HOUSE AMENDMENTS TO
HOUSE BILL 2461

By COMMITTEE ON VETERANS AND EMERGENCY MANAGEMENT

April 1

On page 1 of the printed bill, delete lines 4 through 26 and delete pages 2 and 3 and insert:

"SECTION 1. (1) The Oregon Homeland Security Council shall establish by rule a program to create the Oregon Critical Disaster Preparedness Stockpile.

“(2) The purpose of the program is to ensure that Oregonians have access to a robust stock of supplies and equipment for use in an emergency, including personal protective equipment and raw materials for the sustained manufacture thereof, communicable disease testing equipment and all-hazards emergency surge supplies, that can be deployed on a regional basis.

“(3) The program shall:

“(a) Be administered by the council in cooperation with county emergency management agencies and the Office of Emergency Management; and


"SECTION 2. (1) No later than September 30, 2021, the Oregon Homeland Security Council shall, in consultation with the Oregon Health Authority and other relevant state agencies:

“(a) Develop a comprehensive list of essential equipment, materials, supplies, distribution channels and manufacturing capabilities necessary to accomplish the purpose of the Oregon Critical Disaster Preparedness Stockpile described in section 1 of this 2021 Act;

“(b) Determine a statewide standard of availability, sufficient to adequately protect public health and safety, for each article of personal protective equipment and each element of communicable disease testing equipment on the list;

“(c) Establish metrics and processes for real-time, transparent reporting of materials, supplies, distribution channels and manufacturing capabilities for each type of equipment or supply on the list that the council deems to be critical in an emergency; and

“(d) Collaborate with hospitals, long term care facilities, provider groups and health care organizations to obtain information on the extent to which each entity is able to provide personal protective equipment to personnel who are in contact with patients, including usage rates of personal protective equipment during normal business operations and any additional personal protective equipment each entity may maintain for emergency purposes.

“(2) Entities described in subsection (1)(d) of this section shall report the information to the council as expeditiously as practicable in accordance with timelines and parameters established by the council.

“(3) The council may subpoena any witnesses or documents necessary to obtain the information described in subsection (1)(d) of this section.

“(4) If an entity or witness fails to comply with a subpoena issued by the council under
subsection (3) of this section, a court of competent jurisdiction, upon application by the
council, shall compel obedience by proceedings for contempt as in the case of disobedience
of the requirements of a subpoena issued by the court.

“(5) The list must, at a minimum, include personal protective equipment and raw mate-
rials for the sustained manufacture thereof, communicable disease testing equipment and
all-hazards emergency surge supplies.

“SECTION 3. The Oregon Homeland Security Council shall provide, no later than De-
cember 31, 2021, to the standing or interim committees of the Legislative Assembly related
to emergency preparedness a report on the progress made and actions taken pursuant to
section 2 of this 2021 Act, including an implementation strategy for achieving the robust
stock of supplies and equipment described in section 1 of this 2021 Act.

“SECTION 4. Following the development of the list by the Oregon Homeland Security
Council under section 2 of this 2021 Act, the council shall, in consultation with the Office of
Emergency Management, the Oregon Business Development Department, the Oregon Health
Authority and the Oregon Department of Administrative Services, adopt rules to implement
and achieve as expeditiously as practicable the program and objectives described in section
1 of this 2021 Act, including, without limitation:

“(1) Establishment of a rotation schedule for supplies, equipment and materials in the
Oregon Critical Disaster Preparedness Stockpile; and

“(2) Establishment of quality standards for elements of the Oregon Critical Disaster
Preparedness Stockpile, utilizing guidance from the Centers for Disease Control and Pre-
vention and other public health organizations.

“SECTION 5. (1) Following the development of the list by the Oregon Homeland Security
Council under section 2 of this 2021 Act, the Oregon Business Development Department shall
establish and administer the Oregon Resiliency Partnership Program.

“(2) The program may, to the extent necessary to create and maintain the Oregon Crit-
ical Disaster Preparedness Stockpile described in section 1 of this 2021 Act, provide to any
eligible and participating person:

“(a) Guaranteed purchase contracts or nonguaranteed purchase contracts with the State
of Oregon for supplies or equipment included on the list described in section 2 of this 2021
Act;

“(b) Economic incentives to encourage participation in the program; and

“(c) Technical assistance to navigate requirements under local, state or federal law.

“(3) Each person that participates in the program must demonstrate to the department
on an annual basis that:

“(a) The person has the capacity to manufacture supplies or equipment included on the
list described in section 2 of this 2021 Act, including access to all the necessary equipment,
materials, tools, supplies and training needed to sustain manufacturing during emergency
surge events; and

“(b) The person has existing contractual relationships sufficient to enable the person to
expand production of one or more types of supplies or equipment included on the list de-
scribed in section 2 of this 2021 Act during a state of emergency declared by the Governor.

“SECTION 6. (1) As used in this section, 'qualified good' means an item:

“(a) Manufactured pursuant to a contract with the State of Oregon under section 5 of
this 2021 Act;
“(b) Manufactured during a state of emergency declared by the Governor under ORS 401.165;
“(c) Manufactured by a person that did not manufacture the type of item prior to the state of emergency;
“(d) Sold at a price:
“(A) Not exceeding 115 percent of the cost of manufacturing if manufactured under a guaranteed purchase contract; or
“(B) Negotiated by the person and the state under a nonguaranteed purchase contract; and
“(e) Meeting the specifications for use and manufacturing established by the contract with the State of Oregon.
“(2) Except as provided in subsection (3) of this section, a person that manufactures, distributes, dispenses or otherwise prescribes use of a qualified good is immune from civil liability for injuries or damages resulting from use of the qualified good.
“(3) Subsection (2) of this section does not apply to a person that:
“(a) Engages in gross negligence or reckless, wanton or intentional misconduct, and that gross negligence or misconduct is a cause of the injury or damage;
“(b) Commits an act or omission that constitutes negligence or willful or wanton disregard for safety, and that act or omission is a cause of the injury or damage;
“(c) Fails to make reasonable inspection of a qualified good, and that failure is a cause of the injury or damage; or
“(d) Knows or reasonably should have known of a dangerous condition about a qualified good, does not make the danger known and that danger is a cause of the injury or damage.

SECTION 7. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect on its passage.”.