

D R A F T

SUMMARY

Directs Oregon Business Development Department to establish program to create Oregon Critical Disaster Preparedness Stockpile to ensure robust stock of emergency supplies and equipment. Directs Oregon Homeland Security Council, in consultation with Oregon Health Authority and relevant state agencies, to develop list of essential equipment, materials, supplies, distribution channels and manufacturing capabilities for stockpile, including personal protective equipment, communicable disease testing equipment and all-hazards emergency surge supplies. Requires council to report to Legislative Assembly. Directs department to establish and administer Oregon Resiliency Partnership in consultation with other entities. Limits civil liability in certain circumstances.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to critical disaster preparedness; and declaring an emergency.

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

SECTION 1. (1) The Oregon Business Development Department shall establish by rule a program to create the Oregon Critical Disaster Preparedness Stockpile.

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

(3) The program shall be administered by the department in cooperation with county emergency management agencies and the Office

1 of Emergency Management.

2 **SECTION 2. (1) No later than March 15, 2021, the Oregon Homeland**
3 **Security Council shall, in consultation with the Oregon Health Au-**
4 **thority and other relevant state agencies:**

5 (a) Develop a comprehensive list of essential equipment, materials,
6 supplies, distribution channels and manufacturing capabilities neces-
7 sary to accomplish the purpose of the Oregon Critical Disaster
8 Preparedness Stockpile described in section 1 of this 2020 third special
9 session Act;

10 (b) Determine a statewide standard of availability, sufficient to ad-
11 equately protect public health and safety, for each article of personal
12 protective equipment and each element of communicable disease test-
13 ing equipment on the list;

14 (c) Establish metrics and processes for real-time, transparent re-
15 porting of materials, supplies, distribution channels and manufactur-
16 ing capabilities for each type of equipment or supply on the list that
17 the council deems to be critical in an emergency; and

18 (d) Obtain from hospitals, long-term care facilities, provider groups
19 and health care organizations information on the extent to which each
20 entity is able to provide personal protective equipment to personnel
21 who are in contact with patients, including usage rates of personal
22 protective equipment.

23 (2) Entities described in subsection (1)(d) of this section shall report
24 the information to the council as expeditiously as practicable in ac-
25 cordance with timelines and parameters established by the council.

26 (3) The council may subpoena any witnesses or documents neces-
27 sary to obtain the information described in subsection (1)(d) of this
28 section.

29 (4) If an entity or witness fails to comply with a subpoena issued
30 by the council under subsection (3) of this section, a court of compe-
31 tent jurisdiction, upon application by the council, shall compel obedi-

1 **ence by proceedings for contempt as in the case of disobedience of the**
2 **requirements of a subpoena issued by the court.**

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

7 **SECTION 3. The Oregon Homeland Security Council shall provide,**
8 **no later than May 15, 2021, to the standing or interim committees of**
9 **the Legislative Assembly related to emergency preparedness a report**
10 **on the progress made and actions taken pursuant to section 2 of this**
11 **2020 third special session Act, including an implementation strategy**
12 **for achieving the robust stock of supplies and equipment described in**
13 **section 1 of this 2020 third special session Act.**

14 **SECTION 4. Following the development of the list by the Oregon**
15 **Homeland Security Council under section 2 of this 2020 third special**
16 **session Act, the Oregon Business Development Department shall, in**
17 **consultation with the Office of Emergency Management, the Oregon**
18 **Homeland Security Council, the Oregon Health Authority and the**
19 **Oregon Department of Administrative Services, adopt rules to:**

20 **(1) Implement and achieve as expeditiously as practicable the pro-**
21 **gram and objectives described in section 1 of this 2020 third special**
22 **session Act, including, without limitation:**

23 **(a) Establishment of a rotation schedule for supplies, equipment**
24 **and materials in the Oregon Critical Disaster Preparedness Stockpile;**
25 **and**

26 **(b) Establishment of quality standards for elements of the Oregon**
27 **Critical Disaster Preparedness Stockpile, utilizing guidance from the**
28 **Centers for Disease Control and other public health organizations; and**

29 **(2) Establish and administer the Oregon Resiliency Partnership as**
30 **described in section 5 of this 2020 third special session Act.**

31 **SECTION 5. (1) The Oregon Resiliency Partnership described in**

1 section 4 of this 2020 third special session Act may, to the extent nec-
2 essary to create and maintain the Oregon Critical Disaster
3 Preparedness Stockpile described in section 1 of this 2020 third special
4 session Act, provide to any eligible and participating person:

5 (a) Guaranteed purchase contracts with the State of Oregon for
6 supplies or equipment included on the list described in section 2 of this
7 2020 third special session Act;

8 (b) Economic incentives to encourage participation in the partner-
9 ship; and

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

12 (2) Each person that participates in the partnership must demon-
13 strate to the Oregon Business Development Department on an annual
14 basis that:

15 (a) The person has the capacity to manufacture supplies or equip-
16 ment included on the list described in section 2 of this 2020 third spe-
17 cial session Act, including access to all the necessary equipment,
18 materials, tools, supplies and training needed to sustain manufactur-
19 ing during emergency surge events; and

20 (b) The person has existing contractual relationships sufficient to
21 enable the person to expand production of one or more types of sup-
22 plies or equipment included on the list described in section 2 of this
23 2020 third special session Act during a state of emergency declared by
24 the Governor.

25 SECTION 6. (1) As used in this section, “qualified good” means an
26 item:

27 (a) Manufactured pursuant to a contract with the State of Oregon
28 under section 5 of this 2020 third special section Act;

29 (b) Manufactured during a state of emergency declared by the
30 Governor under ORS 401.165;

31 (c) Manufactured by a person that did not manufacture the type

1 of item prior to the state of emergency;

2 (d) Sold at a price not exceeding the cost to manufacture; and

3 (e) Meeting the specifications for use and manufacturing estab-
4 lished by the contract with the State of Oregon.

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

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

10 (a) Engages in gross negligence or reckless, wanton or intentional
11 misconduct, and that gross negligence or misconduct is a cause of the
12 injury or damage;

13 (b) Commits an act or omission that constitutes negligence or
14 willful or wanton disregard for safety, and that act or omission is a
15 cause of the injury or damage;

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

18 (d) Knows or reasonable should have known of a dangerous condi-
19 tion about a qualified good, does not make the danger known and that
20 danger is a cause of the injury or damage.

21 SECTION 7. This 2020 third special session Act being necessary for
22 the immediate preservation of the public peace, health and safety, an
23 emergency is declared to exist, and this 2020 third special session Act
24 takes effect on its passage.

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