

SB 189 A -A2 STAFF MEASURE SUMMARY

House Committee On Behavioral Health and Health Care

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Meeting Dates: 4/24, 5/3

WHAT THE MEASURE DOES:

Allows health care facility to transfer human pathological waste to donor of pathological waste or authorized representative of donor if waste is intended for cremation, interment or other final disposition. Takes effect on 91st day following adjournment sine die.

FISCAL: No fiscal impact

REVENUE: No revenue impact

SENATE VOTE: Ayes, 25; Nays, 4; Excused, 1

ISSUES DISCUSSED:

- Tribal spiritual beliefs and tradition of burying removed body parts and organs
- Definition of "pathological waste"
- Potential for misuse of transfer authority

EFFECT OF AMENDMENT:

-A2 Clarifies permitted transfer of human pathological waste to donor or authorized representative by health care facility.

FISCAL: No fiscal impact

REVENUE: No revenue impact

BACKGROUND:

Current Oregon law requires that pathological waste, including amputated body parts, organs, and tissues, be incinerated by the health care facility within a certain time after removal from a patient's body. The law includes an exception for the placenta from a mother following birth.

In 2021, the Legislative Assembly passed House Bill 2574, which allows for alternative disposition, including composting, of human remains. The Washington State Legislature passed a similar law in 2019, allowing for composting of human remains, with an additional provision allowing patients to remove anatomical parts from health care facilities for final disposition. Oregon law does not include this provision.

Additionally, inability to take amputated body parts or removed organs home for burial has been cited as a reason that some Native American patients who require those procedures are hesitant to move forward with treatment (St. Charles Health System, [Amputation and Tribal Practices Presentation to Tribal Council](#)).

Senate Bill 189 A would allow for human pathological waste to be removed from a health care facility by a patient or their representative for cremation, interment, or other final disposition.