

B-Engrossed
House Bill 2111

Ordered by the Senate May 17
Including House Amendments dated March 10 and Senate Amendments
dated May 17

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber for Oregon Health Authority)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Modifies provisions relating to isolation and quarantine of persons with communicable disease and isolation of property contaminated with toxic substance.

Directs school district board to adopt policy related to teen dating violence.

Directs Department of Justice to use moneys in Oregon Domestic and Sexual Violence Services Fund for purposes related to teen dating violence.

Allows Director of Human Services to make grants for prevention, identification and treatment related to teen dating violence.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to public health; creating new provisions; amending ORS 147.450, 147.453, 409.290, 409.292,
3 409.296, 433.001, 433.121, 433.123, 433.126, 433.128, 433.133 and 433.142; and declaring an emer-
4 gency.

5 **Be It Enacted by the People of the State of Oregon:**

6 **SECTION 1.** ORS 433.001 is amended to read:

7 433.001. As used in ORS 433.001 to 433.045 and 433.110 to 433.770 unless the context requires
8 otherwise:

9 [(1) "Authority" means the Oregon Health Authority.]

10 [(2)] (1) "Communicable disease" has the meaning given that term in ORS 431.260.

11 [(3)] (2) "Control" means a person without a reportable disease about whom information is col-
12 lected for purposes of comparison to a person or persons with the reportable disease.

13 [(4) "Director" means the Director of the Oregon Health Authority.]

14 [(5)] (3) "Disease outbreak" has the meaning given that term in ORS 431.260.

15 [(6)] (4) "Epidemic" has the meaning given that term in ORS 431.260.

16 [(7)] (5) "Health care provider" has the meaning given that term in ORS 433.443.

17 [(8) "Individual" means a natural person.]

18 [(9)] (6) "Individually identifiable health information" has the meaning given that term in ORS
19 433.443.

20 [(10)] (7) "Isolation" means the physical separation and confinement of a person or group of
21 persons who are infected or reasonably believed to be infected with a communicable disease or
22 possibly communicable disease from nonisolated persons to prevent or limit the transmission of the
23 disease to nonisolated persons.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 [(11)] (8) “Local public health administrator” has the meaning given that term in ORS 431.260.

2 [(12)] (9) “Property” means animals, inanimate objects, vessels, public conveyances, buildings
3 and all other real or personal property.

4 [(13)] (10) “Public health measure” has the meaning given that term in ORS 431.260.

5 [(14)] (11) “Quarantine” means the physical separation and confinement of a person or group of
6 persons who have been or may have been exposed to a communicable disease or possibly
7 communicable disease and who do not show signs or symptoms of a communicable disease, from
8 persons who have not been exposed to a communicable disease or possibly communicable disease,
9 to prevent or limit the transmission of the disease to other persons.

10 [(15)] (12) “Reportable disease” has the meaning given that term in ORS 431.260.

11 (13) **“Simultaneous electronic transmission” means transmission by television, telephone
12 or any other electronic or digital means if the form of transmission allows:**

13 (a) **The court and the person making the appearance to communicate with each other
14 during the proceeding; and**

15 (b) **A person who is represented by legal counsel to consult privately with the person’s
16 attorney during the proceeding.**

17 [(16)] (14) “Toxic substance” has the meaning given that term in ORS 431.260.

18 **SECTION 2.** ORS 433.121 is amended to read:

19 433.121. (1) The Public Health Director or a local public health administrator may issue an
20 emergency administrative order causing a person or group of persons to be placed in isolation or
21 quarantine if the Public Health Director or the local public health administrator has probable cause
22 to believe that a person or group of persons requires immediate detention in order to avoid a clear
23 and immediate danger to others and that considerations of safety do not allow initiation of the pe-
24 tition process set out in ORS 433.123. An administrative order issued under this section must:

25 (a) Identify the person or group of persons subject to isolation or quarantine;

26 (b) Identify the premises where isolation or quarantine will take place, if known;

27 (c)(A) Describe the reasonable efforts made to obtain voluntary compliance with a request for
28 an emergency public health action including requests for testing or medical examination, treatment,
29 counseling, vaccination, decontamination of persons or animals, isolation, quarantine, and inspection
30 and closure of facilities; or

31 (B) Explain why reasonable efforts to obtain voluntary compliance are not possible and why the
32 pursuit of these efforts creates a risk of serious harm to others;

