authority to a cemetery or crematorium if the person who operates the cemetery or crematorium applies to the board for a license on a form provided by the board. The application shall be accompanied by the application fee established under ORS 692.160.

(2) For purposes of this section and ORS 692.025, each location of a cemetery or crematorium is a separate location and must be licensed separately.

(3) The recommendation of the Cremation Association of North America shall be used in adopting rules regulating crematoriums. [1985 c 207 §19]

692.285 Certificate required for prearrangement funeral, cemetery or cremation plan. (1) An individual or firm shall not market any prearrangement funeral, cemetery or cremation plan, or any agreement where merchandise or personal services are arranged for in advance of death, regardless of the method of funding, unless authorized to do so, in advance, by a certificate of registration received from the office of the Secretary of State.

(2) Any person licensed under ORS 692.160 who elects to sell any of the prearrangement plans listed in subsection (1) of this section shall first register with the State Mortuary and Cemetery Board.

(3) Any person applying for a certificate of registration shall pay an application fee to the Secretary of State. The Secretary of State shall charge an annual fee for renewal of the certificate. The fees described in this section shall be reasonable and shall defray the costs associated with the

administration of this section. The fees charged by the Secretary of State shall be deposited into a separate account and be continuously appropriated to that office for administration of this section.

(4) The Secretary of State shall require the applicant to provide that office with a surety bond or a standby letter of credit with the State of Oregon listed as joint payee, from a commercial bank, or other acceptable security, in an amount that in the judgment of the Secretary of State will equal the maximum amount anticipated to be received in any 15-day period by the applicant for sales described in this section.

(5) Each holder of a certificate of registration shall file an annual report with the office of the Secretary of State on forms provided by that office. The annual report shall contain any and all documentation and information considered necessary by the Secretary of State. The annual reports shall not become public record, but shall be considered as admissible information in any disciplinary actions brought against the holder of a certificate of registration. If the annual report is not filed or if the annual report is filed and shows any discrepancy the office of the Secretary of State shall refer the investigation to the office of the Attorney General and likewise notify the State Mortuary and Cemetery Board.

(6) The Secretary of State shall have the authority to cause such audits upon the records relating to the sales of any of the prearranged plans listed in subsection (1) of this section by holders of a certificate of registration as that office may consider appropriate. Investigations required that are outside of normal auditing procedures, whether they are requested by the State Mortuary and Cemetery Board or by a consumer complaint, shall be referred by the office of the Secretary of State to the office of the Attorney General and notification of the referral to the office of Attorney General will be made to the State Mortuary and Cemetery Board. The investigations shall not be conducted by an investigator who has any connection with the State Mortuary and Cemetery Board nor any of the board members thereof.

(7) Salespersons employed by a holder of a certificate of registration are not required to be registered separately. The conduct of such persons shall be the direct responsibility of the holder of the certificate of registration.

(8) Notice of the revocation of a certificate of registration by the office of the Secretary of State shall be sent to the State Mortuary and Cemetery Board. [1985 c.207 §21]

STATE BOARD

692.300 State Mortuary and Cemetery Board; appointment; term; qualifications; confirmation. (1) There is created the State Mortuary and Cemetery Board in the Health Division to carry out the purposes and enforce the provisions of this chapter. The board shall consist of nine members. The members of the board shall be as follows:

(a) Two members shall be licensed funeral service practitioners. One of the members under this paragraph shall be a funeral service practitioner who does not offer embalming.

(b) One member shall be a licensed embalmer.

(c) Two members shall be representatives of cemeteries.

(d) One member shall be a representative of a crematorium.

(e) Three members shall be representatives of the public. Of the three members described in this paragraph, one shall be a member of a recognized senior citizen organization.

(2) The term of office of the members of the board shall be four years ending on December 31. A member is eligible for no more than two consecutive terms. They shall be appointed by the Governor and hold office until the appointment and qualification of their successors.

