

## Funeral Arrangements

- In Oregon you may name an agent for body disposition if you want someone other than your next-of-kin to be in charge. The form can be found in 97.130(7) of the laws.
- It is legal for a family or designated agent to handle everything without a funeral director. Or look for a home funeral guide: <http://homefuneraldirectory.com/>
- If you will be using a funeral home, prices must be given over the telephone. You must be given a General Price List (GPL) if you visit in person and *before* discussing any services.
- You must be shown a Casket and Outer Burial Container Price List before selecting either.
- You must be given a Statement of Funeral Goods and Services Selected with the total cost before any services are provided.
- Funeral Consumers Alliance of Oregon does a periodic price survey: [www.funerals.org](http://www.funerals.org)
- **Do not sign any contract for more than you can afford to pay.** For indigent families, the funeral director can apply to Public Health which pays \$650 if the funds are available. There is no other organization that assists with funeral costs.

## Autopsy

- If the death was unexpected or the cause of death uncertain, the state will probably require an autopsy.
- If you have questions about the death, you may request and pay for a private autopsy.
- If a viewing is planned, there will likely be extra charges to repair the body for embalming.

## Organ, Body, and Tissue Donation

- If death occurs in a hospital, you are likely to be asked about organ donation. Only about 1% of the deaths are eligible for major organ donation. The organ procurement organization (OPO) will pay for any extra body preparation needed if you plan a viewing. Decline any such charge you might find on the GPL.
- After-death donation of eyes, skin, and bones may be considered. Ask the hospital social worker or the funeral director about this.

- While whole body donation to a medical school is one way to lower costs, the family must pay for some or all of the transportation. After medical study, the school will pay for cremation and can return the cremated remains to the family if requested. You should have back-up funeral plans if your body cannot be accepted for any reason.
- There are also non-academic companies that accept whole bodies for research and education. Various body parts will likely be shipped around the country and possibly internationally. While all tissue banks must be registered with the state, there appear to be no standards. Note that this is an entirely different category of body donation from the traditional cadaver donation to a medical school.
- To find the nearest body donation option, the cost if any, and the reasons for body rejection check: [www.finalrights.org](http://www.finalrights.org)

## Embalming and Other Requirements

- Regulations, not statutes, require embalming, refrigeration, or a sealed casket after 24 hours. This would not apply to home funeral families, only licensees.
- Administrative rules, which apply to licensees, require that a body be washed prior to any private or public viewing.
- If death is due to a communicable disease, the body must be embalmed, the worst possible time to embalm.
- If the body is to be shipped out of state, airlines prefer to have the body embalmed, but a sealed container can usually make that optional.
- Many funeral homes have a policy that requires embalming for a public viewing. Embalming does not protect the public health. It merely delays decomposition.
- If disposition does not occur within ten days, the Mortuary Board must be notified.

## Caskets, Liners, and Vaults

- Neither is required by state law for burial. A rigid combustible container is required for cremation.
- A casket will not prevent natural decomposition.

- You may build your own or purchase from a casket retailer. Vault dealers rarely sell to the public.
- The purpose of a vault is to keep the ground from caving in. It facilitates maintenance for the cemetery. It has no preservative qualities regardless of how much you spend.

## Burial

- You may be buried on your own land with the permission of the local planning commission or governing body. A burial should be 150 feet from a water supply and 25 feet from a power line with two or three feet of earth on top. It is a good practice to draw a map of the land showing where the family cemetery is and have it recorded with the deed, as the burial must be disclosed to any new buyer.
- If you purchase a lot in a town or religious cemetery, you will also have the opening and closing costs in addition to the cost of the plot.
- Some cemeteries have restrictions on the kind of monuments or plantings and adornment allowed at the grave site.
- Authorization for disinterment must be obtained from the state registrar by the person with the right to control disposition.

The Mortuary and Cemetery Board has eleven members. Three are morticians, three are cetermarians, one is a crematory operator, and four are public members one of whom must be a senior citizen. Preneed sales are regulated by the Department of Consumer and Business Services.

## Cremation

- One may authorize one's own cremation prior to death.
- A pacemaker must be removed.
- Some crematories will let the family witness the cremation.
- The cremation process takes about two-and-a-half hours for an average adult.

- The crematory will remove any metal fragments and pulverize the cremated remains to small particles, similar to white or gray coarse sand, about 5-10 pounds.
- Cremated remains may be kept at home, scattered or buried on private land with the landowner's permission, interred in a cemetery or memorial garden, or placed in a mausoleum niche. If scattering on public land or water, don't ask, don't tell. Park service people are concerned that some may want to create a little shrine at the site and would prefer not to know your plans. Be discreet. The Environmental Protection Agency (EPA) says they must be scattered three miles out to sea. That's because the federal agency has no jurisdiction over the first three miles; the bordering state does. Most states (except for California and South Dakota) have no restrictions on the disposition of cremated remains, and there are no "cremains police" even in those two states. Do as you wish.
- If flying with cremated remains, be sure they are in a non-metal container to pass through the scanner.
- Cremated remains may be sent only by U.S. Postal Service. Use Priority Mail Express with delivery confirmation. FedEx and UPS will not knowingly accept cremated remains.

