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MORTUARY AND CEMETERY BOARD

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FILING CAPTION: Natural Organic Reduction as a form of death disposition

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RULES:

830-011-0000, 830-030-0000, 830-030-0040, 830-040-0000

AMEND: 830-011-0000

RULE TITLE: Definitions

NOTICE FILED DATE: 05/18/2022

RULE SUMMARY: Amendment to 830-011-0000 to include language or Natural Organic Reduction as a form of Alternative Disposition.

RULE TEXT:

- (1) "Alkaline hydrolysis" is the alternative disposition process that uses water, alkaline chemicals, heat, and sometimes pressure and agitation to accelerate the conversion of human remains until bone fragments and a neutral liquid (effluent) remain.
- (2) "Alternative Disposition" is a Board-authorized method of final disposition for human remains other than burial, entombment, burial at sea, cremation, or removal from the state, and includes dissolution and natural organic reduction.
- (3) "Alternative Disposition Facility" is a location containing equipment designed for the final disposition of human remains through alternative methods authorized by the Board including, but not limited to, dissolution and natural organic reduction.
- (4) "Alternative Disposition Facility Authority" is an Alternative Disposition Facility with a Certificate of Authority to operate a dissolution chamber, natural organic reduction chamber, or other alternative disposition equipment as authorized by Board rule.
- (5) "Apprentice" has the same meaning as "Trainee" as used in ORS Chapter 692 and either term may be used interchangeably by Board licensees, applicants and registrants.
- (6) "At Need" means arrangements entered into after a death has occurred – at the time of need.
- (7) "Authorizing Agent" is a person legally authorized to make arrangements and direct final disposition of human remains, cremated remains, and alternative disposition remains.
- (8) "Burial Vault" is a lined and sealed burial receptacle – often constructed from concrete – which performs all of the functions of a grave liner, and in addition is designed and constructed using one or more lining and sealing materials to increase the overall tensile strength of the finished unit and to reduce the risk of intrusion of exterior elements.

- (9) "Certificate of Authority" is a document, equivalent to a license, which grants an entity authority to operate a cemetery, crematory, or alternative disposition facility.
- (10) "Cremated Remains" and "Alternative Disposition Remains" are the remaining bone fragments after the act of cremation or alternative disposition is complete.
- (11) "Cremated Remains Container" and "Alternative Disposition Remains Container" are containers in which processed cremated remains or processed alternative disposition remains can be placed and stored.
- (12) "Cremation" is the technical heating process that reduces human remains to ash and bone fragments.
- (13) "Cremation Chamber" is the enclosed space in which the cremation process takes place.
- (14) "Cremation Container" is the enclosure, if any, in which the human remains are placed for a cremation.
- (15) "Crematory Authority" is a crematory with a Certificate of Authority to operate a cremation chamber as authorized by Board rule.
- (16) "Crematory" or "Crematorium" is an enclosed location containing equipment designed for the final disposition of human remains through cremation.
- (17) "Death Care Consultant" is a person who, for payment, provides consultations related to funeral or final disposition arrangements to the person or persons who are acting as a funeral service practitioner under ORS Chapter 432. The consultations may include any conference, information, guidance or advice either at the time of death or when the death is imminent.
- (18) "Death Care Industry" means funeral service and final disposition practitioners and facilities.
- (19) "Disinfectant Solution" is a chemical agent used to destroy, inactivate, or significantly reduce the concentration of pathogens.
- (20) "Dissolution" includes, but is not limited to, alkaline hydrolysis.
- (21) "Dissolution Chamber" is an industry-specific vessel that meets industry and commercial standards and is enclosed and sealed when human remains are placed inside and the dissolution process takes place.
- (22) "Dissolution Container" is the enclosure, if any, in which human remains are placed for the purpose of placement in the dissolution chamber.
- (23) "Effluent" is the sterile, neutral liquid containing salts, sugars, amino acids, and peptides, resulting from the alkaline hydrolysis process.
- (24) "Embalming" is the process of chemically treating human remains to reduce the presence and growth of microorganisms, delay organic decomposition, and restore a decedent's physical appearance.
- (25) "Final Disposition" is the burial, entombment, burial at sea, cremation, removal from the state, dissolution, natural organic reduction, or other alternative disposition as authorized by Board rule.
- (26) "Final Processing" is the reduction of identifiable bone fragments after the completion of cremation, dissolution, natural organic reduction, or other form of alternative disposition, and processing to granulated particles by manual or mechanical means.
- (27) "Grave Liner" is a burial receptacle placed in the ground in a cemetery. It may be of either sectional, dome, or box form, and is designed and built to support the weight of the earth covering a grave, in addition to any standard cemetery maintenance equipment, in order to prevent the grave from collapsing.
- (28) "Holder of a Certificate of Registration" means the same as "Certified Provider" as defined in ORS 97.923(2).
- (29) "Holding Room" is a room constructed in accordance with OAR 830-040-0020(2), (4) and (5), which licensed funeral establishments use for the care, storage, or holding of human remains prior to effecting final disposition. This room must be of sufficient size to accommodate at least one table for a casketed remains and an attendant. The room may be used by the funeral establishment to care for or repair remains in those facilities that do not offer on premises embalming. This room would be other than a chapel, viewing or visitation room, office supply room, closet or a room normally open to the public.
- (30) "Human Remains" mean the body of a deceased person.
- (31) "Identification Viewing" is the viewing of human remains for the purpose of identifying the remains, whether they