33 (d) Describe the suspected communicable disease or toxic substance, if known, that is the basis
34 for the issuance of the emergency administrative order and the anticipated duration of isolation or
35 quarantine based on the suspected communicable disease or toxic substance;

36 (e) Provide information supporting the reasonable belief of the Public Health Director or the
37 local public health administrator that the person or group of persons is, or is suspected to be, in-
38 fected with, exposed to, or contaminated with a communicable disease or toxic substance that could
39 spread to or contaminate others if remedial action is not taken;

40 (f) Provide information supporting the reasonable belief of the Public Health Director or the
41 local public health administrator that the person or group of persons would pose a serious and im-
42 mminent risk to the health and safety of others if not detained for purposes of isolation or quarantine;

43 (g) Describe the medical basis for which isolation or quarantine is justified and explain why
44 isolation or quarantine is the least restrictive means available to prevent a risk to the health and
45 safety of others;

1 (h) Establish the time and date at which the isolation or quarantine commences; and

2 (i) Contain a statement of compliance with the conditions of and principles for isolation and
3 quarantine specified in ORS 433.128.

4 (2)(a) In lieu of issuing an emergency administrative order under subsection (1) of this section,
5 the Public Health Director or a local public health administrator may petition the **circuit** court for
6 a written ex parte order.

7 (b) The petition to the court and the court's order must include the information described in
8 subsection (1) of this section.

9 (c) **The Public Health Director or local public health administrator:**

10 (A) **Shall make reasonable efforts to serve the person or group of persons subject to**
11 **isolation or quarantine with the petition before the petition is filed; and**

12 (B) **Is not required to provide prior notice of an ex parte proceeding at which the petition**
13 **is being considered by the court.**

14 (3) Within 12 hours of the issuance of an order under subsection (1) or (2) of this section, the
15 person or group of persons detained or sought for detention must be personally served with the
16 written notice required by ORS 433.126 and with a copy of any order issued under subsection (1)
17 or (2) of this section. If copies of the notice and order cannot be personally served in a timely
18 manner to a group of persons because the number of persons in the group makes personal service
19 impracticable, the Public Health Director or the local public health administrator [may] **shall** post
20 the notice and order in a conspicuous place where the notice and order can be viewed by those
21 detained or [may] **shall** find other means to meaningfully communicate the information in the notice
22 and order to those detained.

23 (4) A person or group of persons detained pursuant to an order issued under subsection (1) or
24 (2) of this section may not be detained for longer than 72 hours unless a petition is filed under ORS
25 433.123.

26 (5) If the detention of a person or group of persons for longer than 72 hours is deemed neces-
27 sary, immediately following the issuance of an order under subsection (1) or (2) of this section, the
28 Public Health Director or the local public health administrator must petition the **circuit** court in
29 accordance with ORS 433.123.

30 (6) A person or group of persons detained under subsection (1) or (2) of this section has the right
31 to be represented by legal counsel in accordance with ORS 433.466.

32 **SECTION 3.** ORS 433.123 is amended to read:

33 433.123. (1) The Public Health Director or a local public health administrator may petition the
34 **circuit** court for an order authorizing:

35 (a) The isolation or quarantine of a person or group of persons; or

36 (b) The continued isolation or quarantine of a person or group of persons detained under ORS
37 433.121.

38 (2) A petition filed under subsections (1) and (9) of this section must:

39 (a) Identify the person or group of persons subject to isolation or quarantine;

40 (b) Identify the premises where isolation or quarantine will take place, if known;

41 (c)(A) Describe the reasonable efforts made to obtain voluntary compliance with a request for
42 an emergency public health action, including requests for testing or medical examination, treatment,
43 counseling, vaccination, decontamination of persons or animals, isolation, quarantine and inspection
44 and closure of facilities; or

45 (B) Explain why reasonable efforts to obtain voluntary compliance are not possible and why the

1 pursuit of these efforts creates a risk of serious harm to others;

2 (d) Describe the suspected communicable disease or toxic substance, if known, and the antic-
3 ipated duration of isolation or quarantine based on the suspected communicable disease, infectious
4 agent or toxic substance;

5 (e) Provide information supporting the reasonable belief of the Public Health Director or the
6 local public health administrator that the person or group of persons is, or is suspected to be, in-
7 fected with, exposed to, or contaminated with a communicable disease or toxic substance that could
8 spread to or contaminate others if remedial action is not taken;

9 (f) Provide information supporting the reasonable belief of the Public Health Director or the
10 local public health administrator that the person or group of persons would pose a serious risk to
11 the health and safety of others if not detained for purposes of isolation or quarantine;

12 (g) Describe the medical basis for which isolation or quarantine is justified and explain why
13 isolation or quarantine is the least restrictive means available to prevent a serious risk to the
14 health and safety of others;

15 (h) Establish the time and date on which the isolation or quarantine commences; and

16 (i) Contain a statement of compliance with the conditions of and principles for isolation and
17 quarantine specified in ORS 433.128.

