

B-Engrossed
House Bill 2471

Ordered by the Senate May 26
Including House Amendments dated April 21 and Senate Amendments
dated May 26

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for State Mortuary and Cemetery Board)

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.

Changes qualifications to practice as funeral service practitioner or embalmer in this state, including qualifications related to reciprocity and training.
Becomes operative January 1, 2016.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to qualifications to practice a profession related to the final disposition of human remains;
3 creating new provisions; amending ORS 97.931, 692.045, 692.070, 692.105, 692.130, 692.140,
4 692.143, 692.148, 692.160, 692.170, 692.180, 692.190, 692.230, 692.320 and 692.350; and declaring an
5 emergency.

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

7
8 **LICENSURE AS A FUNERAL SERVICE PRACTITIONER**

9
10 **SECTION 1.** ORS 692.045 is amended to read:

11 692.045. (1) The State Mortuary and Cemetery Board shall issue a license to an individual to
12 practice as a funeral service practitioner if the individual meets the following requirements:

13 (a) The individual must apply to the board for a funeral service [*practitioner's*] **practitioner** li-
14 cense on an application form provided by the board.

15 (b) The individual must pass an examination [*conducted*] **offered** by the board under ORS 692.070
16 [*following application*] **after the individual applies** for the funeral service [*practitioner's*] **practi-**
17 **tioner** license.

18 [*(c) The individual must successfully complete practical experience as a funeral service*
19 *practitioner's apprentice under ORS 692.190.*]

20 **(c) The individual must complete training as a funeral service practitioner trainee under**
21 **ORS 692.190.**

22 (2) An individual may not take an examination under ORS 692.070 until the individual has pro-
23 vided written evidence of graduation from an associate degree program meeting the requirements
24 established by board rule.

25 (3) An applicant meets the requirements of subsection (1)(c) or (2) of this section if the applicant
26 provides the board with documentation of military training or experience that the board determines

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 is substantially equivalent to the education or experience required by subsection (1)(c) or (2) of this
2 section.

3 (4) Notwithstanding subsection (2) of this section, an applicant *[with]* **who has** four years of
4 experience as a licensed funeral service practitioner or embalmer in this state or in another state
5 *[is not required to provide written evidence of graduation from an associate degree program in order]*
6 **and who is in good standing with the board or with the licensing authority from another**
7 **state is considered to have met any educational requirement necessary** to take the examina-
8 tion under ORS 692.070.

9 **SECTION 2.** ORS 692.070 is amended to read:

10 692.070. (1) The State Mortuary and Cemetery Board shall offer an examination *[at least once*
11 *each year to applicants]* **to individuals applying** for a license to practice as a funeral service prac-
12 titioner.

13 (2) **At a minimum,** the examination *[shall include Oregon]* **must test applicants on state** and
14 federal laws, rules and regulations relating to the care, preparation, disposition and transportation
15 of dead human bodies and **relating** to survivor death benefits.

16 *[(3) Notice of the time and place of the examination shall be sent to the applicants by mail at least*
17 *10 days before the examination.]*

18 (3) **The board shall make an examination schedule publicly available and shall send an**
19 **examination schedule to each applicant at least 10 days before each examination. An exam-**
20 **ination schedule must denote the time and place of each examination.**

21 **SECTION 3.** The amendments to ORS 692.045 and 692.070 by sections 1 and 2 of this 2015
22 Act apply to applicants whose applications for licensure as a funeral service practitioner are
23 received by the State Mortuary and Cemetery Board on or after the operative date specified
24 in section 20 of this 2015 Act.

25
26 **LICENSURE AS AN EMBALMER**
27

28 **SECTION 4.** ORS 692.105 is amended to read:

29 692.105. (1) The State Mortuary and Cemetery Board shall issue a license to an individual to
30 practice as an embalmer if the individual is 18 years of age or older, applies for a license and *[has*
31 *successfully met]* **meets** the qualifications described in this section.

32 (2) An individual must apply for a license by applying to the **State Mortuary and Cemetery**
33 Board on an application form provided by the board.

