

SB 1529-A7  
(LC 34)  
2/22/22 (SCT/ps)

Requested by Representative HAYDEN

**PROPOSED AMENDMENTS TO  
A-ENGROSSED SENATE BILL 1529**

1 On page 1 of the printed A-engrossed bill, line 3, after “401.667” insert “,  
2 431.035, 431.045”.

3 Delete lines 11 through 16 and insert:

4 “(1) ‘Health care emergency’ means:

5 “(a) A state of public health emergency declared under ORS 433.441; or

6 “(b) An emergency declared under section 15 of this 2022 Act.”.

7 On page 5, after line 18, insert:

8 **“SECTION 10.** ORS 431.035 is amended to read:

9 “431.035. (1) The Director of the Oregon Health Authority may delegate  
10 to any of the officers and employees of the Oregon Health Authority the  
11 exercise or discharge in the director’s name of any power, duty or function  
12 of whatever character vested in or imposed upon the director by the laws  
13 of Oregon. However, the power to administer oaths and affirmations,  
14 subpoena witnesses, take evidence and require the production of books, pa-  
15 pers, correspondence, memoranda, agreements or other documents or records  
16 may be exercised by an officer or employee of the authority only when spe-  
17 cifically delegated in writing by the director.

18 “(2) The official act of any such person so acting in the director’s name  
19 and by the authority of the director shall be deemed to be an official act of  
20 the director.

21 “(3)(a) The Director of the Oregon Health Authority shall appoint a

1 Public Health Director to perform the duties and exercise authority over  
2 public health emergency matters in the state and other duties as assigned  
3 by the director. The director may appoint the same person to serve as both  
4 the Public Health Director and the Public Health Officer appointed under  
5 ORS 431.045.

6 “(b) The Public Health Director shall be an assistant director appointed  
7 by the Director of the Oregon Health Authority in accordance with ORS  
8 409.130. **The appointment of the Public Health Director is subject to**  
9 **confirmation by the Senate in the manner provided by ORS 171.562 and**  
10 **171.565.**

11 “(c) The Public Health Director shall delegate to an employee of the au-  
12 thority the duties, powers and functions granted to the Public Health Di-  
13 rector by ORS 431A.015 and 433.443 in the event of the absence from the state  
14 or the unavailability of the director. The delegation must be in writing.

15 “(d) **The Public Health Director shall hold a master’s degree or**  
16 **equivalent in public health or health care management and shall have**  
17 **at least 10 years of experience working in clinical health or public**  
18 **health management.**

19 “**SECTION 11.** ORS 431.045 is amended to read:

20 “431.045. (1) The Director of the Oregon Health Authority shall appoint  
21 a Public Health Officer who shall be responsible for the medical and  
22 paramedical aspects of the health programs within the Oregon Health Au-  
23 thority. The Public Health Officer must be a physician licensed under ORS  
24 chapter 677 who:

25 “(a) Is certified by the American Board of Preventive Medicine or the  
26 board of a primary care clinical specialty such as internal medicine, family  
27 medicine or pediatrics; and

28 “(b) Has at least two years of experience working for a local, state or  
29 federal public health authority.

30 “(2) The Public Health Officer:

1 “(a) Is responsible for the duties imposed by 42 U.S.C. 300ff-133(g) and  
2 300ff-136;

3 “(b) May appoint a local health officer for a county that has transferred  
4 the responsibility of the local public health authority in the county to the  
5 Oregon Health Authority under ORS 431.382; and

6 “(c) May adopt rules to carry out the officer’s responsibilities under this  
7 subsection.

8 **“(3) If the Public Health Officer serves as a state epidemiologist, the  
9 Public Health Officer shall hold a master’s degree or equivalent in  
10 epidemiology and have at least five years of experience practicing as  
11 an epidemiologist.**

12 **“SECTION 12. The amendments to ORS 431.035 and 431.045 by  
13 sections 10 and 11 of this 2022 Act apply to the candidates next ap-  
14 pointed to the positions of Public Health Director and Public Health  
15 Officer following the effective date of this 2022 Act.”.**

16 In line 19, delete “10” and insert “13”.

17 On page 6, after line 32, insert:

18 **“SECTION 14. Section 15 of this 2022 Act is added to and made a  
19 part of ORS 401.651 to 401.670.**

20 **“SECTION 15. (1) The Governor, without approval of the Legislative  
21 Assembly, may declare a health care emergency for a period not to  
22 exceed 30 days.**

23 **“(2)(a) Within 14 days of the date of the declaration described in  
24 subsection (1) of this section, the declaration may be extended to 60  
25 days from the date of the declaration if the Legislative Assembly ap-  
26 proves of the extension by a vote of two-thirds of the members of each  
27 house.**

28 **“(b) If, following the extension described in paragraph (a) of this  
29 subsection, the circumstances creating the emergency continue to ex-  
30 ist, the declaration described in subsection (1) of this section may be**

1 extended in 60-days periods if the Legislative Assembly approves of  
2 each extension by a vote of two-thirds of the members of each house.

3 “(3) The Public Health Director shall submit a report to the pre-  
4 siding officers of the Legislative Assembly every seven days while a  
5 declaration described in subsection (1) of this section and any exten-  
6 sion under subsection (2) of this section is in effect. The reports made  
7 under this subsection must include information on any public health  
8 emergency actions taken.

9 “(4) A report made under subsection (3) of this section is subject to  
10 public disclosure under ORS 192.311 to 192.478.”

11 In line 33, delete “11” and insert “16” and delete “12” and insert “17”.

12 In line 34, delete “12” and insert “17”.

13 On page 7, line 3, delete “13” and insert “18”.

14 In line 12, delete “14” and insert “19”.

15 In line 18, delete “15” and insert “20”.

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