## Veterans and Their Dependents

- You will need a copy of the DD214 discharge papers for gaining benefits.
- The VA cemetery in Roseburg has space for cremated remains only. The ones in Portland and Eagle Point have space for both casketed and cremated remains. Interment and marker are free of charge for the veteran, spouse, and certain dependents.
- The U.S. Department of Veterans Affairs (VA) provides markers for veterans no matter where they are interred. Markers can be upright or flat, and they come in bronze, marble, and granite: (800) 697-6947.
- A free flag can be ordered through the U.S. Postal Service.

- A comprehensive list of veterans benefits can be found here:

<http://www.funerals.org/faq/60-veterans-funeral-and-burial-benefits>

### Prepaying for a Funeral

- If the contract guarantees the price, the interest is supposed to cover funeral inflation. But many investments do not appreciate as fast as the prices climb. You have a right to insist on no extra charges if it is clearly identified in the contract as "price guaranteed." Any substitutions should be of equal *quality* to that described in the contract.
- Third-party items such as the crematory fee or obituary usually cannot be guaranteed.

- Warehousing of merchandise can avoid trusting requirements making a refund impossible.
- Setting aside assets for Medicaid eligibility is the one time it makes sense to prepay for a funeral. There is no limit to the amount you may have in an irrevocable preneed account. Be sure to ask if you will be getting an annual report of your prepaid funds and let those who will be handling your affairs know that you have prepaid and where.

### Social Security Death Benefit

- There is a \$255 death benefit for a surviving spouse. There is no similar benefit when that spouse dies.
- Dependent children are entitled to survivor benefits when a parent dies.

### Complaints

- Valid complaints include dishonesty, misrepresentation, unprofessional conduct, negligence, breach of contract, violation of state or federal laws. For how to file a complaint, see: [www.funerals.org/your-legal-rights/complaint](http://www.funerals.org/your-legal-rights/complaint)
- The Mortuary-Cemetery Board: [www.oregon.gov/MortCem/index.shtml](http://www.oregon.gov/MortCem/index.shtml)

Much of the information for this brochure was taken from *Final Rights: Reclaiming the American Way of Death* (Upper Access, 2011) [www.finalrights.org](http://www.finalrights.org)  
Additional information can be found at [www.funerals.org](http://www.funerals.org)

# Your Funeral Consumer Rights in Oregon

## Prepaying the Funeral Home

### Pros

### Cons

#### Pay on Death Savings Account or Bank CD

- ❖ You have total control of the funds.
- ❖ Can easily change plans or use for emergencies.
- ❖ Can make time payments easily.

- ❖ Asset for Medicaid purposes.
- ❖ You must declare interest on your tax return.
- ❖ Penalty to cash CD prior to death.

#### Qualified Funeral Trust

- ❖ If irrevocable, it won't be an asset for Medicaid.
- ❖ The trust pays taxes on the interest.
- ❖ There is a guarantee fund to protect against embezzlement.

- ❖ The funeral home may keep 10% of a guaranteed contract if you cancel.
- ❖ The funeral home may possibly keep merchandise if you move or cancel.
- ❖ Taxes may be paid on interest that otherwise wouldn't be taxed if you are low-income.

#### Master or Simple Trust

- ❖ If irrevocable, it won't be an asset for Medicaid.
- ❖ You are supposed to receive an annual report of the interest earned which will serve as reassurance your funeral funds are safe.
- ❖ There is a guarantee fund to protect against embezzlement.

- ❖ The funeral home may keep 10% of a guaranteed contract if you cancel.
- ❖ The funeral home may possibly keep merchandise if you move or cancel.
- ❖ You will have to declare the interest on your tax return.
- ❖ The seller may put the trust funds into insurance instead. (See below.)

#### Funeral or Life Insurance

- ❖ Easily portable.
- ❖ If the funeral home is the beneficiary, it won't be considered an asset for Medicaid eligibility.
- ❖ The insurance company pays the taxes.

- ❖ If you need to cancel, you may get back only about half of what you paid.
- ❖ If paying over time, you may pay twice the face value.
- ❖ There may be a 30-day delay in receiving funds for which the funeral home may charge an extra fee.

Funeral Ethics Organization  
87 Upper Access Rd.  
Hinesburg, VT 05461  
<http://www.funeralethics.org>