

Requested by JOINT COMMITTEE ON WAYS AND MEANS

**PROPOSED AMENDMENTS TO  
A-ENGROSSED HOUSE BILL 3063**

1 On page 1 of the printed corrected A-engrossed bill, line 2, after  
2 “433.235,” insert “433.255, 433.260.”

3 Delete lines 5 and 6 and insert:

4 **“SECTION 1. Sections 2 and 3 of this 2019 Act are added to and**  
5 **made a part of ORS 433.235 to 433.284.”.**

6 In line 10, after “person” delete the rest of the line and delete lines 11  
7 and 12 and insert “an event or meeting described in ORS 338.120 (1)(j), (k)  
8 or (L).”.

9 In line 13, after the first “of” insert “this”.

10 After line 19, insert:

11 **“SECTION 3. (1) As used in this section, ‘board’ means the Oregon**  
12 **Board of Naturopathic Medicine, the Oregon Medical Board and the**  
13 **Oregon State Board of Nursing.**

14 **“(2) The Oregon Health Authority shall provide monthly to each**  
15 **board copies of the documents described in ORS 433.267 (1)(b) that are**  
16 **signed by licensed health care practitioners regulated by the board.**

17 **“(3) Each board shall review the documents described in subsection**  
18 **(2) of this section that are signed by licensed health care practitioners**  
19 **regulated by the board to determine whether exemptions described in**  
20 **ORS 433.267 (1)(b) are granted in compliance with a reasonable inter-**  
21 **pretation of recommendations by the Advisory Committee on Immu-**

1 **nization Practices, or its successor organization, as adopted by the**  
2 **board by rule.**

3 **“(4)(a) Not later than the date determined by the authority by rule,**  
4 **each board shall report annually to the authority the results of the**  
5 **reviews described in subsection (3) of this section conducted during the**  
6 **preceding year.**

7 **“(b) Not later than December 31 of each year, the authority shall**  
8 **report, in the manner provided in ORS 192.245, to an interim commit-**  
9 **tee of the Legislative Assembly related to health care, on the reviews**  
10 **conducted by the boards under this section. The report described in**  
11 **this paragraph may not include personally identifiable health infor-**  
12 **mation of a child.**

13 **“(5)(a) Each board shall adopt rules to carry out this section. The**  
14 **rules adopted under this section must include, but are not limited to,**  
15 **rules to establish a process for the board to perform the review de-**  
16 **scribed in subsection (3) of this section.**

17 **“(b) A board may consult with the authority in adopting rules under**  
18 **this section.”.**

19 In line 20, delete “3” and insert “4”.

20 On page 2, line 3, delete “4” and insert “5”.

21 After line 15, insert:

22 “(3) ‘Licensed health care practitioner’ means:

23 “(a) A physician licensed under ORS chapter 677 and who holds a degree  
24 of Doctor of Medicine or Doctor of Osteopathy;

25 “(b) A nurse practitioner licensed under ORS 678.375 to 678.390; or

26 “(c) A naturopathic physician licensed under ORS chapter 685.”.

27 In line 16, delete “(3)” and insert “(4)”.

28 In line 17, delete “(4)” and insert “(5)”.

29 Delete lines 18 through 21.

30 After line 35, insert:

1       **“SECTION 6.** ORS 433.255 is amended to read:

2       “433.255. Except in strict conformity with the rules of the Oregon Health  
3 Authority, [*no*] a child or employee [*shall*] **may not** be permitted to be in  
4 any school or children’s facility when:

5       “(1) That child or employee has any restrictable disease **or other disease**  
6 **that poses a threat to public health, as identified by the authority by**  
7 **rule;**

8       “(2) That child or employee comes from any house in which exists any  
9 restrictable disease **or other disease that poses a threat to public health,**  
10 **as identified by the authority by rule;** or

11       “(3) That child has been excluded as provided in ORS 433.267 (5) or (7).

12       **“SECTION 7.** ORS 433.260 is amended to read:

13       “433.260. (1) Whenever any administrator has reason to suspect that any  
14 child or employee has or has been exposed to any restrictable disease **or**  
15 **other disease that poses a threat to public health, as identified by the**  
16 **Oregon Health Authority by rule,** and is required by the rules of the  
17 [*Oregon Health*] authority to be excluded from a school or children’s facility,  
18 the administrator shall send such person home and, if the disease is one that  
19 must be reported to the authority, report the occurrence to the local health  
20 department by the most direct means available.

