



Date: January 31, 2024

To: Interested Parties

From: Zintars Beldavs, Section Manager
Acute & Communicable Disease Prevention Section

Subject: Notice of Proposed Permanent Rulemaking – OAR chapter 333, division 56, “Permitting human pathological waste removal from a health care facility” (SB 189, 2023)

The Oregon Health Authority (OHA), Public Health Division, Acute and Communicable Disease Prevention section is proposing to permanently amend Oregon Administrative Rules (OAR) in chapter 333, division 56 in response to the passage of Senate Bill 189 during the 2023 legislative session.

[Senate Bill 189](#) (Oregon Laws 2023, chapter 269), which took effect September 24, 2023, permits pathological waste removal from a health care facility “in accordance with rules adopted by the Oregon Health Authority” (OHA). To ensure that health care facilities that wish to do so may release pathological waste, OHA temporarily amended Oregon Administrative Rules 333-056-0020 and 333-056-0045, effective September 24, 2023, through March 21, 2024. To continue to comply with the statute, OHA must amend those rules permanently, permitting removal of pathological waste from health care facilities while minimizing potential health hazards.

These rules define health care facility and freestanding birthing center in accordance with Oregon Revised Statutes (ORS) 442.015 and allow human pathological waste (defined by reference to ORS 459.386), such as removed anatomical parts, to be received by the donor or their representative for the purposes of cremation, interment, or other final disposition in accordance with ORS chapter 97. Minor changes are made to the rule related to the release of placentas without changing the substance of the rule.

You are invited to review and comment on the proposed rules.

If you wish to present oral testimony, a public hearing will be held on **February 15, 2024, at 2:00 PM** via video/phone conference using Microsoft Teams. To provide oral testimony during this hearing, please contact publichealth.rules@odhsoha.oregon.gov to sign-up and receive the link for the Microsoft Teams video conference. Alternatively, you may dial 971-277-2343, Phone conference ID 901 100 402# for audio only. You may also join by video conference by clicking on the “Meeting URL” link in the Notice of Proposed Rulemaking under “Remote Meeting Details.”

You may file written comments before 5:00 p.m. on February 21, 2024, by submitting them to the Public Health Division Rules Coordinator at the following address:

OHA, Public Health Division
Brittany Hall, Administrative Rules Coordinator
800 NE Oregon Street, Suite 930
Portland, Oregon 97232

E-mail comments to: publichealth.rules@odhsoha.oregon.gov.

You may also send comments by fax to (971) 673-1299.

Final rules will be filed after consideration of all comments.

For more details, please see the Notice of Proposed Rulemaking, including the full text of the proposed rules and the statements of need, and fiscal and racial equity impact at the following website: <http://www.healthoregon.org/diseasereporting>.

If you have any questions or prefer a hard copy of the Notice of Proposed Rulemaking, please send an email to publichealth.rules@odhsoha.oregon.gov.

Accessibility Statement: For individuals with disabilities or individuals who speak a language other than English, OHA can provide information in alternate formats such as translations, large print, or braille. Contact the Public Health Division at 971-673-1222, 711 TTY or publichealth.rules@odhsoha.oregon.gov.