

## HOUSE AMENDMENTS TO HOUSE BILL 2185

By JOINT COMMITTEE ON EMERGENCY PREPAREDNESS AND OCEAN POLICY

May 11

- 1 On page 1 of the printed bill, line 2, after “433.001,” insert “433.004, 433.009,”.
- 2 In line 3, delete “433.140,” and insert “433.040, 433.140, 433.156,”.
- 3 In line 5, delete “433.130, 433.135 and 433.156” and insert “433.130 and 433.135”.
- 4 In line 25, delete the first “of” and insert “granted to” and after “Director” insert “by section  
5 of this 2007 Act and ORS 433.443”.
- 6 Delete line 29.
- 7 On page 2, delete lines 1 through 38 and insert:
- 8 **“SECTION 3. As used in ORS 431.035 to 431.530:**
- 9 **“(1) ‘Children’s facility’ has the meaning given that term in ORS 433.235.**
- 10 **“(2) ‘Communicable disease’ means a disease or condition, the infectious agent of which  
11 may be transmitted by any means from one person or from an animal to another person,  
12 that may result in illness, death or severe disability.**
- 13 **“(3) ‘Condition of public health importance’ means a disease, syndrome, symptom, injury  
14 or other threat to public health that is identifiable on an individual or community level.**
- 15 **“(4) ‘Disease outbreak’ means a significant or notable increase in the number of cases  
16 of a disease or other condition of public health importance.**
- 17 **“(5) ‘Epidemic’ means the occurrence in a community or region of a group of similar  
18 conditions of public health importance that are in excess of normal expectancy and derived  
19 from a common or propagated source.**
- 20 **“(6) ‘Local public health administrator’ means the public health administrator of a  
21 county or health district appointed under ORS 431.418 or the authorized representative of  
22 that public health administrator.**
- 23 **“(7) ‘Local public health authority’ means a county government, or a health district  
24 created under ORS 431.414 or a person or agency a county or health district has contracted  
25 with to act as the local public health authority.**
- 26 **“(8) ‘Public health law’ means any statute, rule or local ordinance that has the purpose  
27 of promoting or protecting the public health and that establishes the authority of the De-  
28 partment of Human Services, the Public Health Director, the Public Health Officer, a local  
29 public health authority or local public health administrator to enforce the statute, rule or  
30 local ordinance.**
- 31 **“(9) ‘Public health measure’ means a test, medical examination, treatment, isolation,  
32 quarantine or other measure imposed on an individual or group of individuals in order to  
33 prevent the spread of or exposure to a communicable disease, toxic substance or  
34 transmissible agent.**
- 35 **“(10) ‘Reportable disease’ means a disease or condition, the reporting of which enables a**

1 **public health authority to take action to protect or to benefit the public health.**

2 **“(11) ‘School’ has the meaning given that term in ORS 433.235.**

3 **“(12) ‘Specimen’ means blood, sputum, urine, stool or other bodily fluids and wastes,**  
4 **tissues, and cultures necessary to perform required tests.**

5 **“(13) ‘Test’ means any diagnostic or investigative analyses or medical procedures that**  
6 **determine the presence or absence of, or exposure to, a condition of potential public health**  
7 **importance, or its precursor in an individual.**

8 **“(14) ‘Toxic substance’ means a substance that may cause illness, disability or death to**  
9 **persons who are exposed to it.”.**

10 In line 39, delete “authorities” and insert “administrators”.

11 On page 3, line 23, after “officials” insert “, to the extent resources are available,”.

12 In line 24, delete “authorities” and insert “administrators”.

13 In line 28, after “(1)” insert “Unless the Governor has declared a public health emergency under  
14 ORS 433.441,”.

15 On page 4, delete line 6 and insert:

16 **“(c) After consultation with appropriate medical experts, create and require the use of diagnos-**  
17 **tic and treatment guidelines and provide notice of those guidelines to health care providers, insti-**  
18 **tutions and facilities.”.**

