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~~Enrolled~~
~~B Engrossed~~

add sponsors

Senate Bill 741

Ordered by the House June 26
Including Senate Amendments dated June 9 and House Amendments
dated June 26

Sponsored by Senators L. HILL, FAWBUSH, JOLIN, KITZHABER, *Representatives Calousi, Chase, Ford,*
Mannix, Markham, Sowa

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.

Requires **every** reasonable effort to notify worker and employer of risk of infection in known or suspected cases **as soon as medically appropriate under circumstances of case**. Defines terms.

Requires employers of health care personnel at risk of contracting infectious disease to provide immunization if available and medically appropriate.

Requires Health Division to adopt rules implementing Act.

A BILL FOR AN ACT

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Relating to infectious diseases.

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

SECTION 1. The Legislative Assembly finds that by reason of and in the course of their employment, health care workers and emergency response employees, are subject to exposure to infectious diseases, that this exposure is not fully preventable due to the nature of their duties and that health care workers should be informed of exposure to infectious diseases as soon as is practicable to initiate appropriate medical care and to prevent exposing other persons to infectious diseases.

SECTION 2. As used in this Act unless the context requires otherwise:

(1) "Division" means the Health Division of the Department of Human Resources.

(2) "Health care facility" means a facility as defined in ORS 442.015 and a mental health facility, alcohol treatment facility or drug treatment facility licensed or operated under ORS chapter 426 or 430.

(3) "Worker" means a person who is licensed or certified to provide health care under ORS chapter 677, 678, 679, 680, 684 or 685 or ORS 823.150, an employe of a health care facility, of a licensed health care provider or of a clinical laboratory as defined in ORS 438.010 (1), a firefighter, a law enforcement officer as defined in ORS 30.795, a corrections officer or a probation officer.

SECTION 3. (1) An employer of a health care worker at risk of contracting an infectious disease in the course of employment shall provide to the worker preventive immunization for infectious disease if such preventive immunization is available and is medically appropriate.

(2) Such preventive immunization shall be provided by the employer at no cost to the worker.

(3) A worker shall not be required as a condition of work to be immunized under this section, unless such immunization is otherwise required by federal or state law, rule or regulation.

SECTION 4. When a local health department or the Health Division learns of a case or suspected case of an infectious disease which may have exposed a worker to risk of infection, the local health department or the Health Division shall make every reasonable effort to notify the worker

NOTE: Matter in bold face in an amended section is new; matter [italic and bracketed] is existing law to be omitted.

1 and employer of the exposure as soon as medically appropriate given the urgency of the disease or
2 suspected disease. Notification shall include recommendations to the worker and employer that are
3 medically appropriate.

4 **SECTION 5.** (1) The Health Division shall adopt rules implementing this Act. Such rules shall
5 include, but need not be limited to:

6 (a) The development of curriculum dealing with the exposure of workers to infectious diseases;

7 (b) Development and conduct of training programs for local health department personnel to
8 prepare them to train workers about the subject of infectious diseases;

9 (c) Information on the manner in which infectious diseases are transmitted; and

10 (d) Guidelines that can assist workers and their employers in distinguishing between conditions
11 in which such workers are or are not at risk with respect to infectious diseases.

12 (2) The rules adopted by the Health Division shall require that implementation of this Act be
13 accomplished in such a manner as to protect the confidentiality of persons with infectious diseases
14 and workers exposed to such persons.

