

SB 189 A STAFF MEASURE SUMMARY

Carrier: Sen. Bonham

Senate Committee On Health Care

Action Date: 01/25/23

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 5-0-0-0

Yeas: 5 - Bonham, Campos, Gorsek, Hayden, Patterson

Fiscal: No fiscal impact

Revenue: No revenue impact

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Meeting Dates: 1/25

WHAT THE MEASURE DOES:

Allows a patient or their representative to remove amputated body parts, organs, and tissues from a health care facility for purposes of cremation, interment, or other final disposition. Excludes pathological waste that may cause disease or adverse health impacts in humans. Takes effect on the 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Burial practices of Confederated Tribes of Warm Springs
- Hesitation to receive medical care based on spiritual beliefs
- Potential for misapplication of the measure

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

ORS 459.386 requires that pathological waste, including amputated body parts, organs, and tissues, must 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 a presentation to its Tribal Council, the St. Charles Medical Center in Bend, Oregon, reported that Native American patients who require amputation or organ removal are hesitant to move forward with treatment because they are unable to remove the body part from the hospital for burial per Oregon law (St. Charles Health System, [Amputation and Tribal Practices Presentation to Tribal Council](#)).

In 2021, the Oregon 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.

Senate Bill 189 A allows 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.