19 Delete line 12 and insert:

20 **“(e) Notwithstanding ORS 332.075, direct a district school board to close a children’s facility or**  
21 **school under the jurisdiction of the board. The authority granted to the Public Health Director un-**  
22 **der this paragraph supersedes the authority granted to the district school board under ORS 332.075**  
23 **to the extent the authority granted to the board is inconsistent with the authority granted to the**  
24 **director.”.**

25 After line 15, insert:

26 **“(h) Adopt reporting requirements for, and provide notice of those reporting requirements to,**  
27 **health care providers, institutions and facilities for the purpose of obtaining information directly**  
28 **related to the public health threat presented.**

29 **“(i) Take control of antitoxins, serums, vaccines, immunizing agents, antibiotics, antidotes and**  
30 **other pharmaceutical agents, medical supplies or personal protective equipment.”.**

31 Delete lines 19 through 21 and insert:

32 **“(4) If the Department of Human Services adopts temporary rules to implement subsection (2)**  
33 **of this section, the rules adopted are not subject to the provisions of ORS 183.335 (6)(a). The de-**  
34 **partment may amend the temporary rules adopted under this subsection as often as is necessary to**  
35 **respond to the public health threat.**

36 **“(5) If it is necessary for the department to purchase antitoxins, serums, vaccines, immunizing**  
37 **agents, antibiotics, antidotes or other pharmaceutical agents, medical supplies or personal protective**  
38 **equipment, the purchases are not subject to the provisions of ORS chapter 279A, 279B or 279C.**

39 **“(6) If property is taken under the authority granted to the Public Health Director under sub-**  
40 **section (2) of this section, the owner of the property is entitled to reasonable compensation from the**  
41 **state.**

42 **“SECTION 5a. The Public Health Director, after consultation with local public health**  
43 **authorities and local public health administrators, shall adopt rules governing the develop-**  
44 **ment of emergency plans and an incident management system.”.**

45 On page 5, delete lines 11 and 12.

1 In line 13, delete “(13)” and insert “(12)”.

2 After line 14, insert:

3 **“SECTION 6a.** ORS 433.004 is amended to read:

4 “433.004. (1) The Department of Human Services shall by rule:

5 “(a) Specify reportable diseases;

6 “(b) Identify those categories of persons who must report reportable diseases and the circum-  
7 stances under which the reports must be made;

8 “(c) Prescribe the procedures and forms for making such reports and transmitting the reports  
9 to the department; and

10 “(d) Prescribe measures for investigating the source and controlling reportable diseases.

11 “(2) Persons required under the rules to report reportable diseases shall do so by reporting to  
12 the local public health administrator. The local public health administrator shall transmit such re-  
13 ports to the department.

14 “(3) In addition to other grounds for which a state agency may exercise disciplinary action  
15 against its licensees or certificate holders, the substantial or repeated failure of [*such*] a licensee  
16 or certificate holder to report **when required to do so** under subsection (2) of this section [*when*  
17 *required by department rule to do so*] shall be cause for the exercise of any of [*such*] **the** agency’s  
18 disciplinary powers.

19 **“(4) Any person making a report under this section is immune from any civil or criminal**  
20 **liability that might otherwise be incurred or imposed with respect to the making of a report**  
21 **under this section or to the contents of the report.**

22 **“SECTION 6b.** ORS 433.009 is amended to read:

23 “433.009. (1) Notwithstanding ORS 192.501 (3), 192.502 (2) and 433.045, if, during the course of  
24 a criminal investigation, a law enforcement unit acquires information that the person who is charged  
25 with a crime or sentenced for a crime has a reportable disease, the law enforcement unit shall dis-  
26 close that information to the public health authorities who shall confirm the diagnosis and notify  
27 any police officer, corrections officer or emergency medical technician who had significant exposure  
28 to the person.

