

**ORS Chapter 97 — Rights and Duties Relating to Cemeteries, Human Bodies and Anatomical Gifts**

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**Downloaded October 7, 2014**

2013 EDITION

CEMETERIES, HUMAN BODIES AND ANATOMICAL GIFTS

PROPERTY RIGHTS AND TRANSACTIONS

**INDIAN GRAVES AND PROTECTED OBJECTS**

**ORS 97.740 Definitions for ORS 97.740 to 97.760.** For the purposes of ORS 97.740 to 97.760:

- (1) “Burial” has the meaning given that term in ORS 358.905.
- (2) “Funerary object” has the meaning given that term in ORS 358.905.
- (3) “Human remains” has the meaning given that term in ORS 358.905.
- (4) “Indian tribe” means any tribe of Indians recognized by the Secretary of the Interior or listed in the Klamath Termination Act, 25 U.S.C. 3564 et seq., or listed in the Western Oregon Indian Termination Act, 25 U.S.C. 3691 et seq., if the traditional cultural area of the tribe includes Oregon lands.
- (5) “Object of cultural patrimony” has the meaning given that term in ORS 358.905.
- (6) “Professional archaeologist” means a person who has extensive formal training and experience in systematic, scientific archaeology.
- (7) “Sacred object” has the meaning given that term in ORS 358.905. [1977 c.647 §1; 1981 c.442 §3; 1985 c.198 §2; 1993 c.459 §9; 1997 c.249 §34]

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(1) “**Burial**” ORS 358.905: (e) “Burial” means any natural or prepared physical location whether originally below, on or above the surface of the earth, into which, as a part of a death rite or death ceremony of a culture, human remains were deposited.

(2) “**Funerary object**” ORS 358.905: (f) “Funerary objects” means any artifacts or objects that, as part of a death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later.

(3) “**Human remains**” ORS 358.905: (g) “Human remains” means the physical remains of a human body, including, but not limited to, bones, teeth, hair, ashes or mummified or otherwise preserved soft tissues of an individual.

(4) “**Indian tribe**” means any tribe of Indians recognized by the Secretary of the Interior or listed in the Klamath Termination Act, 25 U.S.C. 3564 et seq., or listed in the Western Oregon Indian Termination Act, 25 U.S.C. 3691 et seq., if the traditional cultural area of the tribe includes Oregon lands.

(5) **“Object of cultural patrimony”** ORS 358.905: (h) “Object of cultural patrimony”:  
(A) Means an object having ongoing historical, traditional or cultural importance central to the native Indian group or culture itself, rather than property owned by an individual native Indian, and which, therefore, cannot be alienated, appropriated or conveyed by an individual regardless of whether or not the individual is a member of the Indian tribe. The object shall have been considered inalienable by the native Indian group at the time the object was separated from such group. (B) Does not mean unassociated arrowheads, baskets or stone tools or portions of arrowheads, baskets or stone tools.

(6) **“Professional archaeologist”** means a person who has extensive formal training and experience in systematic, scientific archaeology.

(7) **“Sacred object”** ORS 358.905: (k) “Sacred object” means an archaeological object or other object that: (A) Is demonstrably revered by any ethnic group, religious group or Indian tribe as holy; (B) Is used in connection with the religious or spiritual service or worship of a deity or spirit power; or (C) Was or is needed by traditional native Indian religious leaders for the practice of traditional native Indian religion.