

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

ORDINANCE NO. 1306

Amending Multnomah County Code Chapter 21 - Health to Add Regulations Relating to the Acceptance of Payment or other Consideration for Displaying to the Public Human Remains.

(Language ~~stricken~~ is deleted; double underlined language is new.)

The Multnomah County Board of Commissioners, in its capacity as the Board of Health and the ORS 431 local public health authority, finds as follows:

1. Every person has the right to understand and consent to what will happen to the disposition of their remains.
2. Whole body donors (WBDs) provide important insights for medical research, training, and education.
3. To protect the integrity of WBD programs, it is important for potential donors to trust that their donated body will be used for scientific or educational purposes.
4. Gaps in the regulation of WBD programs have resulted in the growth of unethical practices, including the deception of WBDs and their next of kin regarding the use of donated bodies, commercial enterprises profiting off the use of bodies donated for research, and unsanitary displays and other unethical and potentially hazardous public health conditions.
5. Public displays of human remains have merit for ceremonial or religious purposes, education, or research, but not for profit or commercialization.
6. Public displays of human remains without appropriate safeguards and precautions may also pose a threat to public health through the potential spread of communicable diseases.

Therefore, Multnomah County ordains and adds the following underlined language:

Section 1. MCC § 21.750 is added as follows:

§ 21.750 - Purpose

The purpose of MCC § 21.750 to MCC § 21.755 is to regulate the circumstances when payment or other consideration may be accepted for displaying to the public human remains within incorporated and unincorporated areas of Multnomah County.

Section 2. MCC § 21.751 is added as follows:

§ 21.751 - Definitions

For MCC § 21.750 to MCC § 21.755, the following definitions shall apply:

“Displaying to the public human remains” means any showing of human remains for individuals who (1) were not members of the decedent’s family and (2) never met the decedent during the decedent’s lifetime.

“Human remains” is defined as the body, or any portion thereof, of any person who died less than 100 years prior to the display at issue, unless it only consists of teeth or hair.

Section 3. MCC § 21.752 is added as follows:

§ 21.752 - Prohibited Conduct

It shall be unlawful and prohibited to accept payment or other consideration for displaying to the public human remains.

Section 4. MCC § 21.753 is added as follows:

§ 21.753 - Exceptions

MCC § 21.752 does not prohibit accepting payment or other consideration for displaying to the public human remains when a person with the right to control disposition of remains has consented, and the payment or other consideration is accepted by:

- A. An individual or entity licensed by the Oregon Mortuary and Cemetery Board;
- B. An entity accredited by the American Alliance of Museums;
- C. An entity accredited by the Northwest Commission on Colleges and Universities (NWCCU);
- D. The Oregon Museum of Science & Industry; or
- E. An individual or entity facilitating a funeral, provided appropriate public health safeguards have been implemented.

Section 4. MCC § 21.754 is added as follows:

§ 21.754 - Enforcement

- A. The local public health administrator is authorized to take any lawful action to enforce MCC § 21.750 to MCC §21.755, including issuing citations to recover those penalties outlined in MCC § 21.755. The local public health administrator, at their sole discretion, may implement rules or policies as appropriate for enforcement.
- B. The County Attorney is also authorized to take any lawful action to enforce MCC § 21.750 to MCC §21.755, including filing a civil action in circuit court for injunctive or declaratory relief and to seek any other remedy or damages authorized by law, including those penalties outlined in MCC § 21.755.

Section 5. MCC § 21.755 is added as follows:

§ 21.755 - Penalties

Any individual or entity found in violation of MCC § 21.750 to MCC §21.755 shall be fined \$1,000 per violation per day, shall transfer to Multnomah County any consideration the individual or entity received pursuant to the violation, and shall pay for all attorney fees, costs, and disbursements incurred by Multnomah County to enforce MCC § 21.750 to MCC §21.755.

FIRST READING: _____ April 14, 2022 _____

SECOND READING AND ADOPTION: _____ April 21, 2022 _____



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Deborah Kafoury

Deborah Kafoury, Chair

REVIEWED:
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FOR MULTNOMAH COUNTY, OREGON

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SUBMITTED BY: Deborah Kafoury, County Chair