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

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

37 **(a) The individual must complete training as an embalmer trainee under ORS 692.190.**

38 **(b) The individual must provide written evidence of graduation from an accredited program of**
39 **funeral service education or from a program that provides an equivalent education as identi-**
40 **fied by the State Mortuary and Cemetery Board by rule.**

41 **(c) The individual must obtain a passing score on the examination *[provided]* described in ORS**
42 **692.130 or show evidence satisfactory to the State Mortuary and Cemetery Board that the indi-**
43 **vidual has successfully passed the National Board Examination as administered by the Interna-**
44 **tional Conference of Funeral Service Examining Boards or its successor organization.**

45 **(d) The individual must *[be knowledgeable in the application of]* demonstrate knowledge of**

1 **applicable state law in an examination offered by the State Mortuary and Cemetery Board**
2 **under ORS 692.130.**

3 (4) When an individual provides written evidence of graduation from an accredited program of
4 funeral service education, if the individual does not show evidence satisfactory to the State
5 Mortuary and Cemetery Board[, *as provided under subsection (3) of this section,*] that the individual
6 has passed the National Board Examination, the State Mortuary and Cemetery Board may examine
7 the individual as provided in ORS 692.130. [*In any case,*] However, the **State Mortuary and Cem-**
8 **etry** Board may not issue an [*embalmer's*] **embalmer** license until an individual has completed the
9 [*apprenticeship qualification*] **training required under ORS 692.190.**

10 (5) An applicant meets the requirements of subsection (3)(a) of this section if the applicant pro-
11 vides the State Mortuary and Cemetery Board with documentation of military experience that the
12 board determines is substantially equivalent to the experience required by subsection (3)(a) of this
13 section.

14 **SECTION 5.** ORS 692.130 is amended to read:

15 692.130. (1) The State Mortuary and Cemetery Board shall offer an examination [*at least once*
16 *each year to applicants*] **to individuals applying** for a license to practice as an embalmer.

17 [*(2) Notice of the time and place of the examination shall be sent to the applicants by mail at least*
18 *10 days before the examination.*]

19 **(2) The board shall make an examination schedule publicly available and shall send an**
20 **examination schedule to each applicant at least 10 days before each examination. An exam-**
21 **ination schedule must denote the time and place of each examination.**

22 (3) The board shall specify the [*subjects in funeral service arts and science*] **material** to be in-
23 cluded in [*the*] **an** examination for a license to [*operate*] **practice** as an embalmer. The board may
24 [*use the questions*] **require inclusion of any question or examination** prepared by the **Interna-**
25 **tional** Conference of Funeral Service Examining Boards or its successor **organization.**

26 (4) The board shall adopt rules establishing standards for minimum performance on the exam-
27 ination and conditions for reexamination.

28 **SECTION 6. The amendments to ORS 692.105 and 692.130 by sections 4 and 5 of this 2015**
29 **Act apply to applicants whose applications for licensure as an embalmer are received by the**
30 **State Mortuary and Cemetery Board on or after the operative date specified in section 20**
31 **of this 2015 Act.**

32
33 **RECIPROCITY**
34

35 **SECTION 7.** ORS 692.140 is amended to read:

36 692.140. (1) **For an applicant from another state,** the State Mortuary and Cemetery Board
37 shall issue a license to practice as a funeral service practitioner or [*an*] embalmer, **or shall register**
38 **an individual who applies to be a trainee of a funeral service practitioner or embalmer,** [*to*
39 *an applicant from another state*] if:

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

42 (b) The board is satisfied that the applicant has **demonstrated** the requisite qualifications [*for*
43 *licensing as*] **to be** a funeral service practitioner [*or an embalmer in this state*], **embalmer or**
44 **trainee of a funeral service practitioner or embalmer in a manner prescribed by the board**
45 **by rule.**

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

3 (a) Proof satisfactory to the board that the applicant *[is licensed in good standing in another state*
4 *and has practiced as a funeral service practitioner or an embalmer who was licensed and in good*
5 *standing in another state for three of the five years immediately preceding the application date.]*:

6 **(A) Currently is, or previously was, authorized to practice in another state or profession**
7 **that is substantially equivalent, as determined by the board, to a funeral service practitioner,**
8 **embalmer or trainee of a funeral service practitioner or embalmer; and**

9 **(B) Is in good standing in that state to practice the profession, or was in good standing**
10 **in that state at the time that the applicant ceased practicing the profession.**

11 (b) Payment of the initial reciprocity licensing fee established under ORS 692.160.