18 (3) The person or group of persons detained or sought for detention must be personally served
19 with a copy of the petition filed with the court under subsection (1) of this section and with the
20 written notice required by ORS 433.126. If copies of the petition and notice cannot be personally
21 served in a timely manner to a group of persons because the number of persons in the group makes
22 personal service impracticable, the Public Health Director or the local public health administrator
23 [may] **shall** post the petition and notice in a conspicuous place where the petition and notice can
24 be viewed by those detained or [may] find other means to meaningfully communicate the information
25 in the petition and notice to those detained.

26 (4) A person or group of persons subject to a petition filed under subsection (1) or (9) of this
27 section has the right to be represented by legal counsel in accordance with ORS 433.466.

28 (5) **Upon** the filing of a petition under subsection (1) of this section to continue isolation or
29 quarantine for a person or group of persons detained under an emergency administrative **or ex**
30 **parte** order issued under ORS 433.121 [extends], **the court shall issue an order extending** the
31 isolation or quarantine order until the court holds a hearing pursuant to subsection (6) of this sec-
32 tion.

33 (6)(a) The court shall hold a hearing on a petition filed under subsection (1) of this section
34 within 72 hours of the filing of the petition, exclusive of Saturdays, Sundays and legal holidays.

35 (b) In extraordinary circumstances and for good cause shown, or with consent of the affected
36 persons, the Public Health Director or the local public health administrator may apply to continue
37 the hearing date for up to 10 days. The court may grant a continuance at its discretion, giving due
38 regard to the rights of the affected persons, the protection of the public health, the severity of the
39 public health threat and the availability of necessary witnesses and evidence.

40 (c) The hearing required under this subsection may be waived by consent of the affected persons.

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

45 (7) [If] **The Public Health Director or local public health administrator may request that**

1 a person or group of persons who is the subject of a petition filed under subsection (1) or (9) of this
2 section *[cannot]* **not** personally appear before the court because personal appearance *[poses]* **would**
3 **pose** a risk of serious harm to others[.]. **If the court grants the director's or local public health**
4 **administrator's request or if the court determines that personal appearance by the person**
5 **or group of persons who is the subject of the petition poses a risk of serious harm to others,**
6 the court proceeding *[may]* **must** be conducted by legal counsel for the person or group of persons
7 *[and]* **or must** be held at a location, or *[via]* **by** any means, **including simultaneous electronic**
8 **transmission,** that allows all parties to fully participate.

9 (8) The court shall grant the petition if, by clear and convincing evidence, the court finds that
10 isolation or quarantine is necessary to prevent a serious risk to the health and safety of others. In
11 lieu of or in addition to isolation or quarantine, the court may order the imposition of other public
12 health measures appropriate to the public health threat presented. The court order must:

13 (a) Specify the maximum duration for the isolation or quarantine, which may not exceed 60 days
14 unless there is substantial medical evidence indicating that the condition that is the basis of the
15 public health threat is spread by airborne transmission and cannot be rendered noninfectious within
16 60 days or may recur after 60 days, in which case the maximum duration of the isolation or
17 quarantine may not exceed a period of 180 days;

18 (b) Identify the person or group of persons subject to the order by name or shared or similar
19 characteristics or circumstances;

20 (c) Specify the factual findings warranting imposition of isolation, quarantine or another public
21 health measure;

22 (d) Include any conditions necessary to ensure that isolation or quarantine is carried out within
23 the stated purposes and restrictions of this section; and

24 (e) Be served on all affected persons or groups in accordance with subsection (3) of this section.

25 (9) Prior to the expiration of a court order issued under subsection (8) or (10) of this section,
26 the Public Health Director or the local public health administrator may petition the **circuit** court
27 to continue isolation or quarantine. A petition filed under this subsection must comply with the re-
28 quirements of subsections (2) to (8) of this section.

