

House Bill 2461

Sponsored by Representatives NATHANSON, EVANS, SCHOUTEN; Representatives DEXTER, HOLVEY, PRUSAK, REARDON (Pre-session 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**.

Directs Oregon Business Development Department to establish program to create Oregon Critical Disaster Preparedness Stockpile to ensure robust stock of emergency supplies and equipment.

Directs Oregon Homeland Security Council, in consultation with Oregon Health Authority and relevant state agencies, to develop list of essential equipment, materials, supplies, distribution channels and manufacturing capabilities for stockpile, including personal protective equipment, communicable disease testing equipment and all-hazards emergency surge supplies. Requires council to report to Legislative Assembly.

Directs department to establish and administer Oregon Resiliency Partnership in consultation with other entities. Limits civil liability in certain circumstances.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to critical disaster preparedness; and declaring an emergency.

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

4 **SECTION 1. (1) The Oregon Business Development Department shall establish by rule a**
5 **program to create the Oregon Critical Disaster Preparedness Stockpile.**

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

11 **(3) The program shall be administered by the department in cooperation with county**
12 **emergency management agencies and the Office of Emergency Management.**

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

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

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

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

24 **(d) Obtain from hospitals, long term care facilities, provider groups and health care or-**
25 **ganizations information on the extent to which each entity is able to provide personal pro-**
26 **TECTIVE equipment to personnel who are in contact with patients, including usage rates of**

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 **personal protective equipment.**

2 (2) **Entities described in subsection (1)(d) of this section shall report the information to**
 3 **the council as expeditiously as practicable in accordance with timelines and parameters es-**
 4 **tablished by the council.**

5 (3) **The council may subpoena any witnesses or documents necessary to obtain the in-**
 6 **formation described in subsection (1)(d) of this section.**

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

11 (5) **The list must, at a minimum, include personal protective equipment and raw materi-**
 12 **als for the sustained manufacture thereof, communicable disease testing equipment and all-**
 13 **hazards emergency surge supplies.**

14 **SECTION 3.** **The Oregon Homeland Security Council shall provide, no later than July 1,**
 15 **2021, to the standing or interim committees of the Legislative Assembly related to emer-**
 16 **gency preparedness a report on the progress made and actions taken pursuant to section 2**
 17 **of this 2021 Act, including an implementation strategy for achieving the robust stock of**
 18 **supplies and equipment described in section 1 of this 2021 Act.**

19 **SECTION 4.** **Following the development of the list by the Oregon Homeland Security**
 20 **Council under section 2 of this 2021 Act, the Oregon Business Development Department shall,**
 21 **in consultation with the Office of Emergency Management, the Oregon Homeland Security**
 22 **Council, the Oregon Health Authority and the Oregon Department of Administrative Ser-**
 23 **vices, adopt rules to:**

24 (1) **Implement and achieve as expeditiously as practicable the program and objectives**
 25 **described in section 1 of this 2021 Act, including, without limitation:**

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

28 (b) **Establishment of quality standards for elements of the Oregon Critical Disaster**
 29 **Preparedness Stockpile, utilizing guidance from the Centers for Disease Control and Pre-**
 30 **vention and other public health organizations; and**

31 (2) **Establish and administer the Oregon Resiliency Partnership as described in section 5**
 32 **of this 2021 Act.**

33 **SECTION 5.** (1) **The Oregon Resiliency Partnership established pursuant to section 4 of**
 34 **this 2021 Act may, to the extent necessary to create and maintain the Oregon Critical Dis-**
 35 **aster Preparedness Stockpile described in section 1 of this 2021 Act, provide to any eligible**
 36 **and participating person:**

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

40 (b) **Economic incentives to encourage participation in the partnership; and**

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

42 (2) **Each person that participates in the partnership must demonstrate to the Oregon**
 43 **Business Development Department on an annual basis that:**

44 (a) **The person has the capacity to manufacture supplies or equipment included on the**
 45 **list described in section 2 of this 2021 Act, including access to all the necessary equipment,**

1 materials, tools, supplies and training needed to sustain manufacturing during emergency
2 surge events; and

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

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

7 (a) Manufactured pursuant to a contract with the State of Oregon under section 5 of this
8 2021 Act;

9 (b) Manufactured during a state of emergency declared by the Governor under ORS
10 401.165;

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

13 (d) Sold at a price:

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

16 (B) Negotiated by the person and the state under a nonguaranteed purchase contract;
17 and

18 (e) Meeting the specifications for use and manufacturing established by the contract with
19 the State of Oregon.

20 (2) Except as provided in subsection (3) of this section, a person that manufactures, dis-
21 tributes, dispenses or otherwise prescribes use of a qualified good is immune from civil li-
22 ability for injuries or damages resulting from use of the qualified good.

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

24 (a) Engages in gross negligence or reckless, wanton or intentional misconduct, and that
25 gross negligence or misconduct is a cause of the injury or damage;

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

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

30 (d) Knows or reasonably should have known of a dangerous condition about a qualified
31 good, does not make the danger known and that danger is a cause of the injury or damage.

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