12 **SECTION 8. The amendments to ORS 692.140 by section 7 of this 2015 Act apply to ap-**
13 **lications received by the State Mortuary and Cemetery Board on or after the operative date**
14 **specified in section 20 of this 2015 Act.**

15
16 **TRAINEES OF FUNERAL SERVICE**
17 **PRACTITIONERS AND EMBALMERS**
18

19 **SECTION 9.** ORS 692.190 is amended to read:

20 692.190. (1) An individual who wishes to *[engage as an apprentice]* **train to be a funeral service**
21 **practitioner or embalmer** shall apply to the State Mortuary and Cemetery Board for registration
22 as a funeral service practitioner *[apprentice]* **trainee** or an embalmer *[apprentice]* **trainee** upon a
23 form provided by the board. The individual must consent to a background check, including **any** in-
24 formation *[solicited from]* **required by** the Department of State Police. The application must be ac-
25 companied by the fee established under ORS 692.160.

26 (2) *[One]* **A** funeral service practitioner *[apprentice at a time is authorized to operate under or in*
27 *connection with each licensed]* **trainee must be supervised by a** funeral service practitioner prac-
28 ticing in this state *[for the purpose of learning the functions of a funeral service practitioner]* **who is**
29 **licensed by and in good standing with the board.**

30 (3) *[One embalmer apprentice at a time is authorized to engage in the study of the art of embalming*
31 *under the instruction and supervision of each licensed]* **An embalmer trainee must be under the**
32 **direct supervision of an** embalmer practicing in this state **who is licensed by and in good**
33 **standing with the board.**

34 *[(4) The duration of an apprenticeship required for licensure is:]*

35 *[(a) Twelve months for a funeral service practitioner apprentice.]*

36 *[(b) Twelve months for an embalmer apprentice.]*

37 *[(5) An individual may serve as a funeral service practitioner apprentice for an aggregate total of*
38 *not more than 48 months. In computing time under this subsection, the board shall exclude time lost*
39 *by interruptions caused by active duty of the apprentice in the military service of the United States or*
40 *its allies during war or national emergency and by interruptions that the board finds are excusable*
41 *under rules of the board.]*

42 *[(6) An embalmer apprentice may serve the apprenticeship concurrently with the funeral service*
43 *practitioner apprenticeship.]*

44 *[(7) An individual may serve as an embalmer apprentice for an aggregate total of not more than*
45 *48 months. In computing time under this subsection, the board shall exclude time lost by interruptions*

1 *caused by active duty of the apprentice in the military service of the United States or its allies during*
2 *war or national emergency and by interruptions that the board finds are excusable under rules of the*
3 *board.]*

4 **(4) A trainee registered under this section may not perform activities regulated under**
5 **this chapter unless:**

6 **(a) The activities are performed under the supervision of a licensee; and**

7 **(b) The activities fall within the scope of the training for which the trainee is registered.**

8 **(5) To complete training required to be a funeral service practitioner or an embalmer,**
9 **an individual must:**

10 **(a) Complete and document the requisite number of cases as determined by the board by**
11 **rule;**

12 **(b) Demonstrate the requisite competencies as determined by the board by rule; and**

13 **(c) Meet any other requirement established by the board by rule.**

14 *[(8)(a)]* **(6)(a)** *[Notwithstanding subsections (2) and (3) of this section,]* A licensed funeral service
15 practitioner **who is in good standing with the board** or a licensed embalmer **who is in good**
16 **standing with the board** may serve as a preceptor for *[not more than three students serving a fu-*
17 *neral service internship in accordance with guidelines established by an]* **interns enrolled in an ac-**
18 **credited funeral service education program that is registered with the board.**

19 *[(b) A student serving an internship in a program that covers both funeral service and embalming*
20 *must be supervised by a practitioner who has a combination funeral service practitioner and embalmer*
21 *license.]*

22 **(b) A licensed funeral service practitioner or licensed embalmer must notify the board**
23 **in a manner and form prescribed by the board by rule when beginning or ceasing service as**
24 **a preceptor under this subsection.**

25 **(c) A preceptor must directly supervise the activities of interns. An intern may not per-**
26 **form activities regulated under this chapter unless:**

27 **(A) The activities are performed under the supervision of a preceptor; and**