29 (10)(a) The court *[will]* **shall** hold a hearing on a petition filed under subsection (9) of this sec-
30 tion within 72 hours of filing, exclusive of Saturdays, Sundays and legal holidays.

31 (b) In extraordinary circumstances and for good cause shown, or with consent of the affected
32 persons, the Public Health Director or the local public health administrator may apply to continue
33 the hearing date for up to 10 days. The court may grant a continuance at its discretion, giving due
34 regard to the rights of the affected persons, the protection of the public health, the severity of the
35 public health threat and the availability of necessary witnesses and evidence.

36 (c) The hearing required under this subsection may be waived by consent of the affected parties.

37 (d) The court may continue the isolation or quarantine order if the court finds there is clear
38 and convincing evidence that continued isolation or quarantine is necessary to prevent a serious
39 threat to the health and safety of others. In lieu of or in addition to continued isolation or
40 quarantine, the court may order the imposition of a public health measure appropriate to the public
41 health threat presented.

42 (e) An order issued under this subsection must comply with the requirements of subsection (8)
43 of this section.

44 (11) An order issued under subsection (10) of this section *[shall]* **must** be for a period not to
45 exceed 60 days and *[shall]* **must** be served on all affected parties in accordance with subsection (3)

1 of this section.

2 (12) In no case may a person or group of persons be in quarantine or isolation for longer than
3 180 days unless, following a hearing, a court finds that extraordinary circumstances exist and that
4 the person or group of persons subject to isolation or quarantine continues to pose a serious threat
5 to the health and safety of others if detention is not continued.

6 (13) Failure to obey a court order issued under this section [*shall subject*] **subjects** the person
7 in violation of the order to contempt proceedings under ORS 33.015 to 33.155.

8 **SECTION 4.** ORS 433.126 is amended to read:

9 433.126. (1) The Public Health Director or the local public health administrator shall provide the
10 person or group of persons detained or sought for detention under ORS 433.121 or 433.123 with a
11 written notice informing the person or group of persons of:

12 (a) The right to legal counsel, including how to request and communicate with counsel;

13 (b) The right to petition the **circuit** court for release from isolation or quarantine and the pro-
14 cedures for filing a petition;

15 (c) The conditions of and principles of isolation and quarantine specified in ORS 433.128;

16 (d) The right to petition the court for a remedy regarding a breach of the conditions of isolation
17 or quarantine imposed on the person or group of persons and the procedures for filing a petition;
18 and

19 (e) The sanctions that may be imposed for violating an order issued under ORS 433.121 or
20 433.123.

21 (2) The Public Health Director or the local public health administrator must ensure, to the ex-
22 tent practicable, that the person or group of persons receives the notice required under this section
23 in a language and in a manner the person or group of persons can understand.

24 (3) The Public Health Director may adopt rules prescribing the form of notice required by this
25 section.

26 **SECTION 5.** ORS 433.128 is amended to read:

27 433.128. When isolating or quarantining a person or group of persons in accordance with ORS
28 433.121 or 433.123, the Public Health Director or the local public health administrator shall adhere
29 to the following conditions and principles:

30 (1) Isolation or quarantine must be by the least restrictive means necessary to prevent the
31 spread of a communicable disease or possibly communicable disease to others or to limit exposure
32 to or contamination with a toxic substance by others, and may include, but is not limited to, con-
33 finement to private homes or other public or private premises.

34 (2) Confinement may not be in a prison, jail or other facility where those charged with a crime
35 or a violation of a municipal ordinance are incarcerated unless:

36 (a) The person or group of persons represents an immediate and serious physical threat to the
37 staff or physical facilities of a hospital or other facility in which the person or group of persons has
38 been confined; or

39 (b) A person has been found in contempt of court because of failure to obey a court order.

40 (3) Isolated persons must be confined separately from quarantined persons. If a facility is not
41 capable of separating isolated persons from quarantined persons, either the isolated persons or the
42 quarantined persons must be moved to a separate facility.

43 (4) The health status of an isolated or quarantined person must be monitored regularly to de-
44 termine if the person requires continued isolation or quarantine.

45 (5) A quarantined person who subsequently becomes infected or is reasonably believed to have

1 become infected with a communicable disease or possibly communicable disease that the Public
2 Health Director or the local public health administrator believes poses a significant threat to the
3 health and safety of other quarantined persons must be promptly placed in isolation.

