

# Senate Bill 640

Sponsored by Senator KNOPP; Senator GIROD (at the request of Oregonians for Medical Freedom) (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**.

Establishes durational limits for states of emergency declared under certain statutes. Provides that Legislative Assembly may extend or authorize extension of state of emergency by joint resolution.

Provides that, after termination of state of emergency, Governor may not declare another state of emergency for same purpose unless so authorized by Legislative Assembly.

## A BILL FOR AN ACT

Relating to declarations of emergency; amending ORS 401.204 and 433.441.

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

**SECTION 1.** ORS 401.204 is amended to read:

401.204. (1) **A state of emergency declared under ORS 401.165 or 433.441 terminates 31 days after the state of emergency is first declared, unless extended under subsection (2) of this section.**

(2) **The Legislative Assembly may, by joint resolution, extend a state of emergency, or authorize the Governor to extend a state of emergency, beyond the duration specified in subsection (1) of this section. A joint resolution under this subsection must specify the duration of the extension. There is no limit to the number of extensions that may be made or authorized under this subsection.**

*[(1)]* (3) **The Governor shall terminate the state of emergency by proclamation when the emergency no longer exists, or when the threat of an emergency has passed. The Governor may terminate the state of emergency before the state of emergency terminates under subsection (1) or (2) of this section.**

*[(2)]* (4) **The state of emergency proclaimed by the Governor may be terminated at any time by joint resolution of the Legislative Assembly.**

(5) **After the state of emergency terminates, the Governor may not declare another state of emergency for the same purpose unless so authorized by joint resolution of the Legislative Assembly.**

**SECTION 2.** ORS 433.441 is amended to read:

433.441. (1) **Upon the occurrence of a public health emergency, the Governor may declare a state of public health emergency as authorized by ORS 433.441 to 433.452 to protect the public health.**

(2) **A declaration of a state of public health emergency must specify:**

(a) **The nature of the public health emergency;**

(b) **The political subdivision or geographic area subject to the declaration;**

(c) **The conditions that have brought about the public health emergency; and**

(d) **The duration of the state of public health emergency, if the duration is less than *[14]* 31 days.**

**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 (3) During a declared public health emergency, the Governor may:

2 (a) Close, order the evacuation of or order the decontamination of any facility the Governor has  
3 reasonable cause to believe may endanger the public health.

4 (b) Regulate or restrict by any means necessary the use, sale or distribution of food, fuel, med-  
5 ical supplies, medicines or other goods and services.

6 (c) Prescribe modes of transportation, routes and destinations required for the evacuation of  
7 individuals or the provision of emergency services.

8 (d) Control or limit entry into, exit from, movement within and the occupancy of premises in any  
9 public area subject to or threatened by a public health emergency if such actions are reasonable  
10 and necessary to respond to the public health emergency.

11 (e) Authorize pharmacists licensed under ORS chapter 689 to administer vaccines to persons  
12 who are three years of age or older.

13 (f) Take any other action that may be necessary for the management of resources, or to protect  
14 the public during a public health emergency, including any actions authorized under ORS 401.168,  
15 401.185, 401.188 and 401.192.

16 (4) Nothing in ORS 433.441 to 433.452 limits the authority of the Governor to declare a state  
17 of emergency under ORS 401.165. If a state of emergency is declared as authorized under ORS  
18 401.165, the Governor may implement any action authorized by ORS 433.441 to 433.452.

19 *[(5) A declaration of a state of public health emergency expires when terminated by a declaration  
20 of the Governor or no more than 14 days after the date the public health emergency is declared unless  
21 the Governor expressly extends the declaration for an additional 14-day period.]*

22 **(5) A public health emergency declared under this section is subject to the durational  
23 limits and other provisions of ORS 401.204.**

24 (6) When real or personal property is taken under power granted by this section, the owner of  
25 the property shall be entitled to reasonable compensation from the state.

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