28 **(B) The activities are performed for or as part of the funeral service education program.**

29 *[(9)]* **(7)** The board shall adopt rules under which the board may confer credit for *[apprenticeship*
30 *service or its equivalency]* **training** performed by:

31 **(a) An applicant** *[in another state]* **under ORS 692.140; or**

32 **(b) An applicant whose** *[license or certificate of apprenticeship]* **registration under this section**
33 **has lapsed.**

34 **SECTION 10. The amendments to ORS 692.190 by section 9 of this 2015 Act apply to ap-**
35 **licants whose applications to train to be a funeral service practitioner or embalmer are**
36 **received by the State Mortuary and Cemetery Board on or after the operative date specified**
37 **in section 20 of this 2015 Act.**

38
39 **OTHER AMENDMENTS**

40
41 **SECTION 11.** ORS 692.143 is amended to read:

42 692.143. The State Mortuary and Cemetery Board shall issue a license to an individual to prac-
43 tice as a death care consultant if the individual:

44 **(1) Applies to the board for a death care consultant license on an application form provided by**
45 **the board;**

1 (2) Passes an examination [*conducted*] **offered** by the board [*covering Oregon*] **that tests appli-**
2 **cants on state** and federal laws [*and*], rules **and regulations** relating to the care, preparation,
3 disposition and transportation of dead human bodies;

4 (3) Pays fees required by the board by rule; and

5 (4) Meets [*other requirements*] **any other requirement** established by the board by rule.

6
7 **CONFORMING AMENDMENTS**

8
9 **SECTION 12.** ORS 97.931 is amended to read:

10 97.931. (1) A salesperson may not engage in prearrangement sales made by endowment care
11 cemeteries under ORS 97.929 or in preconstruction sales or prearrangement sales unless the
12 salesperson is registered with the State Mortuary and Cemetery Board or holds a current funeral
13 service practitioner license, embalmer license, funeral service practitioner [*apprentice*] **trainee** reg-
14 istration or embalmer [*apprentice*] **trainee** registration. The board by rule shall:

15 (a) Establish procedures for issuing salesperson registrations under this subsection;

16 (b) Establish standards for determining whether a salesperson registration should be issued;

17 (c) Set renewal and salesperson registration fees; and

18 (d) Require biennial renewal of salesperson registrations.

19 (2) The board may conduct a background check of any salesperson applying for registration
20 under subsection (1) of this section. The background check may include information solicited from
21 the Department of State Police. After consideration of information obtained from any background
22 check and any other information in its possession, the board shall determine whether to register the
23 salesperson.

24 (3)(a) The board may impose a civil penalty of up to \$1,000 per violation or suspend, revoke or
25 refuse to issue or renew the registration of a salesperson described in subsection (1) of this section
26 upon a determination that the applicant or holder has not complied with the provisions of ORS
27 97.923 to 97.949 or ORS chapter 692, or any rules adopted thereunder. When the board proposes to
28 take such action, the person affected by the action shall be accorded notice and an opportunity for
29 hearing as provided by ORS chapter 183. The board shall notify the Director of the Department of
30 Consumer and Business Services of its intent to take action against a salesperson or person acting
31 as a salesperson.

32 (b) The board shall suspend, revoke or refuse to issue or renew the registration of a salesperson
33 if the director requests the board to take such action.

34 (4) Fees and other moneys received by the board under this section shall be deposited into the
35 State Mortuary and Cemetery Board Account established in ORS 692.375.

36 **SECTION 13.** ORS 692.148 is amended to read:

37 692.148. (1) If the principals of a licensed funeral establishment or immediate disposition com-
38 pany change, the establishment or company shall apply to the State Mortuary and Cemetery Board
39 for a new license.

40 (2) A person holding a license or certificate of authority or who is registered under this chapter
41 shall apply to the board for reissuance of the license, certificate or registration if any of the fol-
42 lowing occur:

43 (a) The name of the person changes;

44 (b) The location of the funeral establishment, immediate disposition company or crematorium
45 changes;

1 (c) [An *apprentice*] **A trainee** registered under ORS 692.190 transfers from one licensed funeral
2 service practitioner or licensed embalmer to another;

3 (d) The original license, registration or certificate is lost or destroyed; or

4 (e) When a person holding a license or certificate of authority issued under this chapter obtains
5 another license or certificate of authority issued under this chapter.