4 (6) An isolated or quarantined person must be released as soon as practicable when the Public
5 Health Director or local public health administrator determines that the person has been success-
6 fully decontaminated or that the person no longer poses a substantial risk of transmitting a
7 communicable disease or possibly communicable disease that would constitute a serious or imminent
8 threat to the health and safety of others.

9 (7) The needs of a person who is isolated or quarantined must be addressed to the greatest ex-
10 tent practicable in a systematic and competent fashion, including, but not limited to, providing ad-
11 equate food, medication, competent medical care, clothing, shelter and means of communication with
12 other persons who are in isolation or quarantine and persons who are not under isolation or
13 quarantine.

14 (8) Premises used for isolation or quarantine must, to the extent practicable, be maintained in
15 a safe and hygienic manner to lessen the likelihood of further transmission of a communicable dis-
16 ease or possibly communicable disease or of further harm to persons who are isolated and
17 quarantined.

18 (9) Cultural and religious beliefs should be considered to the extent practicable in addressing
19 the needs of persons who are isolated or quarantined and in establishing and maintaining premises
20 used for isolation or quarantine.

21 (10)(a) Isolation or quarantine shall not abridge the right of any person to rely exclusively on
22 spiritual means to treat a communicable disease or possibly communicable disease in accordance
23 with religious or other spiritual tenets and practices.

24 (b) Nothing in ORS 433.126 to 433.138, 433.142 and 433.466 prohibits a person who relies exclu-
25 sively on spiritual means to treat a communicable disease or possibly communicable disease and who
26 is infected with a communicable disease or has been exposed to a toxic substance from being iso-
27 lated or quarantined in a private place of the person's own choice, provided the private place is
28 approved by the Public Health Director or the local health administrator and the person who is
29 isolated or quarantined complies with all laws, rules and regulations governing control, sanitation,
30 isolation and quarantine.

31 (11) Prior to placing a person or group of persons subject to isolation or quarantine in a health
32 care facility as defined in ORS 442.015, the Public Health Director or the local public health ad-
33 ministrator must provide to the managers of the health care facility notice of the intention to seek
34 authorization from the **circuit** court to place a person or group of persons in isolation or quarantine
35 in the facility and must consult with the managers of the health care facility regarding how to best
36 meet the requirements of this section.

37 (12) The Public Health Director or local public health administrator shall provide adequate
38 means of communication between a person or a group of persons who is isolated or quarantined and
39 legal counsel for the person or group of persons.

40 **SECTION 6.** ORS 433.133 is amended to read:

41 433.133. (1)(a) Any person or group of persons who is isolated or quarantined pursuant to ORS
42 433.121 or 433.123 may apply to the **circuit** court for an order to show cause why the individual or
43 group should not be released.

44 (b) The court shall rule on the application to show cause within 48 hours of the filing of the
45 application.

1 (c) The court [*must*] **shall** grant the application if there is a reasonable basis to support the
2 allegations in the application, and the court shall schedule a hearing on the order requiring the
3 [*Oregon Health Authority*] **Public Health Director or local public health administrator** to appear
4 and to show cause within five working days of the filing of the application.

5 (d) The issuance of an order to show cause and ordering the [*authority*] **director or local public**
6 **health administrator** to appear and show cause does not stay or enjoin an isolation or quarantine
7 order.

8 (2)(a) A person or group of persons who is isolated or quarantined may request a hearing in the
9 **circuit** court for remedies regarding breaches of the conditions of isolation or quarantine required
10 by ORS 433.128.

11 (b) The court [*must*] **shall** hold a hearing if there is a reasonable basis to believe there has been
12 a breach of the conditions of isolation or quarantine required by ORS 433.128.

13 (c) A request for a hearing [*shall*] **does** not stay or enjoin an order for isolation or quarantine.

14 (d) Upon receipt of a request under this subsection alleging extraordinary circumstances justi-
15 fying the immediate granting of relief, the court shall hold a hearing on the matters alleged as soon
16 as practicable.

17 (e) If a hearing is not granted under paragraph [(c)] (d) of this subsection, the court shall hold
18 a hearing on the matters alleged within five days from receipt of the request.

19 (3) In any proceedings brought for relief under this section, in extraordinary circumstances and
20 for good cause shown, or with consent of the petitioner or petitioners the Public Health Director
21 or local public health administrator may move the court to extend the time for a hearing. The court
22 in its discretion may grant the extension giving due regard to the rights of the affected persons, the
23 protection of the public health, the severity of the emergency and the availability of necessary wit-
24 nesses and evidence.