15

Measure No. S.B. 7411

Date June 28, 1989

Carrier J. Hill

	Aye	Nay	Abs.	Ex.	Leg. Bus.		Aye	Nay	Abs.	Ex.	Leg. Bus.
BRADBURY	/				/	JOLIN	/				
BRENNEMAN	/					KENNEMER	/				
BROCKMAN	/					KERANS	/				
BUNN	/					KINTIGH	/				
CEASE	/					McCOY	/				
COHEN	/					OTTO	/				
DUKES	/					PHILLIPS	/				
FAWBUSH	/					ROBERTS	/				
GOLD	/					SHOEMAKER	/				
GRENSKY	/					SPRINGER	/				
HAMBY					/	THORNE					/
HANNON					/	TIMMS	/				
HILL, J.	/					TROW					/
HILL, L.	/					YIH					/
HOUCK	/					PRESIDENT KITZHABER	/				
						TOTALS	24				6

Nays _____

Absent _____

Excused _____

Attending Legislative Business _____

Notification of House Amendments to SB

741-B

To: Sen.

McCoy

Date

6-28

Chairman, Committee on

Human Resources

cc: Sen.

Kerry Hill

Principal Sponsor

Message notifying of House passage with amendments read

6-28

Action on amendments governed by Senate Rule 11:01.

To assist in preparation of Agenda, would the Committee Chairman please advise the Secretary of action to be recommended.

Secretary of the Senate

To concur

Not to concur

Senator

R. Hill

will lead discussion.

(Initial and return to Secretary of the Senate)

RAMONA KENADY
Chief Clerk

VICKI GRIDLEY-SMITH
Assistant Chief Clerk



Room H-271, State Capitol
Salem, Oregon 97310-1347

Telephone
(503) 378-8880

HOUSE OF REPRESENTATIVES
SALEM, OREGON
97310-1347

TO: Jackie Fretwell, Legislative Counsel
FROM: Vicki Gridley-Smith, Asst. Chief Clerk *VS*
SUBJECT: SB 741 - additional sponsors
DATE: June 28, 1989

Please add the following Representatives as additional sponsors to
SB 741:

Calouri	Mannix
Cease	Markham
Ford	Sowa

Thank you!

Please add
my name
as a sponsor

SB 741

Jed Colson



June 27, 1989

RON CEASE
Representative
State of Oregon

Desk:

Please add me as a
sponsor to SB 741
Thank you.

Ron Cease

Home Address: 2625 NE Hancock, Portland, Oregon 97212

From the Desk of

House of Representatives



Please add me as a
co-sponsor of SB 741

Kevin Mannix

Dis. 32

Ramona -

Please add my name
to SB 741

Bill

Markham

4-27-89

Please add my
name as co-sponsor
to SB 741

Charles
Camp/Scott

OREGON HOUSE OF REPRESENTATIVES
1989-90 SESSION
ROLL CALL

SB 741 B CARRIED BY Cease

TUESDAY, JUNE 27, 1989

PASSAGE

YEAS - 52 NAYS - 0 ABSENT - 2 EXCUSED - 0 EXCUSED-HOUSE BUS - 6

A	Agrons	Y	Gershon	Y	Oakley
Y	Baum	Y	Gilmour	Y	Parkinson
Y	Bauman	B	Hanlon	Y	Peterson
Y	Brian	B	Hanneman	Y	Pickard
Y	Bunn	Y	Hayden	Y	Repine
B	Burton	Y	Hosticka	Y	Rijken
Y	Calhoon	Y	Hugo	Y	Roberts
Y	Calouri	Y	Johnson	Y	Sayler
Y	Campbell	Y	Jones, D.	Y	Schoon
Y	Carter	Y	Jones, D.E.	Y	Schroeder
Y	Cease	Y	Keisling	Y	Shiprack
Y	Clark	Y	Kotulski	B	Sowa
Y	Clarno	Y	Mannix	B	Stein
B	Courtney	Y	Markham	Y	Van Vliet
Y	Derfler	Y	Mason	Y	VanLeeuwen
Y	Dix	Y	McTeague	Y	Walden
Y	Dominy	Y	Miller	Y	Wehage
Y	Dwyer	Y	Minnis	Y	Whitty
Y	Edmunson	Y	Nelson	A	Young
Y	Ford	Y	Norris	Y	Speaker Katz