have been washed or otherwise prepared.

(32) "Identifying Metal Disc" is a metal disc approximately one inch in diameter with a number assigned by the State Registrar's Office, each with a different number, for the purpose of accompanying human remains throughout the final disposition process and to serve as a means of permanent identification of those remains.

(33) "Intern Apprentice", "Intern" or "Intern Trainee" is any student enrolled in an accredited funeral service education program who is serving their three-month internship under the supervision of a combination-licensed funeral service practitioner/embalmer at a participating funeral establishment.

(34) "Licensed Facility" is any licensed entity governed by ORS Chapter 692.

(35) "Licensee" is any person or facility licensed under ORS Chapter 692 and any preneed salesperson registered under ORS 97.931.

(36) "Minimum Preparation of Human Remains" means the human remains are washed as defined in this section.

(37) "Natural Organic Reduction" is the controlled and contained accelerated conversion of human remains to soil.

(38) "Natural Organic Reduction Chamber" is an enclosed space in which the natural organic reduction process takes place.

(39) "Offensive Treatment of Human Remains" is treatment offensive to the generally accepted standards of the community and may result in the revocation, suspension, or refusal to issue or renew a license, in accordance with ORS 692.180.

(40) "Prearrangement" and "Preneed" have the same meaning as used in ORS 97.923.

(41) "Principal" Principal means a person who has controlling authority over the licensed facility, including but not limited to:

(a) Managers or other persons who have decision-making authority and whose primary duties include control over the operation of the licensed facility;

(b) Officers or directors who have some degree of responsibility for the operation of the licensed facility;

(c) General Partners, limited and joint ventures;

(d) Sole proprietors;

(e) Stockholders holding a majority of outstanding shares of stock; and

(f) Members of a Limited Liability Company.

(41) "Preneed Funds" are specified amounts paid for funeral, cemetery, cremation or alternative disposition goods and/or services that are sold in advance of need but not yet delivered.

(42) "Preneed Salesperson" means a person registered under ORS 97.931 and OAR 830-011-0070 and employed by a certified provider authorized by the Department of Consumer & Business Services to engage in the sale of prearrangement or preconstruction sales contracts on behalf of the certified provider.

(43) "Preparation Room" is a room in a funeral establishment where human remains are prepared – either washed or washed and embalmed. The preparation room must comply with all requirements set forth in OAR 830-040-0020.

(44) "Principal" means a person who has controlling authority over a licensed facility, including, but not limited to:

(a) Managers or other persons who have decision-making authority and whose primary duties include control over the operation of the licensed facility;

(b) Officers or directors who have some degree of responsibility for the operation of the licensed facility;

(c) General partners, limited and joint ventures;

(d) Sole proprietors;

(e) Stockholders holding a majority of outstanding shares of stock; and(f) Members of a limited liability company.

(45) "Processed Cremated Remains" and "Processed Alternative Disposition Remains" are the result of the reduction of identifiable bone fragments after the completion of cremation, dissolution, natural organic reduction, or other form of alternative disposition and processed to granulated particles by manual or mechanical means.

