

HB 2329 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 2/21, 2/28

WHAT THE MEASURE DOES:

Creates an allowance for a notary public to complete a declaration of witness for the purposes of directing any manner of lawful disposition of the principal's remains postmortem. Creates an allowance for a notary public to complete a declaration of witness for the purposes of a declaration for mental health treatment, which includes designating a decision maker. Maintains the option to have two competent adult witnesses sign a declaration. Provides notarial certificate forms within the relevant statutes. Defines "health care provider" giving it the same meaning as in ORS 127.505 (related to advance directives for health care). Specifies who may not serve as a witness to the signing of a declaration for mental health treatment.

REVENUE: No revenue impact

FISCAL: No fiscal impact

ISSUES DISCUSSED:

- Aligning the process with other types of similar provisions
- Difficulty in finding timely witness in certain situations
- Persons working in the healthcare setting with the patient are not allowed to be witnesses

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The Elder Law Section of the Oregon State Bar (OSB) submitted a request, approved by OSB Board of Governors, to update the declaration for mental health treatment and appointment of person to make decisions concerning disposition of remains to also allow for a notary or witnesses. Currently, statute does not allow for a notary.

House Bill 2329 allows for a notary to execute the appointment of person to make decisions regarding disposition of remains and for a declaration of mental health treatment.