29 “(2) As used in this section:

30 “(a) ‘Emergency medical technician’ has the meaning given that term in ORS 682.025.

31 “(b) ‘Law enforcement unit,’ ‘police officer’ and ‘corrections officer’ have the meanings given  
32 those terms in ORS 181.610.

33 “[*(c) ‘Reportable disease’ has the meaning given the term in ORS 433.001.*]

34 **“(c) ‘Reportable disease’ means a disease or condition, the reporting of which enables a**  
35 **public health authority to take action to protect or to benefit the public health.**

36 **“SECTION 6c.** ORS 433.040 is amended to read:

37 “433.040. (1) As used in this section, ‘vaccine’ includes vaccines, immune products and  
38 chemoprophylactic medications.

39 “(2) When the State Health Officer of the Department of Human Services determines that there  
40 is clear evidence that adverse and avoidable health outcomes from a preventable and acute  
41 communicable disease are expected to affect identifiable categories of high-risk individuals  
42 throughout Oregon and that assistance with the administration of vaccine is warranted due to a  
43 vaccine shortage to protect or treat such individuals, the health officer shall implement the Oregon  
44 Vaccine Education and Prioritization Plan as provided in subsection (3) of this section.

45 “(3) The Department of Human Services shall develop and adopt by rule the Oregon Vaccine

1 Education and Prioritization Plan to protect the public health during a vaccine shortage. The plan  
2 shall consist of:

3 “(a) Guidelines for physicians, nurses, hospitals, health systems, pharmacies and others that hold  
4 vaccines for the distribution and administration of vaccines. The guidelines shall include, but are  
5 not limited to, a definition of high-risk groups for priority protection or treatment in the event a  
6 vaccine shortage is imminent;

7 “(b) Rules for imposing a civil penalty of \$500 against persons who knowingly violate the  
8 guidelines for each repeat violation of the guidelines; and

9 “(c) Procedures for:

10 “(A) Mobilizing public and private health resources to assist in vaccine distribution and admin-  
11 istration; and

12 “(B) Notifying health professional regulatory boards and licensing authorities of repeated vio-  
13 lations of the guidelines by health professionals regulated by the board or licensed by the authority.

14 **“(4) If the department adopts temporary rules to implement subsection (2) of this section,**  
15 **the rules adopted are not subject to the requirements of ORS 183.335 (6)(a). The department**  
16 **may amend the temporary rules adopted pursuant to subsection (3) of this section as often**  
17 **as is necessary to respond to a vaccine shortage.”.**

18 In line 25, after “place” insert “, if known”.

19 On page 6, line 33, after “place” insert “, if known”.

20 On page 7, after line 38, insert:

21 “(d) The provisions of ORS 40.230, 40.235 and 40.240 do not apply to a hearing held under this  
22 subsection. Any evidence presented at the hearing that would be privileged and not subject to dis-  
23 closure except as required by this paragraph shall be disclosed only to the court, the parties and  
24 their legal counsel or persons authorized by the court and may not be disclosed to the public.”.

25 On page 8, line 2, delete “An”.

26 In line 3, delete “order issued under this subsection may be in effect for not more than 30  
27 days.”.

28 Delete lines 5 and 6 and insert:

29 “(a) Specify the maximum duration for the isolation or quarantine, which may not exceed 60  
30 days unless there is substantial medical evidence indicating that the condition that is the basis of  
31 the public health threat is spread by airborne transmission and cannot be rendered noninfectious  
32 within 60 days or may recur after 60 days, in which case the maximum duration of the isolation or  
33 quarantine may not exceed a period of 180 days;”.

34 In line 12, after the semicolon insert “and”.

35 Delete line 13.

36 In line 14, delete “(f)” and insert “(e)”.

37 In line 16, after “(8)” insert “or (10)”.

38 In line 38, delete “30” and insert “60”.

39 On page 9, line 8, delete “and”.

40 In line 11, delete the period and insert “; and

41 “(e) The sanctions that may be imposed for violating an order issued under section 8 or 9 of this  
42 2007 Act.”.