(46) "Public Viewing" means the human remains have, at a minimum, been washed, as defined in this section, and the

remains are placed in a viewing room, church, chapel or other suitable place for viewing.

(47) "Receptacle" is a container for human remains including, but not limited to, a casket, alternative container, or cloth or plastic container.

(48) "Reduction" means the accelerated conversion of human remains into bone fragments, essential elements, or soil by cremation, natural organic reduction, or other form of alternative disposition.

(49) "Refrigeration Unit" is a commercial or industrial grade refrigeration unit that is located in a hospital or funeral establishment, which may only be used by licensed facilities for the purpose of storing human remains at or below 36 degrees Fahrenheit until final disposition.

(50) "Visitation" Visitation means a specific time and place to gather where the human remains are present, except for graveside service.

(51) "Washed" Human remains are considered washed and brought to a sanitary condition when the entire surface of the human remains has been bathed with a disinfectant solution and the mouth, nose, and other body orifices have been washed and, when necessary, packed with cotton saturated with a disinfectant solution.

(50) "Registration" means either:

(a) The required registration of an exempt operating cemetery as defined in ORS 692.010(3), or

(b) The required registration of preneed salespersons with the Board.

(51) "Sanitary Condition" means that the appropriate level of cleaning has taken place and is verifiable. Meeting the appropriate level of sanitation includes, but is not limited to, cleaning, disinfecting, and eliminating dirt, foreign particles, bloodborne pathogens and other potentially infectious materials, offensive and hazardous odors, and any organism that spreads disease, causes destruction or is otherwise a nuisance.

(52) "Solicitation" means the act of endeavoring to obtain business or clientele through means such as:

(a) telephone,

(b) email,

(c) social media, or

(d) personal contact.

(53) "Visitation" is a scheduled time and place for people to gather where the human remains are present, except for graveside service.

(54) "Washed" Human remains are considered washed and brought to a sanitary condition when the entire surface of the human remains has been bathed with a disinfectant solution and the mouth, nose, and other body orifices have been washed and, when necessary, packed with cotton that has been saturated with a disinfectant solution

STATUTORY/OTHER AUTHORITY: ORS 97.931, 692.320, 2015 HB 2471

STATUTES/OTHER IMPLEMENTED: ORS 97.931, 692.320, 2015 HB 2471

AMEND: 830-030-0000

RULE TITLE: In General

NOTICE FILED DATE: 05/18/2022

RULE SUMMARY: Amend to include Natural Organic Reduction Language

RULE TEXT:

- (1) No licensee, operator of a licensed facility, or their agent may interfere with another licensee, operator of a licensed facility, or their agent who has been legally called to take care of human remains or perform services relating to the final disposition of human remains. The choice of licensed facility or licensed person must be left entirely to the person with the legal right to control final disposition.
- (2) Alternative Disposition Facility Authorities must also comply with the requirements in this division (Division 30) applicable to the handling and tracking of human remains by Crematory Authorities. Alternative Disposition Facility Authorities must, therefore, prior to, during, and after alternative disposition is complete handle and track human remains in the same manner as a Cremation Authority. Processed alternative disposition remains must be handled and tracked, prior to, during, and after being processed in a dissolution chamber or natural organic reduction chamber just as cremated remains must be handled and tracked prior to, during, and after being processed in a cremation chamber.
- (3) An Alternative Disposition Facility Authority who operates a dissolution chamber for alkaline hydrolysis must utilize an industry-specific vessel that meets industry and commercial standards for use as a dissolution chamber, and must meet all required parameters for heat, time and circulation necessary to achieve the complete reduction of all human remains.
 - (a) A dissolution chamber that operates above atmospheric pressure must be an American Society of Mechanical Engineers' (ASME) certified pressure vessel.
 - (b) The Alternative Disposition Facility Authority must ensure that the discharge liquid that is a byproduct of the dissolution process meets the facility's sewage collection and treatment facility requirements regarding acceptable temperature and pH level.
- (4) An Alternative Disposition Facility Authority who operates a natural organic reduction chamber must utilize an industry-specific vessel that meets industry and commercial standards for use as a reduction chamber, and must meet all required parameters for heat, time and circulation necessary to achieve the complete reduction of all human remains.
- (5) It is the responsibility of the funeral service practitioner or person acting as a funeral service practitioner as that term is defined in ORS 432.005(11) to ensure that an identifying metal disc with a number assigned by the State Registrar's Office imprinted on the disc is attached to the casket or other receptacle containing human remains or is attached to the remains if there is no receptacle.
 - (a) When human remains are to be cremated, the identifying metal disc must be secured at all times to the head end of the receptacle or to the remains if no receptacle is used until the remains are placed in the cremation chamber.
 - (b) When human remains are going to be buried or entombed, the identifying metal disc must be attached to the head end of the casket or receptacle, or to the remains if no receptacle is used.
- (6) It is the responsibility of the Crematory Authority to see that the identifying metal disc accompanies human remains through the cremation process.
- (7) It is the responsibility of the Cemetery Authority or Crematory Authority to see that the identifying metal disc is properly secured to each receptacle containing human remains, or, when no receptacle is used, to the remains, when remains are delivered to the facility and that the number on the identifying metal disc is the number recorded on the final disposition permit. The Cemetery Authority or Crematory Authority must sign the final disposition permit verifying this fact prior to accepting the remains. The Cemetery Authority or Crematory Authority may not accept remains without the proper identifying metal disc unless death occurred in a state other than Oregon.
- (8) If, when the human remains are delivered to the crematory, cemetery or alternative disposition facility, no metal disc is attached to the receptacle or remains as required, or the disc number does not match the permit number as required, the funeral service practitioner or person acting as a funeral service practitioner as that term is defined in ORS Chapter

