

Emergency Declarations; (Public Health) Emergency Laws

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Declaration of Emergency

- The Governor may declare a state of emergency at the request of a county governing body or after determining that an emergency has occurred or is imminent. ORS 401.055(1).
- An emergency includes a circumstance that causes or threatens widespread loss of life or human suffering. ORS 401.025.

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Governor's Emergency Powers

- Broad powers:
 - Complete authority over all executive agencies of state government including the authority to direct agencies to provide supplemental services and equipment to local governments (ORS 401.065(1) and (3));
 - Can exercise all police powers vested in the state by the Oregon Constitution in order to respond to the emergency (ORS 401.065(1));
 - Can suspend provisions of any order or rule of any state agency, if strict compliance with the order or rule would hamper the ability of the state to respond to the emergency (ORS 401.065(3));

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Governor's Emergency Powers Con't.

- Control, restrict and regulate by rationing, price fixing, or allocation or other means, the use, sale or distribution of commodities, materials, goods and services (ORS 401.085(1));
- Prescribe and direct activities in connection with health and medical care (ORS 401.085(2));
- Declare an abnormal disruption of the market; and
- Take any other action that may be necessary for the management of resources following an emergency (ORS 401.085(3)).

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Declaration of Public Health Emergency

- The Governor may also declare a public health emergency. ORS 433.441.
- A public health emergency includes an occurrence of a disease caused by a novel infectious agent that may be highly contagious and that poses a high probability of widespread exposure with significant future risk of harm to a large number of persons. ORS 433.442(4).

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Governor's Public Health Emergency Authority

- If the Governor declares a public health emergency, he may:
 - Close, order the evacuation of any facility the Governor has reasonable cause to believe may endanger the public health.
 - Regulate or restrict by any means necessary the use, sale or distribution of food, fuel, medical supplies, medicines or other goods and services.

(ORS 433.441)
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Governor's Public Health Emergency Authority, Cont.

- Prescribe modes of transportation, routes and destinations required for the evacuation of individuals or the provision of emergency services.
- Control or limit entry into, exit from, movement within and the occupancy of premises in any public area subject to or threatened by a public health emergency if such actions are reasonable and necessary to respond to the public health emergency.
- Utilize any of the authorities in ORS 401.

(ORS 433.441)

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Public Health Director Authority

- During a declared public health emergency the state Public Health Director is authorized to:
 - Coordinate the public health response across jurisdictions.
 - Prescribe measures for the control of the disease, including creating and requiring the use of diagnostic and treatment guidelines for health care providers and health care facilities.
 - Adopt disease reporting requirements for health care providers and health care facilities.

ORS 433.443, 431.264

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Public Health Director Authority, Cont.

- During a declared public health emergency the state Public Health Director is authorized to:
 - Order, or authorize local public health administrators to order public health measures.
 - Require a person to obtain treatment and use appropriate prophylactic measures to prevent the introduction or spread of a disease (unless medical contraindication/objection).
 - Take control of, allocate, and distribute medicines, medical supplies, or personal protective equipment.

ORS 433.443, 431.264

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Public Health Director Authority, Cont.

- During a declared public health emergency the state Public Health Director is authorized to:
 - Direct a district school board to close a children's facility or school under the jurisdiction of the board.
 - Issue guidelines for private businesses regarding appropriate work restrictions.
 - Upon approval of the Governor, take other actions necessary to address the public health emergency.

ORS 433.443, 431.264

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Mid-level public health emergency

- If the Governor has not declared an emergency, but the state Public Health Director determines that:
 - There is a disease outbreak or epidemic that is overwhelming local public health authorities and that poses a significant risk to the public's health; or
 - There is a disease outbreak that is an issue of significant regional or national concern; or is an issue for which there is significant involvement from federal authorities requiring state-federal coordination.
- The Public Health Director may request that the Governor approve the use of additional public health authorities - essentially the same as the authorities that can be exercised during a declared public health emergency. ORS 431.264.

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Public Health Authority, Generally

- State and local public health authorities are authorized to:
 - Take actions necessary to control disease, including isolation, quarantine, imposing public health measures. ORS 433.004, 433.006, 433.035, 433.121, 433.123.
 - Restrict persons who attend or work at schools, child care facilities, health care facilities, or food service facilities that are in the communicable stage of a restrictable disease. OAR 333-019-0010.
- State public health may also issue rules that mandate who gets vaccine during a vaccine shortage. ORS 433.040.

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Questions?

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