

HOUSE AMENDMENTS TO HOUSE BILL 2461

By COMMITTEE ON VETERANS AND EMERGENCY MANAGEMENT

April 1

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

2 “**SECTION 1. (1) The Oregon Homeland Security Council shall establish by rule a program**
3 **to create the Oregon Critical Disaster Preparedness Stockpile.**

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

9 “**(3) The program shall:**

10 “**(a) Be administered by the council in cooperation with county emergency management**
11 **agencies and the Office of Emergency Management; and**

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

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

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

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

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

25 “**(d) Collaborate with hospitals, long term care facilities, provider groups and health care**
26 **organizations to obtain information on the extent to which each entity is able to provide**
27 **personal protective equipment to personnel who are in contact with patients, including usage**
28 **rates of personal protective equipment during normal business operations and any additional**
29 **personal protective equipment each entity may maintain for emergency purposes.**

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

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

35 “**(4) If an entity or witness fails to comply with a subpoena issued by the council under**

1 subsection (3) of this section, a court of competent jurisdiction, upon application by the
2 council, shall compel obedience by proceedings for contempt as in the case of disobedience
3 of the requirements of a subpoena issued by the court.

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

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

12 “SECTION 4. Following the development of the list by the Oregon Homeland Security
13 Council under section 2 of this 2021 Act, the council shall, in consultation with the Office of
14 Emergency Management, the Oregon Business Development Department, the Oregon Health
15 Authority and the Oregon Department of Administrative Services, adopt rules to implement
16 and achieve as expeditiously as practicable the program and objectives described in section
17 1 of this 2021 Act, including, without limitation:

18 “(1) Establishment of a rotation schedule for supplies, equipment and materials in the
19 Oregon Critical Disaster Preparedness Stockpile; and

20 “(2) Establishment of quality standards for elements of the Oregon Critical Disaster
21 Preparedness Stockpile, utilizing guidance from the Centers for Disease Control and Pre-
22 vention and other public health organizations.

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

26 “(2) The program may, to the extent necessary to create and maintain the Oregon Crit-
27 ical Disaster Preparedness Stockpile described in section 1 of this 2021 Act, provide to any
28 eligible and participating person:

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

32 “(b) Economic incentives to encourage participation in the program; and

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

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

36 “(a) The person has the capacity to manufacture supplies or equipment included on the
37 list described in section 2 of this 2021 Act, including access to all the necessary equipment,
38 materials, tools, supplies and training needed to sustain manufacturing during emergency
39 surge events; and

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

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

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

1 “(b) Manufactured during a state of emergency declared by the Governor under ORS
2 401.165;

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

5 “(d) Sold at a price:

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

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

10 “(e) Meeting the specifications for use and manufacturing established by the contract
11 with the State of Oregon.

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

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

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

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

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

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

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

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