YEAS, 52, Baum, Bauman, Brian, Bunn, Calhoon, Calouri, Campbell, Carter, Cease, Clark, Clarno, Derfler, Dix, Dominy, Dwyer, Edmunson, Ford, Gershon, Gilmour, Hayden, Hosticka, Hugo, Johnson, Jones, D., Jones, D.E., Keisling, Kotulski, Mannix, Markham, Mason, McTeague, Miller, Minnis, Nelson, Norris, Oakley, Parkinson, Peterson, Pickard, Repine, Rijken, Roberts, Sayler, Schoon, Schroeder, Shiprack, Van Vliet, VanLeeuwen, Walden, Wehage, Whitty, Speaker Katz.

NAYS, 0.

ABSENT, 2, Agrons, Young.

EXCUSED, 0.

EXCUSED FOR BUSINESS OF THE HOUSE, 6, Burton, Courtney, Hanlon, Hanneman, Sowa, Stein.

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^B
A-Engrossed

Senate Bill 741

Ordered by the Senate June 9 ^{House June 26}
Including Senate Amendments dated June 9 ^{and House Amendments}

^{dated June 26}

Sponsored by Senators L. HILL, FAWBUSH, JOLIN, KITZHABER

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.

[Establishes procedures for reporting exposures to and testing for infectious diseases by emergency response employees.] **Requires reasonable effort to notify worker and employer of risk of infection in known or suspected cases.** Defines terms.

Requires employers of *[emergency response]* **health care personnel at risk of contracting infectious disease** to provide immunization if available and medically appropriate.

Requires Health Division to adopt rules implementing Act.

[Becomes operative 30 days after final adoption of rules implementing Act by division, or January 1, 1990, whichever is later.]

[Declares emergency, effective on passage.]

A BILL FOR AN ACT

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Relating to infectious diseases.

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

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SECTION 3. (1) An employer of a health care worker at risk of contracting an infectious disease in the course of employment shall provide to the worker preventive immunization for infectious disease if such preventive immunization is available and is medically appropriate.

(2) Such preventive immunization shall be provided by the employer at no cost to the worker.

(3) A worker shall not be required as a condition of work to be immunized under this section, unless such immunization is otherwise required by federal or state law, rule or regulation.

SECTION 4. When a local health department or the Health Division learns of a case or suspected case of an infectious disease which may have exposed a worker to risk of infection, the local

NOTE: Matter in **bold face** in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.

1 health department or the Health Division shall make ^{every} reasonable effort to notify the worker and
2 employer of the exposure. ^{as soon as medically appropriate given the urgency of the disease or} Notification shall include recommendations to the worker and employer
3 that are medically appropriate. ^{suspected disease}

4 **SECTION 5.** (1) The Health Division shall adopt rules implementing this Act. Such rules shall
5 include, but need not be limited to:

6 (a) The development of curriculum dealing with the exposure of workers to infectious diseases;

7 (b) Development and conduct of training programs for local health department personnel to
8 prepare them to train workers about the subject of infectious diseases;

9 (c) Information on the manner in which infectious diseases are transmitted; and

10 (d) Guidelines that can assist workers and their employers in distinguishing between conditions
11 in which such workers are or are not at risk with respect to infectious diseases.

12 (2) The rules adopted by the Health Division shall require that implementation of this Act be
13 accomplished in such a manner as to protect the confidentiality of persons with infectious diseases
14 and workers exposed to such persons.
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HOUSE COMMITTEE REPORT

June 22, 1989

Speaker Katz:

Your Committee on ENVIRONMENT & ENERGY to whom was referred SB 741-A having had the same under consideration, respectfully reports it back with recommendation that it

DO PASS WITH AMENDMENTS AND BE PRINTED ENGROSSED.