6 (3) The application for reissuance of the license, registration or certificate shall include payment
7 of the fee established under ORS 692.160. The board shall reissue the license, certificate or regis-
8 tration when the board receives the application and the fee.

9 **SECTION 14.** ORS 692.160 is amended to read:

10 692.160. (1) The fees that may be charged under this chapter are:

11 (a) A fee covering requests for applications for a funeral service practitioner license, an
12 embalmer license, a death care consultant license, a funeral establishment license, an immediate
13 disposition company license, a certificate of authority for a cemetery, a certificate of authority for
14 a crematorium, a certificate of authority for any other facility for final disposition of human re-
15 mains, registration as a funeral service practitioner [*apprentice*] **trainee**, registration as an
16 embalmer [*apprentice*] **trainee**, a certificate of removal registration, a license as a reciprocal funeral
17 service practitioner or a license as a reciprocal embalmer. The application fee shall be accompanied
18 by an additional fee for each principal of a funeral establishment, immediate disposition company,
19 cemetery, crematorium or other facility for final disposition of human remains.

20 (b) A fee covering the renewal of a license for a funeral establishment, a license for an imme-
21 diate disposition company, a certificate of authority for a crematorium or a certificate of authority
22 for any other facility for final disposition of human remains.

23 (c) A fee covering the renewal of a funeral service practitioner license, an embalmer license or
24 a death care consultant license.

25 (d) A fee for renewal of a combination funeral service practitioner and embalmer license.

26 (e) A fee for renewal of the registration of a funeral service practitioner [*apprentice*] **trainee**
27 or an embalmer [*apprentice*] **trainee**.

28 (f) An examination fee for a funeral service practitioner license, an embalmer license or a death
29 care consultant license.

30 (g) A fee covering the renewal of a certificate of authority for a cemetery.

31 (h) A fee covering the reinstatement of a lapsed license, [*or*] certificate of authority **or regis-**
32 **tration.**

33 (i) A fee for reissuing a license, registration or certificate of authority as provided in ORS
34 692.148.

35 (j) Fees for copying any public record maintained by the State Mortuary and Cemetery Board,
36 for documents distributed by the board and postage for mailing any copies or documents.

37 (2) All licenses granted under this chapter to funeral service practitioners, embalmers and death
38 care consultants expire on January 1 in even-numbered years or on such date as may be specified
39 by rule of the State Mortuary and Cemetery Board. All licenses or certificates of authority granted
40 under this chapter to operators of funeral establishments, to operators of immediate disposition
41 companies, to operators of cemeteries, to operators of crematoriums or to operators of other facili-
42 ties for final disposition of human remains expire on January 1 in odd-numbered years or on such
43 date as may be specified by board rule.

44 (3) The board shall mail to each licensed funeral service practitioner, to each licensed embalmer,
45 to each licensed death care consultant, to each licensed operator of a funeral establishment or im-

1 mediate disposition company and to each cemetery, crematorium and other facility for final dispo-
2 sition of human remains holding a certificate of authority under ORS 692.275, addressed to the
3 licensee or certificate holder at the licensee's or certificate holder's last-known address, a notice
4 that the renewal fee is due and payable and that if the fee is not paid by the renewal date the li-
5 cense or certificate of authority shall lapse. The board shall mail the notice at least 60 days before
6 the license or certificate of authority expires. The board may impose continuing education require-
7 ments as a prerequisite for relicensure.

8 (4) Subject to prior approval of the Oregon Department of Administrative Services and a report
9 to the Emergency Board prior to adopting the fees and charges, the fees and charges established
10 under this section shall not exceed the cost of administering the regulatory program of the State
11 Mortuary and Cemetery Board pertaining to the purpose for which the fee or charge is established,
12 as authorized by the Legislative Assembly within the board's budget, as the budget may be modified
13 by the Emergency Board.

