

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT
A Notice of Proposed Rulemaking Hearing accompanies this form.

OREGON MORTUARY & CEMETERY BOARD

OAR 830

Agency and Division

Administrative Rules Chapter Number

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

Rule Caption

In the Matter of:

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

Statutory Authority: ORS 692.320; ORS 97.931

Other Authority:

Stats. Implemented: ORS 97.933, ORS 97.220

Need for the Rule(s):

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.

Documents Relied Upon, and where they are available:

Oregon Laws 2009 c. 709; ORS c. 692; ORS c. 97; FTC Funeral Rule; Minutes of Advisory Committee meetings of March 28, 2012, May 21, 2012, September 24, 2012 and Minutes of Board meeting on September 25, 2012, which are available from the Board's rule coordinator at 800 NE Oregon Street, #430, Portland, OR 97232.

Fiscal and Economic Impact: The Agency does not anticipate a significant fiscal impact from the proposed rule changes.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

Agency may need to send hard copies of updated rules to persons without online access.

2. Cost of compliance effect on small business (ORS 183.336):

- a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:

There are currently 735 licensed funeral industry businesses in Oregon – funeral establishments, immediate disposition companies, cemeteries and crematoriums.

- b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

The rules do not impose any new reporting, recordkeeping or other administrative requirements on small businesses. Small businesses that do not include their facility's name on current contracts will need to add the

name for compliance with these rules. The Agency does not have data to project the cost of compliance with recordkeeping requirements.

- c. Equipment, supplies, labor and increased administration required for compliance:
Industry members may have minor costs when printing updated rules or contracts.

How were small businesses involved in the development of these rules?

Industry, consumer associations and the public were involved in recommendations for rule changes. Small business owners are members of these associations,
Administrative Rule Advisory Committee consulted? Yes.

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.

<i><s> Lynne Nelson</i>	Lynne Nelson	October 9, 2012
Signature	Printed name	Date

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310.
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