Rep. Cease
Carrier of Measure


Rep. Ron Cease, Chairperson

FOR INFORMATION ONLY - NOT PART OF COMMITTEE REPORT

VOTING AYE: 7 - Agrons, Cease, Jones, Keisling, Parkinson, Pickard, Wehage

VOTING NAY: None

EXCUSED: 2 - Dix, Hosticka

ABSENT: None

FOR OFFICE USE ONLY

SB 741-A4
(LC 2524)
6/22/89 (KB/ck)

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 741**

1 On page 2 of the printed A-engrossed bill, line 1, after "make" insert
2 "every".

3 In line 2, after "exposure" insert "as soon as medically appropriate given
4 the urgency of the disease or suspected disease".

5

OREGON HOUSE OF REPRESENTATIVES
STAFF MEASURE SUMMARY

Committee: Environment and Energy
Hearing Dates: 06/21/89
Prepared by: Adrienne Sexton

Date Prepared: 6/26/89

ISSUE ADDRESSED: Health care and emergency service workers are likely to be exposed to infectious diseases from individuals with whom they may not have further contact. Further, once a local health department or state Health Division learns of a suspected case which may affect a worker, there is no requirement that the worker be notified of the situation.

PROVISIONS OF MEASURE AS REPORTED OUT: Requires the employer of a worker who is at risk of exposure to provide preventative immunizations at no cost to the worker, if they are available, but that immunization may not be a condition of employment. Requires a local health department or the Health Division to make every reasonable effort to notify the worker and employer of any exposure or suspected exposure, as appropriate to the medical urgency of the suspected disease.

MAJOR POINTS DISCUSSED: The need for and mechanism of the local health department and Health Division providing notification to a worker who has been exposed to an infectious disease.

EFFECT OF COMMITTEE AMENDMENTS: Adds language to tie the notification to the medical urgency of the disease or suspected disease.

COMMITTEE VOTE: 7 - 0

CARRIER: Rep. Cease

AYES: Agrons, Cease, Jones, Keisling, Parkinson, Pickard, Wehage

NAYS: None

EXCUSED: Dix, Hosticka

Note: This summary has not been adopted or officially endorsed by action of the committee.

LEGISLATIVE FISCAL OFFICE

Fiscal Impact Assessment

Bill No. SB 741 B-Eng.

Date 6-23-89

This office has reviewed the proposed legislation and determined that it has NO IMPACT on state or local government expenditures.

Measure No. SB. 741
 Carrier J. Hill

Date June 13, 1989

	Aye	Nay	Abs.	Ex.	Leg. Bus.		Aye	Nay	Abs.	Ex.	Leg. Bus.
BRADBURY	/					JOLIN	/				
BRENNEMAN	/					KENNEMER	/				
+ BROCKMAN	/					KERANS	/				
BUNN	/					KINTIGH	/				
CEASE	/					McCOY	/				
COHEN	/					OTTO	/				
DUKES	/					PHILLIPS	/				
FAWBUSH	/					ROBERTS	/				
GOLD	/					SHOEMAKER	/				
GRENSKY	/					SPRINGER	/				
HAMBY	/					THORNE					/
HANNON	/					TIMMS	/				
HILL, J.	/					TROW	/				
HILL, L.	/					YIH	/				
HOUCK	/					PRESIDENT KITZHABER	/				
						TOTALS	29				1

Nays _____

Absent _____

Excused _____

Attending Legislative Business _____

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A-ENGROSSED
Senate Bill 741

Sponsored by Senators L. HILL, FAWBUSH, JOLIN, KITZHABER

*Ordered by the Senate June 9
Including Senate Amendments dated June 9*

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 procedures for reporting exposures to and testing for infectious diseases by emergency response employees. Defines terms.
- Requires employers of emergency response personnel to provide immunization if available and medically appropriate.
- Requires Health Division to adopt rules implementing Act.
- Becomes operative 30 days after final adoption of rules implementing Act by division, or January 1, 1990, whichever is later.
- Declares emergency, effective on passage.