43 In line 18, after the period, insert “(1)”.

44 After line 25, insert:

45 “(2) If a person is unable to afford legal counsel, the public defense services executive director

1 shall determine and pay, as provided in ORS 135.055, the reasonable expenses of the person and  
2 compensation for legal counsel appointed to represent the person.”.

3 In line 35, delete “danger” and insert “physical threat”.

4 In line 40, after the period insert “If a facility is not capable of separating isolated persons from  
5 quarantined persons, either the isolated persons or the quarantined persons must be moved to a  
6 separate facility.”.

7 On page 10, line 32, after “must” insert “provide to the managers of the health care facility  
8 notice of the intention to seek authorization from the court to place a person or group of persons  
9 in isolation or quarantine in the facility and must”.

10 On page 11, after line 15, insert:

11 “(4) Nothing in this section prohibits a physician or other health care worker in a health care  
12 facility from having access to a person or a group of persons who is in isolation or quarantine  
13 pursuant to section 8 or 9 of this 2007 Act if the infection control procedures and other precautions  
14 determined necessary by the Public Health Director are adhered to by the facility and the physician  
15 or other health care worker seeking access to the isolated or quarantined person.”.

16 On page 12, line 3, after “evidence” insert a comma.

17 In line 8, after “remedy” insert “to ensure compliance with section 12 of this 2007 Act”.

18 In line 21, after “officials” insert “, to the extent resources are available,”.

19 In line 26, delete “state public health authority or a local public health authority” and insert  
20 “Public Health Director or a local public health administrator”.

21 On page 15, after line 1, insert:

22 “**SECTION 18a.** ORS 433.156 is amended to read:

23 “433.156. All state and local [*police officers*] **law enforcement authorities** shall cooperate with  
24 any officer authorized to impose isolation or quarantine in the enforcement thereof.”.

25 On page 16, delete lines 24 through 26.

26 In line 27, delete “(d)” and insert “(c)”.

27 In line 29, delete “(e)” and insert “(d)”.

28 In line 32, delete “(f)” and insert “(e)”.

29 In line 33, after “emergency” insert “, including any actions authorized under ORS 401.065,  
30 401.074, 401.085 and 401.095”.

31 On page 17, delete lines 21 through 24 and insert:

32 “(F) The authority granted to the Public Health Director under this section:

33 “(i) Supersedes any authority granted to a local public health authority if the local public health  
34 authority acts in a manner inconsistent with guidelines established or rules adopted by the director  
35 under this section; and

36 “(ii) Does not supersede the general authority granted to a local public health authority or a  
37 local public health administrator except as authorized by law or necessary to respond to a public  
38 health emergency.”.

39 On page 20, line 5, after “authorities” insert “, to the extent resources are available,”.

40 After line 6, insert:

41 “(7) If the Department of Human Services adopts temporary rules to implement the provisions  
42 of this section, the rules adopted are not subject to the provisions of ORS 183.335 (6)(a). The de-  
43 partment may amend temporary rules adopted pursuant to this subsection as often as necessary to  
44 respond to the public health emergency.”.

45 On page 21, line 3, delete “Adopt and enforce” and insert “Prescribe”.

- 1 In line 7, delete “a” and insert “any”.
  - 2 In line 12, delete “or other appropriate authority has released the human re-” and insert “has
  - 3 certified the cause and manner of death,”.
  - 4 In line 13, delete “mains,”.
  - 5 In line 18, after “consult” insert “and coordinate”.
  - 6 In line 23, delete “8” and insert “12”.
  - 7 In line 24, delete “authority” and insert “administrator”.
  - 8 On page 25, line 34, delete “433.130, 433.135 and 433.156” and insert “433.130 and 433.135”.
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