

Secretary of State
NOTICE OF PROPOSED RULEMAKING and HEARING*

A Statement of Need and Fiscal Impact accompanies this form.

OREGON MORTUARY & CEMETERY BOARD

OAD 830

Agency and Division Administrative Rules Chapter Number

Lynne Nelson 800 NE Oregon Street, Suite 430 Portland, OR 97232 (971) 673-1503
Rules Coordinator Address Telephone

November 19, 2012 2:00pm 800 NE Oregon Street, Suite 445 Portland, OR 97232 **Lynne Nelson**
Hearing Date Time Location Hearings Officer

Auxiliary aids for persons with disabilities are available upon advance request.

RULE CAPTION

Implements requirements for remains found in Cemetery; clarifies refund criteria and implements advertising and contract rules.

RULEMAKING ACTION

ADOPT: none

AMEND: The proposed amendment of OAR 830-020-0030, 830-020-0040, 830-030-0000, 830-030-0070, 830-030-0100, 830-040-0005, 830-040-0050

Stat. Auth.: ORS 692.320; ORS 97.931

Stat. Implemented: ORS 97.933, ORS 97.220

RULE SUMMARY

Rule implements requirements and clarifies cemetery actions when human remains or partial remains are found in a presumed unoccupied grave; clarifies refundable fee if applicant withdraws from taking an examination; removes five-day right to cancel purchases on at need contracts; requires facility name on contracts; requires internet advertising to include link to effective general price list when a price is stated; clarifies need for registration by the Department of Consumer & Business Services to sell trust-funded preneed goods and services;

The amendments are necessary to maintain consistency with developments in funeral service industry practices, and to clarify cemetery practices. This rulemaking also provides the opportunity to update a state agency name and fix a section error.

The agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rules on businesses.

November 19, 2012 at 4:00pm

Last Day for Public Comment (Last day to submit written comments to the Rules Coordinator)

<s> *Lynne Nelson*

Lynne Nelson

October 9, 2012

Signature

Printed name

Date

*Rulemaking Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the publication of the Rulemaking Notice in the Oregon Bulletin or 28 days from the date Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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