

Requested by Representative NATHANSON

**PROPOSED AMENDMENTS TO
HOUSE BILL 2461**

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

3 **“SECTION 1. (1) The Oregon Homeland Security Council shall es-**
4 **tablish by rule a program to create the Oregon Critical Disaster**
5 **Preparedness Stockpile.**

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

12 **“(3) The program shall be administered by the council in cooper-**
13 **ation with county emergency management agencies and the Office of**
14 **Emergency Management.**

15 **“SECTION 2. (1) No later than July 1, 2021, the Oregon Homeland**
16 **Security Council shall, in consultation with the Oregon Health Au-**
17 **thority and other relevant state agencies:**

18 **“(a) Develop a comprehensive list of essential equipment, materials,**
19 **supplies, distribution channels and manufacturing capabilities neces-**
20 **sary to accomplish the purpose of the Oregon Critical Disaster**
21 **Preparedness Stockpile described in section 1 of this 2021 Act;**

1 **“(b) Determine a statewide standard of availability, sufficient to**
2 **adequately protect public health and safety, for each article of per-**
3 **sonal protective equipment and each element of communicable disease**
4 **testing equipment on the list;**

5 **“(c) Establish metrics and processes for real-time, transparent re-**
6 **porting of materials, supplies, distribution channels and manufactur-**
7 **ing capabilities for each type of equipment or supply on the list that**
8 **the council deems to be critical in an emergency; and**

9 **“(d) Obtain from hospitals, long term care facilities, provider**
10 **groups and health care organizations information on the extent to**
11 **which each entity is able to provide personal protective equipment to**
12 **personnel who are in contact with patients, including usage rates of**
13 **personal protective equipment.**

14 **“(2) Entities described in subsection (1)(d) of this section shall re-**
15 **port the information to the council as expeditiously as practicable in**
16 **accordance with timelines and parameters established by the council.**

17 **“(3) The council may subpoena any witnesses or documents neces-**
18 **sary to obtain the information described in subsection (1)(d) of this**
19 **section.**

20 **“(4) If an entity or witness fails to comply with a subpoena issued**
21 **by the council under subsection (3) of this section, a court of compe-**
22 **tent jurisdiction, upon application by the council, shall compel obedi-**
23 **ence by proceedings for contempt as in the case of disobedience of the**
24 **requirements of a subpoena issued by the court.**

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

29 **“SECTION 3. The Oregon Homeland Security Council shall provide,**
30 **no later than July 1, 2021, to the standing or interim committees of**

1 the Legislative Assembly related to emergency preparedness a report
2 on the progress made and actions taken pursuant to section 2 of this
3 2021 Act, including an implementation strategy for achieving the ro-
4 bust stock of supplies and equipment described in section 1 of this 2021
5 Act.

6 **“SECTION 4.** Following the development of the list by the Oregon
7 Homeland Security Council under section 2 of this 2021 Act, the
8 council shall, in consultation with the Office of Emergency Manage-
9 ment, the Oregon Business Development Department, the Oregon
10 Health Authority and the Oregon Department of Administrative Ser-
11 vices, adopt rules to implement and achieve as expeditiously as prac-
12 ticable the program and objectives described in section 1 of this 2021
13 Act, including, without limitation:

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

17 **“(2)** Establishment of quality standards for elements of the Oregon
18 Critical Disaster Preparedness Stockpile, utilizing guidance from the
19 Centers for Disease Control and Prevention and other public health
20 organizations.

21 **“SECTION 5.** (1) Following the development of the list by the
22 Oregon Homeland Security Council under section 2 of this 2021 Act,
23 the Oregon Business Development Department shall establish and ad-
24 minister the Oregon Resiliency Partnership Program.

25 **“(2)** The program may, to the extent necessary to create and
26 maintain the Oregon Critical Disaster Preparedness Stockpile de-
27 scribed in section 1 of this 2021 Act, provide to any eligible and par-
28 ticipating person:

29 **“(a)** Guaranteed purchase contracts or nonguaranteed purchase
30 contracts with the State of Oregon for supplies or equipment included

1 on the list described in section 2 of this 2021 Act;

2 “(b) Economic incentives to encourage participation in the pro-
3 gram; and

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

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

8 “(a) The person has the capacity to manufacture supplies or equip-
9 ment included on the list described in section 2 of this 2021 Act, in-
10 cluding access to all the necessary equipment, materials, tools,
11 supplies and training needed to sustain manufacturing during emer-
12 gency surge events; and

13 “(b) The person has existing contractual relationships sufficient to
14 enable the person to expand production of one or more types of sup-
15 plies or equipment included on the list described in section 2 of this
16 2021 Act during a state of emergency declared by the Governor.

17 **“SECTION 6. (1) As used in this section, ‘qualified good’ means an**
18 **item:**

19 “(a) Manufactured pursuant to a contract with the State of Oregon
20 under section 5 of this 2021 Act;

21 “(b) Manufactured during a state of emergency declared by the
22 Governor under ORS 401.165;

23 “(c) Manufactured by a person that did not manufacture the type
24 of item prior to the state of emergency;

25 “(d) Sold at a price:

26 “(A) Not exceeding 115 percent of the cost of manufacturing if
27 manufactured under a guaranteed purchase contract; or

28 “(B) Negotiated by the person and the state under a nonguaranteed
29 purchase contract; and

30 “(e) Meeting the specifications for use and manufacturing estab-

1 lished by the contract with the State of Oregon.

2 “(2) Except as provided in subsection (3) of this section, a person
3 that manufactures, distributes, dispenses or otherwise prescribes use
4 of a qualified good is immune from civil liability for injuries or dam-
5 ages resulting from use of the qualified good.

6 “(3) Subsection (2) of this section does not apply to a person that:

7 “(a) Engages in gross negligence or reckless, wanton or intentional
8 misconduct, and that gross negligence or misconduct is a cause of the
9 injury or damage;

10 “(b) Commits an act or omission that constitutes negligence or
11 willful or wanton disregard for safety, and that act or omission is a
12 cause of the injury or damage;

13 “(c) Fails to make reasonable inspection of a qualified good, and
14 that failure is a cause of the injury or damage; or

15 “(d) Knows or reasonably should have known of a dangerous con-
16 dition about a qualified good, does not make the danger known and
17 that danger is a cause of the injury or damage.

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

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