

State:	Oregon
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**Inquiry 1: How long can I keep the body at home after death and under what conditions?**

Or. Rev. Stat. Ann. § 432.005

(25) “Person acting as a funeral service practitioner” means:

- (a) A person other than a funeral service practitioner licensed under ORS 692.045, including but not limited to a relative, friend or other interested party, who performs the duties of a funeral service practitioner without payment; or
- (b) A funeral service practitioner who submits reports of death in another state if the funeral service practitioner is employed by a funeral establishment licensed in another state and registered with the State Mortuary and Cemetery Board under ORS 692.270.

**Inquiry 2: Does my state require the body to be embalmed? Refrigerated?**

Or. Admin. R. 830-030-0010

- (1) All human remains that will be embalmed must be disinfected by approved disinfecting solutions in such manner to help eliminate the danger of spreading diseases or infection. All human remains that are not going to be embalmed must be wrapped in a sheet. If human remains are to be held longer than 24 hours, the remains must, at minimum, either be embalmed or refrigerated at 36 degrees F. or less until final disposition.
- (2) It is the duty of funeral service practitioners and embalmers to see that every precaution is taken to prevent the spread of infections from persons who have died of or with communicable diseases.
- (3) An embalmer must not embalm human remains without obtaining written or oral permission of a person who has the right to control the disposition of the remains. When oral permission is received to embalm, the licensee obtaining the oral permission must document the oral permission in writing. Documentation must include the name and phone number of the authorizing agent, relationship to the deceased, date and time oral permission was obtained, and printed name and signature of the licensee or facility representative acquiring the oral authorization. An authorizing agent must confirm the oral permission on a written, signed embalming authorization form as outlined in OAR 830-040-0000(7).
- (4) All human remains must undergo final disposition within twenty calendar days after a licensed funeral establishment takes possession of the remains. If human remains are going to be kept longer than a twenty-calendar day period due to exigent circumstances, it is the responsibility of the licensee responsible for those human remains to notify the Board by submitting the completed form via the Board's website by the twenty-first calendar day. Once disposition has been completed, the licensee who is responsible for the human remains shall notify the Board within five calendar days after performing disposition by submitting the updated completed form via the Board's website.

Or. Admin. R. 830-030-0060

(1) When an unembalmed human remains is to be transported to a destination after 24 hours after death the remains may be removed from refrigeration and transported as described in OAR 830-030-0080(1) providing that the remains can be transported to its destination within the six hour time-frame. If the remains cannot be transported to its destination within the six hour time-frame, it shall be embalmed or placed in a sealed rigid container.

Or. Admin. R. 830-030-0070

(1) Except for transportation of human remains from place of death to a licensed facility or other holding facility, transportation of persons who have died of or with communicable diseases specified by the Oregon Health Authority shall be permitted only under the following conditions: the human remains shall be thoroughly embalmed with approved disinfectant solution; all orifices shall be closed with absorbent cotton; and the body shall be washed.

(2) Communicable diseases which apply to this section are as follows:

- (a) Acquired immunodeficiency syndrome;
- (b) Diphtheria;
- (c) Hepatitis B;
- (d) Hepatitis C;
- (e) Hepatitis, delta;
- (f) Human immunodeficiency virus;
- (g) Plague;
- (h) Rabies;
- (i) Tularemia; and
- (j) Tuberculosis.

(3) If religious custom or the conditions of the remains prohibit embalming, human remains shall be received for transportation by a common carrier if the human remains are placed in a sealed impervious container enclosed in a strong transportation case or in a sound container designed for that that *[sic]* purpose enclosed in a sealed impervious transportation case.

(4) Notwithstanding (1), (2) and (3), the Oregon Health Authority (OHA) may provide additional or different requirements for the handling of human remains to the Board in response to a public health or emergency event. Any such additional or overriding requirements will be sent immediately to all effective licensees electronically, and will be posted to the Board's website. The new requirements are in effect upon issuance by OHA, and are considered ongoing requirements unless otherwise specified, or until repealed or revoked in writing by OHA.

### **Inquiry 3: What methods of disposition are legal in my state?**

Oregon law mentions burial, cremation, entombment, alkaline hydrolysis, natural organic reduction, donation to medical science, and removal from the state.