25 (4) If a person or group of persons who is detained cannot personally appear before the court
26 because such an appearance poses a risk of serious harm to others, the court proceeding may be
27 conducted by legal counsel for the person or group of persons and be held at a location, or [*via*]
28 **by any means, including simultaneous electronic transmission**, that allows all parties to fully
29 participate.

30 (5) If the court finds, by clear and convincing evidence, that a person or group of persons no
31 longer poses a serious risk to the health and safety to others, the court may order the release of
32 that person or group of persons from isolation or quarantine.

33 (6) If the court finds by clear and convincing evidence that a person or group of persons is not
34 being held in accordance with the conditions of isolation or quarantine required by ORS 433.128, the
35 court may order an appropriate remedy to ensure compliance with ORS 433.128.

36 **SECTION 7.** ORS 433.142 is amended to read:

37 433.142. (1) As used in this section, “to isolate property” means to restrict access to property
38 in a manner that reduces or prevents exposure to a toxic substance by persons.

39 (2) The Public Health Director or a local public health administrator may petition the **circuit**
40 court to isolate property if there is reason to believe the property is contaminated with a toxic
41 substance that poses a serious risk to the health and safety of others.

42 (3) The petition must:

43 (a) Describe the property subject to isolation;

44 (b)(A) Describe the reasonable efforts made to obtain voluntary compliance from the owner or
45 custodian of the property with public health measures necessary to isolate the property; or

1 (B) Explain why reasonable efforts to obtain voluntary compliance are not possible and why the
2 pursuit of these efforts creates a risk of serious harm to others;

3 (c) Describe the suspected toxic substance and the health effects of exposure to the toxic sub-
4 stance;

5 (d) Provide information supporting the reasonable belief of the Public Health Director or the
6 local public health administrator that the toxic substance could spread to or contaminate others if
7 remedial action is not taken;

8 (e) Provide information supporting the reasonable belief of the Public Health Director or the
9 local public health administrator that the toxic substance poses a serious risk to the health and
10 safety of others if the property is not isolated;

11 (f) Explain why isolation of the property is the least restrictive means available to prevent a
12 serious risk to the health and safety of others; and

13 (g) Explain whether the property subject to isolation can be decontaminated or whether the
14 property must be destroyed.

15 (4) The petition must be personally served on the owner or custodian of the property.

16 (5)(a) The court *[must]* **shall** hold a hearing within 72 hours of the filing of the petition, exclu-
17 sive of Saturdays, Sundays and legal holidays.

18 (b) For good cause shown, or with consent of the affected owner or custodian of the property,
19 the Public Health Director or the local public health administrator may apply to continue the
20 hearing date for up to 10 days, which continuance the court may grant at its discretion giving due
21 regard to the rights of the affected owner or custodian of the property, the protection of the public
22 health, the severity of the public health threat and the availability of necessary witnesses and evi-
23 dence.

24 (c) A hearing may be waived by the owner or custodian of the property.

25 (6) The court shall grant the petition if, by clear and convincing evidence, the court finds that
26 isolation of property contaminated with a toxic substance is necessary to prevent a serious risk to
27 the health and safety of others. An order authorizing isolation *[shall be]* **remains** in effect until the
28 toxic substance no longer poses a serious risk to the health and safety of others.

29 (7) The court order must:

30 (a) Identify the property to be isolated;

31 (b) Specify factual findings warranting isolation, including a description of the toxic substance
32 believed to be contaminating the property;

33 (c) Include any conditions necessary to ensure that isolation is carried out within the stated
34 purposes and restrictions of this section; and

35 (d) Describe the remedial actions necessary to neutralize or remove the contamination.

36 **SECTION 8. Section 9 of this 2011 Act is added to and made a part of ORS 433.110 to**
37 **433.770.**

38 **SECTION 9. (1) The circuit court shall cause to be recorded in the court records:**

39 (a) **A full account of proceedings at hearings conducted pursuant to ORS 433.121, 433.123,**
40 **433.133 and 433.136;**

41 (b) **The petitions, affidavits, judgments and orders of the court; and**

42 (c) **A copy of the orders issued.**

43 (2) **Any portion of the account of the proceedings, the transcript of testimony, the peti-**
44 **tion, any affidavit, judgment, order of the court, recording of the proceeding or any other**
45 **court record may be disclosed only:**

1 (a) Upon request of a person subject to the proceedings or the legal representative or
2 attorney of the person;

3 (b) To the Public Health Director or a local public health administrator; or

4 (c) Pursuant to court order, when the court finds that the petitioner's interest in public
5 disclosure outweighs the privacy interests of the individual who is the subject of the petition.

