

House Bill 2409

Sponsored by Representative OWENS, Senator FINDLEY (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**.

Authorizes Oregon Health Authority to establish multiple laboratories.

A BILL FOR AN ACT

Relating to state laboratories; creating new provisions; and amending ORS 431A.750 and 433.035.

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

SECTION 1. The Oregon Health Authority may establish multiple laboratories for the purpose of conducting tests related to public health. Each laboratory established under this section must be certified according to requirements established by the federal Centers for Medicare and Medicaid Services through the Clinical Laboratory Improvement Amendments of 1988 (P.L. 100-578, 42 U.S.C. 201 and 263a).

SECTION 2. ORS 431A.750 is amended to read:

431A.750. (1) For the better protection of the public health, *[the]* a laboratory of the Oregon Health Authority **established under section 1 of this 2023 Act** shall make examinations of water, milk, blood, secretions, excretions, tissues or environmental samples required by any state or local agency in Oregon.

(2) In accordance with the rules of the authority, the authority may make examinations of water, milk, blood, secretions, excretions, tissues or environmental samples for any:

(a) Country or territory;

(b) Federal agency;

(c) Agency of another state;

(d) Tribal agency; or

(e) Health care practitioner licensed in any country, territory or state.

(3) The authority may adopt rules to implement this section and collect fees for tests performed in *[the]* a state public health laboratory, subject to approval by the Oregon Department of Administrative Services prior to adopting a new fee or changing an existing fee.

(4) All moneys collected under subsection (3) of this section shall be deposited in the Public Health Account to be used for expenses of the state public health *[laboratory]* **laboratories**.

SECTION 3. ORS 433.035 is amended to read:

433.035. (1)(a) The Public Health Director or a local public health administrator may require testing or medical examination of any person who may have, or may have been exposed to, a communicable disease identified by rule of the Oregon Health Authority to be a reportable disease, a new or uncommon disease of potential public health significance, or a condition that is the basis of a state of public health emergency declared by the Governor as authorized by ORS 433.441. The Public Health Director or the local public health administrator must issue a written order for test-

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 ing or medical examination pursuant to this section.

2 (b) A written order must:

3 (A) Include findings stating the communicable disease that the Public Health Director or the
4 local public health administrator believes the person has and the reasons for that belief.

5 (B) State whether medical or laboratory confirmation of the disease is feasible and possible and
6 whether such confirmation would enable control measures to be taken to minimize infection of oth-
7 ers with the disease.

8 (C) Include a statement that the person may refuse to submit to the testing or medical exam-
9 ination and that if the testing or examination is refused, the Public Health Director or the local
10 public health administrator may seek the imposition of a public health measure, including isolation
11 or quarantine pursuant to ORS 433.121 or 433.123.

12 (2) When a person is directed to submit to a test or examination under this section and the
13 person agrees to do so, the person shall submit to any testing or examination as may be necessary
14 to establish the presence or absence of the communicable disease for which the testing or exam-
15 ination was directed. The examination shall be carried out by the local health officer or a physician
16 licensed by the Oregon Medical Board or the Oregon Board of Naturopathic Medicine. A written
17 report of the results of the test or examination shall be provided to the person ordering the test or
18 examination, and upon request, to the person tested or examined. Laboratory examinations, if any,
19 shall be carried out by *[the]* a laboratory of the authority **established under section 1 of this 2023**
20 **Act** whenever the examinations are within the scope of the tests conducted by the laboratory. If
21 treatment is needed, the person or the parent or guardian of the person shall be liable for the costs
22 of treatment based on the examination carried out under this section, if the person liable is able to
23 pay the treatment costs. Cost of any examination performed by a physician in private practice shall
24 be paid from public funds available to the local public health administrator, if any, or from county
25 funds available for general governmental expenses in the county that the local public health ad-
26 ministrator serves or in the county where the person tested or examined resides if the local public
27 health administrator serves more than one county or the test or examination was ordered by the
28 Public Health Director or local public health administrator.

29 (3) If a person has a communicable disease, a new or uncommon disease of potential public
30 health significance, or a condition that is the basis of a state of public health emergency, the Public
31 Health Director or the local public health administrator may issue an order requiring the person to
32 complete an appropriate prescribed course of medication or other treatment for the communicable
33 disease, including directly observed therapy if appropriate, and to follow infection control provisions
34 for the disease. The order shall also include statements that the person may refuse the medication
35 or other treatment and that the person's failure to comply with the order issued under this sub-
36 section may result in the Public Health Director or the local public health administrator seeking the
37 imposition of a public health measure, including isolation or quarantine as authorized by ORS
38 433.121 and 433.123.

39 (4) The Public Health Director or the local public health administrator must make every effort
40 to obtain voluntary compliance from a person for any testing, medical examination and treatment
41 required under this section.

42 (5) Any action taken by the Public Health Director or the local public health administrator un-
43 der this section to compel testing, medical examination or treatment of a person who has a
44 communicable disease, a new or uncommon disease of potential public health significance, or a
45 condition that is the basis of a state of public health emergency must be the least restrictive alter-

1 native available to accomplish the results necessary to minimize the transmission of the disease to
2 others.

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