#### **Inquiry 4: Are there any circumstances under which I would be required to wait before final disposition?**

Or. Rev. Stat. Ann. § 146.121

- (1) No person shall bury or otherwise dispose of the body of a person whose death required investigation, without having first obtained a burial, cremation or reduction permit, or a report of death completed and signed by a medical examiner.

Or. Rev. Stat. Ann. § 146.090

- (1) The **medical examiner shall investigate** and certify the cause and manner of all human deaths:
  - (a) Apparently homicidal, suicidal or occurring under suspicious or unknown circumstances;
  - (b) Resulting from the unlawful use of controlled substances or the use or abuse of chemicals or toxic agents;
  - (c) Occurring while incarcerated in any jail, correction facility or in police custody;
  - (d) Apparently accidental or following an injury;
  - (e) By disease, injury or toxic agent during or arising from employment;
  - (f) While not under the care of a physician during the period immediately previous to death;
  - (g) Related to disease which might constitute a threat to the public health; or
  - (h) In which a human body apparently has been disposed of in an offensive manner.
- (2) As used in this section, “offensive manner” means a manner offensive to the generally accepted standards of the community.

#### **Inquiry 5: What do I need to do to get a death certificate?**

Oregon has an electronic death registration system.

Or. Rev. Stat. Ann. § 432.133

(1)(a) A report of death for each death that occurs in this state must be submitted **to the county registrar of the county in which the death occurred or through the state electronic reporting system** or to the Center for Health Statistics, or as otherwise directed by the State Registrar of the Center for Health Statistics, within five calendar days after death or the finding of a dead body and before final disposition, and must be registered if it has been completed and submitted in accordance with this section.

...

- (d) In all other cases, the place where death is pronounced shall be considered the place where death occurred.
- (e) If the date of death is unknown, the medical certifier shall determine the date by approximation. If the date cannot be determined by approximation, the date that the body was found shall be entered on the report of death.
- (2)(a) **The funeral service practitioner or person acting as a funeral service practitioner** who first assumes custody of the dead body shall submit the report of death **to the county registrar of the county in which the death occurred or to the Center for Health Statistics, or as otherwise directed by the state registrar**. In cases where there is no funeral service practitioner or person acting as a funeral service practitioner, the medical examiner shall submit the report of death.
- (b) **The funeral service practitioner or person acting as the funeral service practitioner** shall obtain the personal data from the next of kin or the best qualified person or source available and shall obtain the medical certification from the

person responsible for the medical certification.

(c) **The funeral service practitioner or person acting as the funeral service practitioner** shall provide sufficient information to identify the decedent to the medical certifier within 48 hours after death unless the medical certification has already been submitted.

(3) A medical certification shall be completed within 48 hours after having access to the report of death by the decedent's primary or attending medical certifier who was in charge of the care of the patient for the illness or condition that resulted in death, except when inquiry is required under ORS chapter 146. In the absence or inability of the medical certifier, or with the medical certifier's approval, the report of death may be completed by an associate of the medical certifier, the chief medical officer of the institution where death occurred or the physician who performed an autopsy upon the decedent, provided that the associate, chief medical officer or physician has access to the medical history of the case and death is due to natural causes. The person completing the cause of death shall attest to its accuracy ~~either by signature or~~ by electronic signature.

#### **Inquiry 6: What do I need to do to get a burial-transit permit? Is there a wait period before I can receive a burial-transit permit?**

Or. Rev. Stat. Ann. § 432.158.

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

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

(3) Before the final disposition of a dead body, **the funeral service practitioner or person acting as a funeral service practitioner** who first assumes custody of the dead body shall obtain written authorization, on a form prescribed and furnished by the state registrar, for final disposition of the dead body from the medical certifier or medical examiner who certifies the cause of death as described in ORS 432.133. If the funeral service practitioner or person acting as a funeral service practitioner is unable to obtain written authorization before the final disposition of the dead body, the funeral service practitioner or person acting as a funeral service practitioner may authorize, with the oral consent of the medical certifier or medical examiner who is responsible for certifying the cause of death, the final disposition of the dead body on a form prescribed and furnished by the state registrar.

...

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

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

(8) Except as provided in ORS 97.223, disinterment of human remains requires authorization for disinterment and reinterment. The state registrar may issue authorization for disinterment and reinterment to a funeral service practitioner or person acting as a funeral service practitioner upon application, as required by the state registrar by rule.