6 **SECTION 10.** (1) As used in this section:

7 (a) "Dating" or "dating relationship" means an ongoing social relationship of a romantic
8 or intimate nature between two persons.

9 (b) "Teen dating violence" means:

10 (A) A pattern of behavior in which a person uses or threatens to use physical, mental
11 or emotional abuse to control another person who is in a dating relationship with the person,
12 where one or both persons are 13 to 19 years of age; or

13 (B) Behavior by which a person uses or threatens to use sexual violence against another
14 person who is in a dating relationship with the person, where one or both persons are 13 to
15 19 years of age.

16 (2) Each school district board shall adopt a policy that:

17 (a) States that teen dating violence is unacceptable and is prohibited and that each stu-
18 dent has the right to a safe learning environment;

19 (b) Incorporates age-appropriate education about teen dating violence into existing
20 training programs for students in grades 7 through 12 and school employees;

21 (c) Establishes procedures for the manner in which employees of a school are to respond
22 to, investigate and impose discipline and make reports related to any incidents of teen dating
23 violence that take place at the school, on school grounds, at school-sponsored activities or
24 in vehicles used for school-provided transportation;

25 (d) Identifies by job title the school officials who are responsible for receiving reports
26 related to teen dating violence and are available to address concerns regarding relationships
27 that may result in teen dating violence, which shall be the same school officials identified in
28 the policy adopted by a school district under ORS 339.356; and

29 (e) Notifies students and parents of the teen dating violence policy adopted by the board.

30 (3) The policy adopted under subsection (2) of this section must be included in and con-
31 sistent with the policy adopted by a school district under ORS 339.356.

32 **SECTION 11.** ORS 147.450 is amended to read:

33 147.450. As used in ORS 147.450 to 147.471:

34 (1) "Domestic violence" has the meaning given that term in ORS 135.230 **and includes teen**
35 **dating violence.**[; and]

36 (2) "Sexual assault" means any unwanted sexual contact as defined in ORS 163.305.

37 (3) "Teen dating violence" means:

38 (a) A pattern of behavior in which a person uses or threatens to use physical, mental or
39 emotional abuse to control another person who is in a dating relationship with the person,
40 where one or both persons are 13 to 19 years of age; or

41 (b) Behavior by which a person uses or threatens to use sexual violence against another
42 person who is in a dating relationship with the person, where one or both persons are 13 to
43 19 years of age.

44 **SECTION 12.** ORS 147.453 is amended to read:

45 147.453. There is established in the State Treasury, separate and distinct from the General Fund,

1 the Oregon Domestic and Sexual Violence Services Fund. All moneys in the fund are continuously
2 appropriated to the Department of Justice and shall be used by the department to carry out a pro-
3 gram of domestic and sexual violence services that:

4 (1) Provides safety for and assists victims of domestic violence and sexual assault, promotes ef-
5 fective intervention and reduces the incidence of domestic violence and sexual assault;

6 (2) Advocates for victims and for domestic violence and sexual assault services; *[and]*

7 (3) Promotes and facilitates interagency and interdepartmental cooperation among state agen-
8 cies, including the Department of Human Services, and among different levels of government in this
9 state in the delivery and funding of services[.]; **and**

10 (4) **Encourages and supports services, programs and curricula to educate and inform**
11 **students in grades 7 through 12 about teen dating violence, to provide assistance to victims**
12 **of teen dating violence and to prevent and reduce the incidence of teen dating violence.**

13 **SECTION 13.** ORS 409.290 is amended to read:

14 409.290. As used in ORS 409.290 to 409.300, unless the context requires otherwise:

15 (1) “Crisis line” means an emergency telephone service staffed by persons who are trained to
16 provide emergency peer counseling, information, referral and advocacy to victims of [*domestic*]
17 **family or teen dating** violence and their families.

18 (2) “Director” means the Director of Human Services.

19 (3) “Family violence” means the physical injury, sexual abuse or forced imprisonment, or threat
20 thereof, of a person by another who is related by blood, marriage or intimate cohabitation at the
21 present or has been related at some time in the past, to the extent that the person’s health or wel-
22 fare is harmed or threatened thereby, as determined in accordance with rules prescribed by the di-
23 rector.