14 **SECTION 15.** ORS 692.170 is amended to read:

15 692.170. (1) When a licensee or [*an apprentice*] **a trainee registered under ORS 692.190** has
16 allowed a license or a [*certificate of apprenticeship*] **registration** to lapse, the State Mortuary and
17 Cemetery Board may reinstate the license or [*certificate*] **reregister the trainee** if the licensee or
18 [*apprentice*] **trainee**:

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

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

22 (2) Upon the lapse of a license or [*certificate*] **registration**, the board shall send the notice of
23 lapse to the licensee or [*apprentice*] **trainee** by registered or certified mail at the last-known address
24 of the licensee or [*apprentice*] **trainee**.

25 **SECTION 16.** ORS 692.180 is amended to read:

26 692.180. (1) Upon complaint or upon its own motion, the State Mortuary and Cemetery Board
27 may investigate a complaint made by any person or by the board. If the board finds any of the
28 causes described in this section in regard to any person, licensee or applicant or the holder of a
29 certificate of authority, the board may impose a civil penalty of not more than \$1,000 for each vio-
30 lation, suspend or revoke a license to practice or to operate under this chapter or refuse to grant
31 or renew a license. The causes are as follows:

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

33 (b) Fraudulent or dishonest conduct, when the conduct bears a demonstrable relationship to fu-
34 neral service practice, embalming practice or the operation of cemeteries, crematoriums or other
35 facilities for final disposition of human remains.

36 (c) Except as provided in this paragraph, solicitation of human remains by the licensee or any
37 agent, assistant or employee of the licensee, either before or after death. This paragraph does not
38 apply to:

39 (A) Activities permissible under ORS 97.923 to 97.949; or

40 (B) The sale, in accordance with provisions of the Insurance Code, of prearranged funeral or
41 cemetery merchandise or services, or any combination thereof, to be funded by the contemporaneous
42 or subsequent assignment of a life insurance policy or an annuity contract.

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

45 (e) Aiding or abetting a person who is not a licensee or [*an apprentice*] **a trainee** in any act

1 involving the disposition of dead human bodies before the bodies undergo final disposition or before
2 the bodies are transported out of the State of Oregon.

3 (f) Sale or reuse of any casket or body container that has been previously utilized for the
4 placement of a deceased human body. This does not include use of a rental cover as defined in ORS
5 692.010.

6 (g) Violation of any of the provisions of this chapter or any rules adopted under this chapter.

7 (h) Violation of any provision of ORS 97.929 or 97.937 or regulations adopted by the Federal
8 Trade Commission regulating funeral industry practices.

9 (i) Conviction of a crime, when the crime bears a demonstrable relationship to funeral service
10 practice, embalming practice, death care consultant practice or the operation of cemeteries,
11 crematoriums or other facilities for final disposition of human remains. A certified copy of the con-
12 viction is conclusive evidence of the conviction.

13 (j) Violation of ORS chapter 97 as it relates to disposition of human bodies and to cemeteries.

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

16 (L) Acting as the legal representative of any deceased person for whom the licensee has ren-
17 dered services governed by this chapter. This subsection does not prohibit a licensee from acting
18 as the legal representative of a deceased relative or a deceased licensee if the deceased licensee
19 was a partner, employee or employer in the licensee's practice.

20 (m) Failure to pay any civil penalty imposed by the board within 10 days after the order is en-
21 tered or, if appealed, within 10 days after the order is sustained on appeal.

22 (n) Impairment as defined in ORS 676.303.

23 (2) All amounts recovered under this section shall be deposited in the State Mortuary and
24 Cemetery Board Account established under ORS 692.375.

25 (3) Civil penalties under this section shall be imposed as provided in ORS 183.745.

26 (4) Upon receipt of a complaint, the board shall conduct an investigation as described under
27 ORS 676.165.

28 (5) Information that the board obtains as part of an investigation into licensee or applicant
29 conduct or as part of a contested case proceeding, consent order or stipulated agreement involving
30 licensee or applicant conduct is confidential as provided under ORS 676.175.

31 **SECTION 17.** ORS 692.230 is amended to read:

32 692.230. (1) The State Mortuary and Cemetery Board may suspend or revoke [*a certificate of*
33 *apprenticeship*] **the registration of a trainee**, after notice and upon hearing, if the board finds any
34 of the causes specified in ORS 692.180 in regard to the [*apprentice*] **trainee**.

