

D R A F T

SUMMARY

Requires Director of Department of Consumer and Business Services to adopt temporary rules establishing emergency temporary infectious disease standard by August 1, 2020. Requires director to adopt by rule permanent infectious disease standard no later than July 31, 2021.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to infectious disease standards; and declaring an emergency.

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

SECTION 1. Sections 2 and 3 of this 2020 special session Act are added to and made a part of ORS chapter 654.

SECTION 2. (1) As used in this section and section 3 of this 2020 special session Act:

(a) “Administrative controls” means managerial measures taken by an employer, including but not limited to changes in workplace policies or standard operating procedures, to reduce the risk of occupational exposure.

(b) “Agricultural worker” has the meaning given that term in ORS 315.163.

(c) “Clinical laboratory” has the meaning given that term in ORS 438.010.

(d) “Emergency medical services provider” has the meaning given that term in ORS 682.025.

(e) “Engineering controls” means protective control measures, including but not limited to the installation of physical barriers or

1 **high-efficiency ventilation systems, to reduce, isolate or remove the**
2 **risk of occupational exposure.**

3 (f) **“Food processor” has the meaning given that term in ORS**
4 **307.455.**

5 (g) **“Grocery store or food market” has the meaning given that term**
6 **in ORS 616.850.**

7 (h) **“Health care facility” has the meaning given that term in ORS**
8 **442.015.**

9 (i) **“Health care worker” means a person who is licensed or certified**
10 **to provide health care under ORS chapter 677, 678, 679, 680, 684 or 685**
11 **or an employee of a health care facility, of a licensed health care**
12 **provider or of a clinical laboratory.**

13 (j) **“Occupational exposure” means the reasonably anticipated ex-**
14 **posure to agents of transmissible infectious diseases resulting from a**
15 **worker’s performance of job duties.**

16 (k) **“Personal protective equipment” means specialized clothing,**
17 **equipment or products designed to create a barrier to penetration of**
18 **substances or solid, liquid or airborne particles, or to minimize expo-**
19 **sure to hazards that may cause serious illness, including but not lim-**
20 **ited to:**

21 (A) **Surgical face masks;**

22 (B) **Disposable gloves; or**

23 (C) **Eye protection, including goggles or face shields.**

24 (2) **No later than August 1, 2020, the Director of the Department of**
25 **Consumer and Business Services shall adopt temporary rules estab-**
26 **lishing an emergency temporary infectious disease standard to address**
27 **the immediate health risks posed by occupational exposure and impose**
28 **control measures designed to protect workers against such exposure.**

29 (3) **Temporary rules adopted under this section shall be adopted in**
30 **accordance with ORS 183.335 (5) and shall be effective until the direc-**
31 **tor adopts rules pursuant to section 3 of this 2020 special session Act.**

1 (4) At a minimum, the emergency temporary infectious disease
2 standard established under this section must:

3 (a) Categorize workers who may be susceptible to elevated levels
4 of risk of occupational exposure while working, including but not
5 limited to:

- 6 (A) Health care workers;
- 7 (B) Emergency medical service providers;
- 8 (C) Grocery store or food market personnel;
- 9 (D) Clinical laboratory personnel;
- 10 (E) Food processors;
- 11 (F) Agricultural workers; or
- 12 (G) Public transit operators.

13 (b) Establish requirements for the selection, use, cleaning and dis-
14 posal of personal protective equipment based on the level of risk of
15 occupational exposure in a specific workspace and the availability of
16 equipment.

17 (c) Incorporate a framework for implementing the following control
18 measures to mitigate or eliminate the risk of occupational exposure,
19 prioritized in the following order:

- 20 (A) Engineering controls;
- 21 (B) Administrative controls;
- 22 (C) Safe work practices; and
- 23 (D) Personal protective equipment.

24 (d) Establish a risk-based model to help employers assess the level
25 of risk of occupational exposure in a particular workplace setting,
26 identify sources of potential exposure and adopt specific measures to
27 address the exposure risks identified in that setting.

28 SECTION 3. (1) The Director of the Department of Consumer and
29 Business Services shall, no later than July 31, 2021, adopt by rule a
30 permanent infectious disease standard to address occupational expo-
31 sure and to impose required protective measures to protect workers

1 **against the risks of such exposure.**

2 **(2) The permanent infectious disease standard adopted under this**
3 **section may be based in part on the emergency temporary infectious**
4 **disease standard described in section 2 of this 2020 special session Act.**

5 **SECTION 4. This 2020 special session Act being necessary for the**
6 **immediate preservation of the public peace, health and safety, an**
7 **emergency is declared to exist, and this 2020 special session Act takes**
8 **effect on its passage.**

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