

Requested by Representative EVANS

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2461**

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

3 **“SECTION 1. (1) The Oregon Business Development Department**  
4 **shall establish 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:**

13 **“(a) Be administered by the department in cooperation with county**  
14 **emergency management agencies and the Office of Emergency Man-**  
15 **agement; and**

16 **“(b) Draw upon lessons learned from the COVID-19 pandemic, the**  
17 **2020 Oregon wildfire season and work of the Seismic Safety Policy**  
18 **Advisory Commission.**

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

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

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

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

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

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

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

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

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

5       “SECTION 3. The Oregon Homeland Security Council shall provide,  
6 no later than December 31, 2021, to the standing or interim committees  
7 of the Legislative Assembly related to emergency preparedness a re-  
8 port on the progress made and actions taken pursuant to section 2 of  
9 this 2021 Act, including an implementation strategy for achieving the  
10 robust stock of supplies and equipment described in section 1 of this  
11 2021 Act.

12       “SECTION 4. Following the development of the list by the Oregon  
13 Homeland Security Council under section 2 of this 2021 Act, the  
14 Oregon Business Development Department shall, in consultation with  
15 the Office of Emergency Management, the Oregon Homeland Security  
16 Council, the Oregon Health Authority and the Oregon Department of  
17 Administrative Services, adopt rules to:

18       “(1) Implement and achieve as expeditiously as practicable the pro-  
19 gram and objectives described in section 1 of this 2021 Act, including,  
20 without limitation:

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

24       “(b) Establishment of quality standards for elements of the Oregon  
25 Critical Disaster Preparedness Stockpile, utilizing guidance from the  
26 Centers for Disease Control and Prevention and other public health  
27 organizations; and

28       “(2) Establish and administer the Oregon Resiliency Partnership as  
29 described in section 5 of this 2021 Act.

30       “SECTION 5. (1) The Oregon Resiliency Partnership established

1 pursuant to section 4 of this 2021 Act may, to the extent necessary to  
2 create and maintain the Oregon Critical Disaster Preparedness Stock-  
3 pile described in section 1 of this 2021 Act, provide to any eligible and  
4 participating person:

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

8 “(b) Economic incentives to encourage participation in the part-  
9 nership; and

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

12 “(2) Each person that participates in the partnership must demon-  
13 strate to the Oregon Business Development Department on an annual  
14 basis that:

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

20 “(b) The person has existing contractual relationships sufficient to  
21 enable the person to expand production of one or more types of sup-  
22 plies or equipment included on the list described in section 2 of this  
23 2021 Act during a state of emergency declared by the Governor.

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

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

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

30 “(c) Manufactured by a person that did not manufacture the type

1 of item prior to the state of emergency;

2 “(d) Sold at a price:

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

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

7 “(e) Meeting the specifications for use and manufacturing estab-  
8 lished by the contract with the State of Oregon.

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

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

14 “(a) Engages in gross negligence or reckless, wanton or intentional  
15 misconduct, and that gross negligence or misconduct is a cause of the  
16 injury or damage;

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

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

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

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

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