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

prescribed and furnished by the state registrar. A copy of a written notice of removal serves as a permit for transporting the remains of a decedent named on the notice.

### **Inquiry 7: Personal Preference Statute**

Or. Rev. Stat. Ann. § 97.130 (1)

Any individual of sound mind who is 18 years of age or older, by completion of a written signed instrument or by preparing or prearranging with any funeral service practitioner licensed under ORS chapter 692, may direct any lawful manner of disposition of the individual's remains. Except as provided under subsection (7) of this section, disposition directions or disposition prearrangements that are prepaid or that are filed with a funeral service practitioner licensed under ORS chapter 692 are not subject to cancellation or substantial revision.

### **Inquiry 8: Designated Agent Statute**

Or. Rev. Stat. Ann. § 97.130

(3)(a) The decedent or any person authorized in subsection (2) of this section to direct the manner of disposition of the decedent's remains may delegate such authority to any person 18 years of age or older.

(b) Delegation of the authority to direct the manner of disposition of remains must be made by completion of:

(A) The written instrument described in subsection (8) of this section; or

(B) The form described in subsection (4) of this section.

(c) The person to whom the authority is delegated has the same authority under subsection (2) of this section as the person delegating the authority.

...

(8) The signature of the individual delegating the authority to direct the manner of disposition is required for the completion of the written instrument required in subsection (3)(b)(A) of this section. The following form or a form substantially similar shall be used by all individuals:

**APPOINTMENT OF PERSON  
TO MAKE DECISIONS  
CONCERNING DISPOSITION  
OF REMAINS**

I, \_\_\_\_\_, appoint \_\_\_\_\_,  
whose address is \_\_\_\_\_ and whose telephone number is  
(\_\_\_\_\_) \_\_\_\_\_, as the person to make all decisions regarding the  
disposition of my remains upon my death for my burial, cremation or alternative disposition. In the event

\_\_\_\_\_ is unable to act, I appoint  
\_\_\_\_\_, whose address is \_\_\_\_\_ and whose telephone number is  
(\_\_\_\_\_) \_\_\_\_\_, as my alternate person to make all decisions  
regarding the disposition of my remains upon my death for my burial, cremation or alternative disposition.

It is my intent that this Appointment of Person to Make Decisions Concerning Disposition of Remains act as and  
be accepted as the written authorization presently required by ORS 97.130 (or its corresponding future  
provisions) or any other provision of Oregon Law, authorizing me to name a person to have authority to dispose  
of my remains.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(Signature)

NOTARY OR WITNESSES

(Have this document notarized by a notary public OR have 2 competent adult witnesses complete the  
Declaration of Witnesses.)

NOTARIAL CERTIFICATE:

State of \_\_\_\_\_

County of \_\_\_\_\_

Signed or attested before me on \_\_\_\_\_,

2 \_\_\_\_\_, by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public--State of Oregon

OR

DECLARATION OF WITNESSES

We declare that \_\_\_\_\_ is personally known to us, that he/she signed  
this Appointment of Person to Make Decisions Concerning Disposition of Remains in our presence, that he/she

appeared to be of sound mind and not acting under duress, fraud or undue influence, and that neither of us is the person so appointed by this document.

Witnessed By:

Date:

Witnessed By:

Date:

#### **Inquiry 9: Right of Sepulcher Statute**

Or. Rev. Stat. Ann. § 97.130 (2)

A person within the first applicable listed class among the following listed classes that is available at the time of death, in the absence of actual notice of a contrary direction by the decedent as described under subsection (1) of this section or actual notice of opposition by completion of a written instrument by a member of the same class or a member of a prior class, may direct any lawful manner of disposition of a decedent's remains by completion of a written instrument:

- (a) The spouse of the decedent.
- (b) A son or daughter of the decedent 18 years of age or older.
- (c) Either parent of the decedent.
- (d) A brother or sister of the decedent 18 years of age or older.
- (e) A guardian of the decedent at the time of death.
- (f) A person in the next degree of kindred to the decedent.
- (g) The personal representative of the estate of the decedent.
- (h) The person nominated as the personal representative of the decedent in the decedent's last will.
- (i) A public health officer.