

# Senate Bill 531

Sponsored by Senator GIROD; Senators FINDLEY, THATCHER (Presession filed.)

## 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 **as introduced**.

Establishes right to reimbursement for actual damages resulting from cessation of business operations required by emergency rules or orders. Provides that plaintiff may bring action against state for reimbursement.

## A BILL FOR AN ACT

1  
2 Relating to compensation for losses due to emergency measures; creating new provisions; and  
3 amending ORS 433.441.

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

5 **SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS 401.165 to**  
6 **401.236.**

7 **SECTION 2. (1) If a rule or order issued under ORS 401.165 to 401.236 or ORS 433.441 to**  
8 **433.452 requires a temporary or permanent cessation of operations of a business in this state,**  
9 **the business is entitled to reimbursement from the state for actual damages incurred by the**  
10 **business as a direct result of the cessation.**

11 **(2) A plaintiff may bring an action against the State of Oregon to enforce the provisions**  
12 **of subsection (1) of this section.**

13 **SECTION 3. ORS 433.441 is amended to read:**

14 433.441. (1) Upon the occurrence of a public health emergency, the Governor may declare a state  
15 of public health emergency as authorized by ORS 433.441 to 433.452 to protect the public health.

16 (2) A proclamation of a state of public health emergency must specify:

17 (a) The nature of the public health emergency;

18 (b) The political subdivision or geographic area subject to the proclamation;

19 (c) The conditions that have brought about the public health emergency; and

20 (d) The duration of the state of public health emergency, if the duration is less than 14 days.

21 (3) During a public health emergency, the Governor may:

22 (a) Close, order the evacuation of or the decontamination of any facility the Governor has rea-  
23 sonable cause to believe may endanger the public health.

24 (b) Regulate or restrict by any means necessary the use, sale or distribution of food, fuel, med-  
25 ical supplies, medicines or other goods and services.

26 (c) Prescribe modes of transportation, routes and destinations required for the evacuation of  
27 individuals or the provision of emergency services.

28 (d) Control or limit entry into, exit from, movement within and the occupancy of premises in any  
29 public area subject to or threatened by a public health emergency if such actions are reasonable  
30 and necessary to respond to the public health emergency.

31 (e) Authorize pharmacists licensed under ORS chapter 689 to administer vaccines to 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 who are three years of age or older.

2 (f) Take any other action that may be necessary for the management of resources, or to protect  
3 the public during a public health emergency, including any actions authorized under ORS 401.168,  
4 401.185, 401.188 and 401.192.

5 (4) Nothing in ORS 433.441 to 433.452 limits the authority of the Governor to declare a state  
6 of emergency under ORS 401.165. If a state of emergency is declared as authorized under ORS  
7 401.165, the Governor may implement any action authorized by ORS 433.441 to 433.452.

8 (5) A proclamation of a state of public health emergency expires when terminated by a decla-  
9 ration of the Governor or no more than 14 days after the date the public health emergency is pro-  
10 claimed unless the Governor expressly extends the proclamation for an additional 14-day period.

11 (6) When real or personal property is taken under power granted by this section, the owner of  
12 the property shall be entitled to reasonable compensation from the state.

13 (7) **Section 2 of this 2021 Act, relating to reimbursement for business losses, applies to**  
14 **rules and orders issued under ORS 433.441 to 433.452.**

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