(3) All appointments of members of the board by the Governor are subject to confirmation by the Senate pursuant to section 4, Article III, Oregon Constitution. [Amended by 1971 c.650 §25; 1973 c.792 §46, 1979 c.858 §3, 1981 c.439 §1, 1983 c.810 §20, 1985 c.207 §15]

692.310 Meetings; officers. The board shall meet at least semiannually, and at such other times as it may determine, and shall elect from its members, each for a term of one year, a president and secretary. The secretary shall also act and serve as treasurer of the board. [Amended by 1971 c.115 §14, 1973 c.411 §10; 1983 c.810 §21]

692.320 Powers and duties. (1) The board has the power to adopt and enforce for the protection of the public health, safety and welfare reasonable rules relating to the following:

(a) The licensing of funeral service practitioners, embalmers, funeral establishments, crematoriums and cemeteries.

(b) The registration of apprentices.

(c) The practice of funeral service practitioners and embalmers, and the operation of funeral establishments.

(d) Sanitary conditions of funeral establishments, crematoriums, cemeteries and any location in which dead human bodies are stored or processed prior to final disposition.

(2) Other than areas used as living quarters, the board shall inspect annually the facilities and records of funeral establishments, funeral service practitioners with practice limited to immediate disposition of dead human bodies, cemeteries and crematoriums and immediate disposition facilities and any location in which dead human bodies may be stored, temporarily held or processed prior to final disposition. The inspection of the records of such locations shall be limited to those records required to comply with this chapter or ORS chapter 432 or rules adopted pursuant thereto. The board may make random inspections at other times. The board shall employ one or more persons to perform such inspections and aid in the enforcement of this chapter and rules adopted thereunder. No person employed under this subsection may be a member of the board or actively engaged in a practice regulated by this chapter.

(3) The board may hold hearings, conduct investigations, subpoena witnesses, administer oaths and take testimony in order to carry out the provisions of this chapter.

(4) The board shall have a common seal and, subject to any applicable provision of the State Personnel Relations Law, may employ necessary clerical assistants, fix the compensation for them and incur other necessary expenses. [Amended by 1957 c.596 §8; 1973 c.411 §11; 1983 c.389 §6, 1983 c.810 §22, 1985 c.207 §17]

692.330 Compensation and expenses. Each member of the board is entitled to compensation and expenses as provided in ORS 292.495. [Amended by 1969 c.314 §93; 1973 c.411 §12]

692.340 [Repealed by 1973 c.411 §15]

692.350 Publication of statutes and rules. Except as provided in this section, after each change in the provisions of this chapter or in the rules adopted under this chapter, the board shall publish for distribution to funeral service practitioners, embalmers and apprentices and to other interested persons, the provisions of this chapter together with all rules adopted under this chapter. If a change or changes in the rules are not extensive in scope, the board may publish the changes in supplementary form. [Amended by 1983 c.810 §23]

692.360 [Repealed by 1973 c.411 §15]

692.370 [Amended by 1967 c.637 §35; repealed by 1973 c.411 §15]

692.375 Disposition of receipts. All moneys received by the Health Division under this chapter shall be paid into the General Fund in the State Treasury and placed to the credit of the Health Division Account. The moneys are appropriated continuously and shall be used only for the administration and enforcement of this chapter and for the purpose of education of funeral service practitioners and embalmers. [1973 c.411 §14, 1983 c.810 §24]

ENFORCEMENT

692.380 Courts having jurisdiction; initiation of proceedings. Circuit courts, justice courts, municipal courts sitting as justice courts, and district courts have concurrent jurisdiction with the circuit courts of the State of Oregon in all prosecutions arising under this chapter. The district attorney is authorized to institute prosecutions for violations of this chapter by information, or prosecutions may be instituted by indictment, or by complaint verified before any magistrate.

MISCELLANEOUS

692.405 Identifying receptacle. The funeral service practitioner or person acting as such shall be responsible for causing to be affixed to each receptacle, as defined by rule of the board, in which a dead human body is contained an identifying metal disc, of a design to be approved by rule of the State Mortuary and Cemetery Board, that shall remain attached to the receptacle in which the body is contained and shall bear a corresponding number that is also on both the death certificate and the final disposition permit. In the event of cremation, the disc shall stay with the cremated remains. [1985 c.207 §20]

PENALTIES

692.990 Penalties. Violation of ORS 692.025 is a misdemeanor. [Amended by 1957 c.596 §9, 1983 c.810 §25]