432.005(11) must retain responsibility for the proper care and storage of the remains until the correct disc is obtained and ensure it is affixed to the receptacle or remains. If the discrepancy cannot be resolved prior to any scheduled service, the funeral service practitioner or person acting as a funeral service practitioner as that term is defined in ORS Chapter 432.005(11), must take responsibility for notifying the person with the legal right to control final disposition that the disposition is postponed.

(9) If human remains or partial human remains, other than processed cremated remains, are discovered in a presumed unoccupied grave or crypt when opening the grave or crypt for purposes of an interment, the following is the responsibility of the cemetery authority:

- (a) The cemetery authority must report the discovery to the Board on a form that has been approved by the Board.
- (b) The cemetery authority must exercise diligence under the circumstances to identify the human remains.
- (c) If positive identification of the remains is made, and if disinterment is not authorized pursuant to ORS 97.220 or 146.045, the human remains must not be further disturbed, the interment space must be immediately closed and the cemetery authority must update the cemetery records for that grave or crypt to include all relevant information known to the cemetery authority regarding the human remains, as outlined in OAR 830-040-0000 and ORS 97.720.
- (d) If the human remains cannot be identified, and if disinterment is not authorized pursuant to ORS 97.220 or 146.045, the human remains must not be further disturbed, the interment space must be immediately closed, and the cemetery records must reflect that the interment space is occupied by unidentified remains, the date of discovery, and indicate that the space is not available for further interments.
- (e) If the human remains are positively identified as remains that were originally interred in a grave adjacent to the opened grave but entered the opened grave during excavation or due to the operation of natural forces underground, the cemetery authority must make a reasonable effort to return all soil, human remains, and funerary objects to the interment space from which the material originated. The cemetery authority, if feasible, may then proceed with opening the unoccupied grave for interment.

(10) If processed cremated remains are discovered in a presumed unoccupied grave, crypt or niche when opening the grave, crypt or niche the following is the responsibility of the cemetery authority:

- (a) The cemetery authority must report the discovery to the Board on a form that has been approved by the Board.
- (b) If the cremated remains are identified, the cemetery authority must use reasonable diligence under the circumstances to determine if such cremated remains were placed with the permission of the cemetery authority. If no such permission was given, the cemetery authority must attempt to deliver the cremated remains to a person within the first applicable listed class in ORS 97.130(2).
- (c) If the cremated remains cannot be identified or if the cemetery authority is unable to deliver the cremated remains to a person within a listed class under ORS 97.130(2), the cemetery authority must hold the cremated remains indefinitely and at a minimum, place the cremated remains in a common grave, crypt or niche, and record the specific location of the remains therein.
- (d) The cemetery authority must retain a permanent record of the known circumstances of the cremated remains including at a minimum: The original location where the cremated remains were discovered, the steps taken to identify and deliver the cremated remains, and the ultimate re-disposition of the cremated remains.