24 (4) “Safe house” means a place of temporary refuge, offered on an “as needed” basis to victims
25 of [*domestic*] **family** violence and their families.

26 (5) “Shelter home” means a place of temporary refuge, offered on a 24-hour, seven-day per week
27 basis to victims of [*domestic*] **family** violence and their children.

28 (6) **“Teen dating violence” means:**

29 (a) **A pattern of behavior in which a person uses or threatens to use physical, mental or**
30 **emotional abuse to control another person who is in a dating relationship with the person,**
31 **where one or both persons are 13 to 19 years of age; or**

32 (b) **Behavior by which a person uses or threatens to use sexual violence against another**
33 **person who is in a dating relationship with the person, where one or both persons are 13 to**
34 **19 years of age.**

35 **SECTION 14.** ORS 409.292 is amended to read:

36 409.292. (1) The Director of Human Services may make grants to and enter into contracts with
37 nonprofit private organizations or public agencies for programs and projects designed to prevent,
38 identify and treat family **and teen dating** violence. Grants or contracts under this subsection may
39 be:

40 (a) For the funding of shelter homes for spouses and children who are or have experienced
41 family violence including acquisition and maintenance of shelter homes;

42 (b) For the funding of crisis lines providing services to victims of [*domestic*] **family or teen**
43 **dating** violence and their families;

44 (c) For the funding of safe houses for victims of [*domestic*] **family** violence and their families;
45 [*and*]

1 **(d) For the funding of services, programs and curricula to educate and inform students**
2 **in grades 7 through 12 about teen dating violence, to provide assistance to victims of teen**
3 **dating violence and to prevent and reduce the incidence of teen dating violence; and**

4 [(d)] (e) For the development and establishment of programs for professional and
5 paraprofessional personnel in the fields of social work, law enforcement, education, law, medicine
6 and other relevant fields who are engaged in the field of the prevention, identification and treatment
7 of family **and teen dating** violence and training programs in methods of preventing family **and teen**
8 **dating** violence.

9 (2) The director shall not make a grant to any organization or agency under this section except
10 on the condition that a local governmental unit or community organization provide matching moneys
11 equal to 25 percent of the amount of the grant. The applying organization itself may contribute to
12 or provide the required local matching funds. The value of in kind contributions and volunteer labor
13 from the community may be computed and included as a part of the local matching requirement
14 imposed by this subsection.

15 (3) Notwithstanding the provisions of ORS 192.001 to 192.170, 192.210 to 192.505 and 192.610 to
16 192.990:

17 (a) The director may by rule provide that the locations of premises utilized for shelter homes
18 or other physical facilities in family violence programs and projects shall be kept confidential.

19 (b) All information maintained by the shelter home, safe house or crisis line relating to clients
20 is confidential. However, crisis lines specifically funded to provide services for victims of child abuse
21 are subject to the requirements of ORS 419B.005 to 419B.050. Except for the names of clients, nec-
22 essary information may be disclosed to the director.

23 **SECTION 15.** ORS 409.296 is amended to read:

24 409.296. (1) A public agency or nonprofit private organization [*operating a shelter home or safe*
25 *house*] may apply to the Director of Human Services for a grant under ORS 409.292. The agency or
26 organization must submit to the director, at the time of application:

27 (a) A statement of services provided;

28 (b) Proof of maintenance of accurate and complete financial records;

29 (c) Assurance of compliance with local building, fire and health codes for existing structures;

30 (d) Clearly defined written intake and referral policies and procedures; and

31 (e) If operated by a private organization, a list of members of the governing board.

32 (2) The director shall approve or reject applications within 60 days after receipt. The director
33 shall mail written notification to the applicant no later than five working days following final action
34 taken on the application.

35 (3) The director shall consider the geographic area of the state from which an application is
36 submitted to the end that all areas of the state develop programs to deal with [*domestic*] **family and**
37 **teen dating** violence.

38 **SECTION 16.** Section 9 of this 2011 Act and the amendments to ORS 433.001, 433.121,
39 433.123, 433.126, 433.128, 433.133 and 433.142 by sections 1 to 7 of this 2011 Act become opera-
40 tive on January 1, 2012.

41 **SECTION 17.** This 2011 Act being necessary for the immediate preservation of the public
42 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect
43 on its passage.