

# D R A F T

## SUMMARY

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

### 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 14 days after the state of emergency is first declared, unless extended under subsection (2) or (3) of this section.**

(2) **During the state of emergency, the Governor may extend the state of emergency by up to 14 additional days. The Governor may extend the state of emergency only once under this subsection.**

(3) **During the state of emergency, the Legislative Assembly may, by joint resolution, extend the state of emergency by any amount of time. There is no limit to the number of times the Legislative Assembly may extend the state of emergency under this subsection.**

[(1)] (4) **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 subsections (1) to (3) of this section.**

[(2)] (5) **The state of emergency proclaimed by the Governor may be ter-**

1 minated at any time by joint resolution of the Legislative Assembly.

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

3 433.441. (1) Upon the occurrence of a public health emergency, the Gov-  
4 ernor may declare a state of public health emergency as authorized by ORS  
5 433.441 to 433.452 to protect the public health.

6 (2) A proclamation of a state of public health emergency must specify:

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

8 (b) The political subdivision or geographic area subject to the proclama-  
9 tion;

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

12 (d) The duration of the state of public health emergency, if the duration  
13 is less than 14 days.

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

15 (a) Close[,] **or** order the evacuation of or the decontamination of any fa-  
16 cility the Governor has reasonable cause to believe may endanger the public  
17 health.

18 (b) Regulate or restrict by any means necessary the use, sale or distrib-  
19 ution of food, fuel, medical supplies, medicines or other goods and services.

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

22 (d) Control or limit entry into, exit from, movement within and the oc-  
23 cupancy of premises in any public area subject to or threatened by a public  
24 health emergency if such actions are reasonable and necessary to respond to  
25 the public health emergency.

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

28 (f) Take any other action that may be necessary for the management of  
29 resources, or to protect the public during a public health emergency, in-  
30 cluding any actions authorized under ORS 401.168, 401.185, 401.188 and  
31 401.192.

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

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

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

11 (6) When real or personal property is taken under power granted by this  
12 section, the owner of the property shall be entitled to reasonable compen-  
13 sation from the state.

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