

# Senate Bill 813

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## 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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act adds some government employees to the list of people who can ask a court to make a person get tested for some diseases. (Flesch Readability Score: 66.4).

Adds employees of the Oregon Youth Authority or a county juvenile department to the list of people who are authorized to petition the circuit court for an order compelling a third party to complete a test for communicable diseases under certain circumstances.

## A BILL FOR AN ACT

1  
2 Relating to exposure to bodily fluids; amending ORS 431A.570.

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

4 **SECTION 1.** ORS 431A.570, as amended by section 75, chapter 73, Oregon Laws 2024, is  
5 amended to read:

6 431A.570. (1) As used in this section:

7 (a) "Communicable disease" has the meaning given that term in ORS 431A.005.

8 (b) "Good faith effort to obtain the voluntary consent of the source person" includes a good faith  
9 effort to locate or contact the source person.

10 (c) "Significant exposure" means direct contact with blood, bodily fluids or other potentially  
11 infectious materials of a person, and the contact is capable of transmitting a communicable disease.

12 (2) Notwithstanding any other provision of law, an employee of the Department of Corrections,  
13 **an employee of the Oregon Youth Authority, an employee of a county juvenile department,**  
14 a law enforcement officer as defined in ORS 414.805, a parole and probation officer as defined in  
15 ORS 181A.355, a corrections officer as defined in ORS 181A.355, an emergency medical services  
16 provider as defined in ORS 682.025, a licensed health care provider as defined in ORS 433.060 or a  
17 firefighter who, in the performance of the person's official duties, comes into contact with the blood,  
18 bodily fluid or other potentially infectious material of another person may petition the circuit court  
19 for an order compelling the testing of the source person for a communicable disease, provided that  
20 the person making the petition has first made a good faith effort to obtain the voluntary consent  
21 of the source person to be tested for a communicable disease.

22 (3) A petition submitted under this section must:

23 (a) Set forth the facts and circumstances of the contact with the source person and the reasons  
24 the petitioner and a medically trained person representing the petitioner, if available, believe the  
25 contact with the source person constitutes significant exposure and that testing is appropriate;

26 (b) If a medically trained person is not available to represent the petitioner, include the reason  
27 for the unavailability;

28 (c) Include information sufficient to identify the source person and the location of the source

**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 person, if known; and

2 (d) Include a statement by the petitioner attesting to having made a good faith effort to obtain  
3 the voluntary consent of the source person to be tested for a communicable disease.

4 (4) The circuit court shall hold an ex parte hearing in person, by telephone or by other appro-  
5 priate means no later than three judicial days after receiving a petition under this section. Upon  
6 a finding that the requirements of subsection (3) of this section have been met and a showing that  
7 the circumstances create probable cause to conclude that the petitioner's contact with the source  
8 person constitutes significant exposure, the court shall order the testing of the source person. The  
9 court shall issue the order no later than four judicial days after receiving a petition under this  
10 section.

11 (5) If the circuit court orders a test under subsection (4) of this section:

12 (a) The order shall direct the source person to allow a test to be performed by a licensed health  
13 care provider, without delay, for a communicable disease that may be transmitted by the type of  
14 contact that occurred and may specify the date by which the test must be completed. If the source  
15 person is in custody or otherwise subject to the legal control of another person, the order may be  
16 directed to the agency with custody of, or the other person with legal control over, the source  
17 person. The order may direct the agency or other person to provide the source person with a copy  
18 of the order. The order may contain any directions necessary to ensure that the test is performed.

19 (b) The petitioner shall designate a physician, physician associate or nurse practitioner to re-  
20 ceive the results of the test on behalf of the petitioner.

21 (c) The order must inform the source person, or the agency with custody of or other person with  
22 legal control over the source person, of:

23 (A) The physician, physician associate or nurse practitioner who is to receive the results of the  
24 test on behalf of the petitioner; and

25 (B) How to obtain payment for costs under subsection (8) of this section.

26 (d) The order must be served on the source person, or the agency with custody of or other  
27 person with legal control over the source person, in the manner directed by the court. The court  
28 may provide for service of the order by any means appropriate to the circumstances of the source  
29 person, including directing the petitioner or the sheriff to serve the order. The costs associated with  
30 serving the order must be paid as provided under subsection (8) of this section.

31 (e) The order is enforceable through the contempt powers of the court.

32 (6) The results of a test ordered under this section:

33 (a) Are confidential and not subject to public disclosure under ORS 192.311 to 192.478; and

34 (b) May be made available only to the physician, physician associate or nurse practitioner des-  
35 igned by the petitioner to receive the results of the test, the Oregon Health Authority and the  
36 source person.

37 (7) Blood, bodily fluids or other potentially infectious materials taken from a source person for  
38 the purpose of performing a test under this section:

39 (a) May not be used for a civil or criminal investigation or as evidence in civil or criminal  
40 proceeding; and

41 (b) May be retained only as long as necessary to confirm the results of a test performed under  
42 this section.

43 (8) A charge or filing fee may not be imposed for the filing of a petition under this section. The  
44 cost of any testing ordered under this section shall be the responsibility of the employer of the  
45 petitioner.

