

HB 2329 STAFF MEASURE SUMMARY

Carrier: Rep. Conrad

House Committee On Judiciary

Action Date: 01/26/23

Action: Do Pass.

Vote: 10-0-0-0

Yeas: 10 - Andersen, Bynum, Chaichi, Conrad, Kropf, Lewis, Morgan, Reynolds, Tran, Wallan

Fiscal: No fiscal impact

Revenue: No revenue impact

Prepared By: Amie Fender-Sosa, LPRO Analyst

Meeting Dates: 1/19, 1/26

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.

ISSUES DISCUSSED:

- Adds the option of having a notary to authorize the *Declaration for Mental Health Treatment in Oregon* form and the *Appointment of Person to Make Decisions Concerning Dispossession of Remains* form
- Retains the option for having the forms signed by two qualified 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.