

DRAFT

SUMMARY

Authorizes Governor, if necessitated by emergency, to require any person in this state to accept and fulfill orders for manufacture, sale or distribution of certain goods. Specifies conditions under which person may reject such orders. Provides that person that accepts order is not liable for contractual damages resulting from act or omission necessary for compliance with Act.

A BILL FOR AN ACT

Relating to goods necessary to address emergencies.

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

SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS 401.165 to 401.236.

SECTION 2. (1) During a state of emergency, the Governor may, if necessitated by the emergency, require any person in this state to:

(a) Accept and fulfill orders from the Governor for the manufacture, sale or distribution of goods necessary to protect public safety; and

(b) Prioritize the acceptance and fulfillment of such orders over the acceptance and performance of other orders.

(2) Notwithstanding subsection (1) of this section, a person may reject an order made under this section if:

(a) The order is for goods or services that the person does not provide in the ordinary course of business; or

(b) While prioritizing the order over other orders, the person is unable to fulfill the order due to limitations in the person's facilities or workforce.

1 **(3) A person may not discriminate against orders made under this**
2 **section in any manner, including by charging higher prices or by im-**
3 **posing different terms and conditions than for comparable orders in**
4 **the ordinary course of business.**

5 **(4) A person that accepts an order under this section is not liable**
6 **for contractual damages resulting from any act or omission that is**
7 **necessary for compliance with this section.**