21       “(2) Any person excluded under subsection (1) of this section may not be  
22 permitted to be in the school or facility until the person presents a certifi-  
23 cate from a [*physician*] **licensed health care practitioner,** physician as-  
24 sistant licensed under ORS 677.505 to 677.525, [*nurse practitioner licensed*  
25 *under ORS 678.375 to 678.390,*] local health department nurse or school nurse  
26 stating that the person does not have or is not a carrier of any restrictable  
27 disease **or other disease that poses a threat to public health, as iden-**  
28 **tified by the authority by rule.”.**

29       In line 36, delete “5” and insert “8”.

30       In line 39, after “received” insert “, against restrictable diseases the” and

1 delete “against”.

2 In line 40, delete “the restrictable diseases”.

3 After line 44, insert:

4 “(b) A document signed by a licensed health care practitioner stating that  
5 the child should be exempted from receiving a specified immunization be-  
6 cause of an indicated medical diagnosis. A document described in this para-  
7 graph must be renewed and submitted annually to the administrator not later  
8 than the date determined by the authority by rule.”.

9 Delete line 45.

10 On page 3, delete lines 1 and 2.

11 On page 4, line 1, after “with” insert “the” and delete “against the  
12 restrictable dis-”.

13 In line 2, delete “eases”.

14 In line 6, after “(11)” insert “(a)” and delete “approved or”.

15 After line 7, insert:

16 “(b) The document described in subsection (1)(b) of this section must al-  
17 low the licensed health care practitioner to include any specialty areas in  
18 which the licensed health care practitioner practices.”.

19 In line 8, after “practitioners” insert “described in subsection (1)(a) of this  
20 section”.

21 After line 10, insert:

22 “(13) A school and a children’s facility shall provide every two weeks to  
23 the authority, in a manner established by the authority by rule, the docu-  
24 ments described in subsection (1) of this section that are submitted to the  
25 school or children’s facility.”.

26 In line 11, delete “(13)” and insert “(14)”.

27 In line 23, delete “6” and insert “9”.

28 On page 5, line 15, delete “7” and insert “10”.

29 After line 44, insert:

30 “(3) The authority may adopt rules to establish a list of diseases that pose

1 a threat to public health for the purposes of ORS 433.255 and 433.260.”.

2 In line 45, delete “8” and insert “11”.

3 On page 6, delete lines 5 through 20 and insert:

4 **“SECTION 12. Section 13 of this 2019 Act is added to and made a**  
5 **part of ORS 433.235 to 433.284.**

6 **“SECTION 13. The Oregon Health Authority shall establish an out-**  
7 **reach and education plan related to the implementation of ORS 433.235**  
8 **to 433.284.**

9 **“SECTION 14. (1) A child who is not immunized as required under**  
10 **ORS 433.267 (1) and has not provided to the administrator of the school**  
11 **or children’s facility that the child attends a document described in**  
12 **ORS 433.267 (1)(b) may continue to attend the school or children’s fa-**  
13 **cility until August 1, 2020.**

14 **“(2) Subsection (1) of this section does not apply to a person ex-**  
15 **cluded under ORS 433.260.**

16 **“SECTION 15. In addition to and not in lieu of any other appropri-**  
17 **ation, there is appropriated to the Oregon Health Authority, for the**  
18 **biennium beginning July 1, 2019, out of the General Fund, the amount**  
19 **of \$100,000, which may be expended for carrying out sections 2, 3, 13**  
20 **and 14 of this 2019 Act and the amendments to ORS 433.102, 433.235,**  
21 **433.255, 433.260, 433.267, 433.269, 433.273 and 433.284 by sections 4 to 11**  
22 **of this 2019 Act.**

23 **“SECTION 16. (1) Sections 3 and 13 of this 2019 Act become opera-**  
24 **tive on January 1, 2020.**

25 **“(2) The Oregon Health Authority, the Oregon Board of**  
26 **Naturopathic Medicine, the Oregon Medical Board and the Oregon**  
27 **State Board of Nursing may take any action before the operative date**  
28 **specified in subsection (1) of this section that is necessary to enable**  
29 **the authority or the boards to exercise, on and after the operative date**  
30 **specified in subsection (1) of this section, all of the duties, functions**

1 and powers conferred on the authority and the boards by sections 3  
2 and 13 of this 2019 Act.

3 **“SECTION 17. This 2019 Act being necessary for the immediate  
4 preservation of the public peace, health and safety, an emergency is  
5 declared to exist, and this 2019 Act takes effect on its passage.”.**

6

---