(11) When a licensee arranges for the scattering of cremated remains, the licensee must include in the licensee's permanent records the final location of the cremated remains and make the identifying metal disc a part of the licensee's permanent record.

(12) It is the responsibility of the funeral establishment or immediate disposition company licensee handling the disposition of human remains to pay the death certificate filing fee as required in ORS 432.312(1). This fee must be paid within 30 days after the billing and, in no case longer than 90 days after the billing. Failure to pay death certificate filing fees is cause for disciplinary action by the Board.

(13) It is the responsibility of each licensed facility to assign a manager for each facility and to notify the Board in writing within 30 days of the assignment. In the case of funeral establishments and immediate disposition companies, the manager must be an Oregon licensed funeral service practitioner.

(14) Upon providing written notification to the Board, a funeral service practitioner may be permitted to manage two funeral establishments or two immediate disposition companies, or one of each. A funeral service practitioner may be authorized by the Board to manage more than two funeral establishments or immediate disposition companies, or a combination of same, upon providing a written request to the Board that describes the basis for the request. The Board may approve the request after consideration of relevant facts or circumstances including, but not limited to, information that the Board may request from the funeral service practitioner.

STATUTORY/OTHER AUTHORITY: ORS 692.160, 692.320

STATUTES/OTHER IMPLEMENTED: ORS 692.180, 692.405

AMEND: 830-030-0040

RULE TITLE: Holding Human Remains for Cremation and Cremation of Human Remains

NOTICE FILED DATE: 05/18/2022

RULE SUMMARY: Amend rule to include Natural Organic Reduction language

RULE TEXT:

- (1) All persons operating cremation, dissolution or natural organic reduction equipment must be properly trained on the operation of such equipment, If required, each operator must obtain and maintain all applicable permits or certifications for operating the equipment.
- (2) The Crematory Authority must not proceed with final disposition of human remains without first obtaining written permission from the person who has the right to control the final disposition of the remains.
- (3) When a Crematory Authority is unable to proceed with final disposition of human remains immediately upon taking custody, the Crematory Authority must place the remains in a room that must be marked as "Private" or "Authorized Entry Only".
- (4) Human remains held at a crematory that are not embalmed must be held only within a refrigerated facility in accordance with OAR 830-030-0010(1) and 830-030-0060(1).
- (5) The unauthorized simultaneous cremation of more than one human remains within the same cremation chamber is specifically forbidden. It may be done only when authorized as provided in section (7) of this rule.
- (6) Immediately prior to being placed within the cremation chamber, the identification of the human remains must be verified by the Crematory Authority staff. For Oregon deaths, confirmation includes verification that the number on the identifying metal disc is the number recorded on the final disposition permit. The identifying metal disc must be attached to the outside of the cremation chamber where it must remain until the cremation process is complete.
- (7) A Crematory Authority may only permit the simultaneous cremation of more than one human remains within the same cremation chamber upon having received such written authorization to do so from the authorizing agent of each human remains. A written authorization exempts the Crematory Authority from all liability for commingling the remains.

STATUTORY/OTHER AUTHORITY: ORS 692.320

STATUTES/OTHER IMPLEMENTED: ORS 692.025, 692.275, 692.405

AMEND: 830-040-0000

RULE TITLE: General Principles

NOTICE FILED DATE: 05/18/2022

RULE SUMMARY: Amend to include Natural Organic Reduction language

RULE TEXT:

- (1) Every licensee is responsible for complying with the provisions of ORS Chapter 692 and rules adopted thereunder, and any other law pertaining to the duties and responsibilities of the funeral service practitioner or the operation or licensing of funeral establishments, immediate disposition companies, cemeteries, crematoriums and alternative disposition facilities.
- (2) Alternative Disposition Facility Authorities must comply with the requirements in this division (Division 40) applicable to Crematory Authorities and cremated remains, as if alternative disposition remains are cremated remains, as if the Alternative Disposition Facility is a Crematory Authority, and as if dissolution and natural organic reduction are cremation.
- (3) The Board may refuse to allow use of any facility name that is misleading as to the nature of the facility's purpose.
- (4) When a person, firm, partnership or corporation applies to the Board for a facility license, the name on the application must identify the primary activity of the facility. This name must be the registered name with the Board and must also be used as the advertised name of the facility.
- (5) Each licensed facility must provide the Board with its true corporate, firm or individual name. Applications for all licensed facilities must be made on the most current application and specify the names of all principals. If the principal is a corporation, the application must include the names of all principals of that corporation.
- (6) When there is a change in any principal of the licensed facility, the licensee must provide the Board with the name of the new principal(s) on the most current form provided by the Board within 30 days of the change. If the new principal is a corporation, the licensee must provide the names of the principals of that corporation to the Board on the most current form provided by the Board.
- (7) All licensees and licensed facilities must keep a detailed, accurate, and permanent record of all transactions that are performed for the care, preparation and final disposition of human remains. The record must set forth as a minimum:
 - (a) Name of decedent and, when applicable, the identifying metal disc number provided by the State Registrar's Office;
 - (b) Date of death;
 - (c) Name of person arranging for delivery of goods and services and the person authorizing the final disposition;
 - (d) Name of place of final disposition. In cemetery records, the "name of place" means the exact location of the interment of human remains such as grave, crypt, niche, etc.;
 - (e) The name of the funeral service practitioner, cemetery, crematory or alternative disposition facility personnel responsible for making and executing the arrangements pertaining to the delivery of goods and fulfillment of services;
 - (f) The name of the embalmer and funeral establishment responsible for embalming (applies only to funeral establishment records); and
 - (g) Written permission for embalming, final disposition and scattering services from the person who has the right to control disposition of the human remains pursuant to ORS 97.130(1) and (2). The record of such authorization must include at a minimum: printed name, signature and phone number of the authorizing agent and relationship to the deceased, date and time permission was obtained, and printed name, signature and phone number of the authorizing agent and relationship to the deceased, date and time permission was obtained, and printed name and signature of the licensee or facility representative who acquired the authorization.
- (8) In the case of cremation, the licensee responsible for making the cremation arrangements must require the authorizing agent making the cremation arrangements to provide the licensee with a signed statement specifying the action to be taken regarding delivery of the cremated remains. A copy of this statement must be retained in the permanent records of the responsible licensee.
- (9) If cremated remains are not retained by the licensee accepting initial responsibility for the remains, the licensee

must, upon delivery of such cremated remains to another individual, obtain a signed receipt from that individual. The receipt must include as a minimum: printed name of the individual receiving the cremated remains, the name of the deceased, and the date of delivery of the cremated remains, the receiving individual's signature and the printed name and signature of the licensee or the licensee's representative releasing the cremated remains.

(10) No licensee or operator of a licensed facility or a licensee's agent may:

(a) Fail to preserve required records for inspection by the Board; or

(b) Alter, cancel or obliterate entries in records required by law to be made, maintained or preserved.

(11) After human remains are released to the Cemetery Authority, they must be placed in their designated grave, crypt or vault within 24 hours after taking possession unless exigent circumstances exist. After human remains are released to the Crematory Authority, those remains must be cremated and processed within 48 hours unless exigent circumstances exist. In such exigent circumstances, the facility must notify both the funeral service practitioner responsible for the arrangements and the office of the Board. The licensed facility, funeral service practitioner, or person acting as the funeral service practitioner under ORS Chapter 432, responsible for the arrangements for that deceased, must notify the family of such exigent circumstances and, at the request of the cemetery or crematory, pick up and arrange for proper storage of the remains within 24 hours of notification.

(12) No licensee or employee or agent of a licensed facility, may pay, cause to be paid or offer to pay, and no person, firm or corporation may receive, directly or indirectly, any commission, bonus, rebate or other thing of value in consideration for recommending or causing human remains to be taken to any specific funeral establishment.

(13) Facilities must post their facility license and certificates of apprenticeship in a conspicuous location for public viewing. Other individual licenses will be available for inspection upon request.

(14) Every Cemetery Authority, Crematory Authority and Alternative Disposition Facility Authority must keep the Board's office informed of the location of their permanent records. These records must be made available for random inspections by the Board at any reasonable time.

STATUTORY/OTHER AUTHORITY: ORS 692.160, 692.320

STATUTES/OTHER IMPLEMENTED: ORS 692.025, 692.160