35 (2) [*An apprentice who has had a certificate of apprenticeship*] **A trainee whose registration**
36 **has been** suspended or revoked may apply for reregistration within one year after the suspension
37 or revocation, but the board shall not allow more than two reregistrations. When the circumstances
38 warrant, the board may allow [*an apprentice*] **a trainee** credit under a reregistration for time actu-
39 ally served under a previous registration. However, if the previous registration has been suspended
40 or revoked under subsection (1) of this section, the board shall not [*credit on the registration*] **pro-**
41 **vide credit for** more than 75 percent of the time previously served.

42 (3) Upon receipt of a complaint, the board shall conduct an investigation as described under
43 ORS 676.165.

44 (4) Information that the board obtains as part of an investigation into [*licensee or applicant*]
45 **trainee** conduct or as part of a contested case proceeding, consent order or stipulated agreement

1 involving *[licensee or applicant]* **trainee** conduct is confidential as provided under ORS 676.175.

2 **SECTION 18.** ORS 692.320 is amended to read:

3 692.320. (1) The State Mortuary and Cemetery Board may adopt and enforce rules for the pro-
4 tection of the public health, safety and welfare relating to the following:

5 (a) The licensing of or issuance of certificates of authority for funeral service practitioners,
6 embalmers, death care consultants, funeral establishments, crematoriums, cemeteries and other fa-
7 cilities for final disposition of human remains.

8 (b) The registration of *[apprentices]* **trainees**.

9 (c) The practice of funeral service practitioners, embalmers and death care consultants, and the
10 operation of funeral establishments, immediate disposition companies, crematoriums, cemeteries and
11 other facilities for final disposition of human remains.

12 (d) Sanitary conditions of funeral establishments, crematoriums, cemeteries, other facilities for
13 final disposition of human remains and any location in which human remains are stored or processed
14 prior to final disposition.

15 (e) Matters necessary to carry out the provisions of this chapter.

16 (2) Other than areas used as living quarters, the board shall inspect not less than once
17 biennially the facilities and records of funeral establishments, cemeteries, crematoriums and imme-
18 diate disposition companies, other facilities for final disposition of human remains and any location
19 in which human remains may be stored, temporarily held or processed prior to final disposition.
20 The inspection of the records of such locations is limited to those records required to comply with
21 this chapter or ORS chapter 432 or rules adopted pursuant thereto. The board may make random
22 inspections at other times. The board shall employ one or more persons to perform such inspections
23 and aid in the enforcement of this chapter and rules adopted thereunder. A person employed under
24 this subsection may not be a member of the board or actively engaged in a practice regulated by
25 this chapter.

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

28 (4) The board shall have a common seal and, subject to any applicable provision of the State
29 Personnel Relations Law, may employ staff, fix the compensation for them and incur other necessary
30 expenses.

31 **SECTION 19.** ORS 692.350 is amended to read:

32 692.350. Except as provided in this section, after each change in the provisions of this chapter
33 or in the rules adopted under this chapter, the State Mortuary and Cemetery Board shall publish
34 for distribution to funeral service practitioners, embalmers and *[apprentices]* **trainees of funeral**
35 **service practitioners and embalmers**, and to other interested persons, the provisions of this
36 chapter together with all rules adopted under this chapter. If a change or changes in the rules are
37 not extensive in scope, the board may publish the changes in supplementary form.

38
39 **OPERATIVE DATE**

40
41 **SECTION 20.** (1) **The amendments to statutes by sections 1, 2, 4, 5, 7, 9 and 11 to 19 of**
42 **this 2015 Act become operative on January 1, 2016.**

43 (2) **The State Mortuary and Cemetery Board may take any action before the operative**
44 **date specified in subsection (1) of this section that is necessary to enable the board to exer-**
45 **cise, on and after the operative date specified in subsection (1) of this section, all the duties,**

1 functions and powers conferred on the board by the amendments to statutes by sections 1,
2 2, 4, 5, 7, 9 and 11 to 19 of this 2015 Act.

3
4 **UNIT CAPTIONS**

5
6 **SECTION 21.** The unit captions used in this 2015 Act are provided only for the conven-
7 ience of the reader and do not become part of the statutory law of this state or express any
8 legislative intent in the enactment of this 2015 Act.

9
10 **EMERGENCY CLAUSE**

11
12 **SECTION 22.** This 2015 Act being necessary for the immediate preservation of the public
13 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect
14 on its passage.

15 _____