

## **OREGON MORTUARY AND CEMETERY BOARD**

800 NE Oregon Street, Suite 430  
Portland, Oregon 97232-2195  
phone: 971-673-1503 | fax: 971-673-1501

The following information was compiled by Oregon Mortuary and Cemetery Board (Board) staff in response to public inquiries concerning the burial of human remains on private property.

### **BURIAL ON PRIVATE PROPERTY**

With the exception of ORS 97.040 pertaining to "private family burial grounds" Oregon law is silent on the matter of private property burials. Based upon the absence of statutory prohibition and the limited guidance provided by ORS 97.040, the Board takes the position that private property burial of a human body is permissible under state law so long as burial lots are not offered for sale.

Although it may not be unlawful, private property burial is not recommended. Cemeteries exist for a reason. Once legally dedicated to cemetery purposes, land so dedicated remains sacred and may not be used for any other purpose. Those contemplating private property burial should seriously consider the extent to which the burial ground will remain sacred to future owners of the property.

Those contemplating private property burial should also check with local government officials about local ordinances which may impose restrictions or conditions.

**NOTE:** When cremation is the method of final disposition, the crematory is considered the place of final disposition. Processed cremated remains, commonly called ashes, are non-toxic and sanitary. State law places no specific restriction on the burial or scattering of processed cremated remains.

### **FINAL DISPOSITION CONDUCTED BY SOMEONE OTHER THAN A LICENSED FUNERAL SERVICE PRACTITIONER (FSP)**

"Final disposition" means the burial, interment, cremation, removal from the state or other authorized disposition of a dead body or fetus. ORS 432.005 (6)

Regardless of the manner or location of final disposition, whether on private property or not, the responsible funeral service practitioner (FSP) or "person acting as an FSP" must comply with ORS 432.307 to 432.333 pertaining to *Death Certificates and Burial Permits*.

An FSP is a licensed person who makes final disposition arrangements **for payment**. It is against the law to practice as an FSP without a license from the Board. ORS 692.025 (1). A "person acting as an FSP" is defined in ORS 432.005(11) to mean a relative, friend or other interested party who performs the duties of an FSP **without payment** or a funeral director who files death certificates in another state if the funeral director is employed by a funeral establishment licensed in another state that has obtained a certificate of removal registration from the Board.