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infectious diseases. **A BILL FOR AN ACT**

Relating to ~~emergency response employees, and declaring an emergency.~~

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

~~SECTION 1. The Legislative Assembly finds that by reason of and in the course of their employment, emergency response employees are subject to exposure to infectious diseases, that this exposure is not fully preventable due to the nature of emergency response duties and that emergency response employees should be informed of exposure to infectious diseases as soon as is practicable to prevent exposure to other emergency victims, co-workers and families.~~

~~SECTION 2. As used in this Act, unless the context requires otherwise:~~

- ~~(1) "Emergency" means an emergency involving injury or illness.~~
- ~~(2) "Emergency response employe" means fire fighters, law enforcement officers, corrections officers, paramedics and emergency medical technicians, who in the course of professional duties respond to emergencies, whether such employes serve in a volunteer capacity, receive nominal compensation or are fully compensated.~~
- ~~(3) "Employer of emergency response employes" means a public or private organization that, in the course of its duties, responds to emergencies.~~
- ~~(4) "Exposed" means oral contact, exposure to blood or body fluids, or otherwise at risk of contracting infectious disease as described by rule by the Health Division.~~
- ~~(5) "Infectious disease" means:~~
 - ~~(a) Hepatitis A.~~
 - ~~(b) Hepatitis B.~~
 - ~~(c) Hepatitis non-A/non-B.~~
 - ~~(d) Pulmonary tuberculosis.~~
 - ~~(e) Meningococcal meningitis.~~
 - ~~(f) Rubella.~~
 - ~~(g) Infection with the etiologic agent for acquired immune deficiency syndrome.~~
 - ~~(h) Any other disease specified by rule of the division under ORS 433.004.~~

~~SECTION 3. (1) An employer of any emergency response employe shall provide to the employe preventive immunization for infectious disease if such preventive immunization is available and is~~

*Insert
see next page*

NOTE: Matter in bold face in an amended section is new; matter [italic and bracketed] is existing law to be omitted.

1 medically appropriate.

2 (2) Such preventive immunization shall be provided by the employer at no cost to the employee.

3 (3) An emergency response employee shall not be required as a condition of work to be
4 immunized under this section, unless such immunization is otherwise required by federal or state
5 law, rule or regulation.

6 **SECTION 4.** (1) If a victim of an emergency is rescued, attended, treated or transported to a
7 medical facility by emergency response employees, and the medical facility makes a determination
8 that the victim has an infectious disease, the medical facility shall notify the employer of the
9 emergency response employees of its determination.

10 (2) If a victim of an emergency is rescued, attended, treated or transported to a medical facility
11 by emergency response employees and the victim dies at or before reaching the medical facility, the
12 medical facility ascertaining the cause of death of the victim shall notify the employer of the emer-
13 gency response employees of any determination by the medical facility that the victim had an infec-
14 tious disease.

15 (3) The notification required by this section shall be made orally by the medical facility and
16 shall be made not later than 48 hours after a determination described in this section is made and
17 shall be confirmed with written notification within 48 hours after the determination.

18 **SECTION 5.** (1) Upon request of an employee of the employer, an employer of emergency re-
19 sponse employees shall:

20 (a) Determine whether, if a victim of an emergency to which the employee responded was infected
21 with an infectious disease, the employee may have been exposed; and

22 (b) Make a request to a medical facility to which a victim was transported if, as indicated by
23 a determination made pursuant to this section, the employee may have been exposed to an infectious
24 disease.

25 (2) When a request has been made by an employer of an emergency response employee under this
26 section, the medical facility shall make any medically appropriate tests necessary to determine if the
27 victim is infected with an infectious disease.

28 (3) For the purposes of this section, a victim shall be considered to have given consent for any
29 medically appropriate tests necessary to determine if the victim is infected with an infectious dis-
30 ease.

31 **SECTION 6.** (1) If no notice is made under section 4 of this Act, upon the request of an em-
32 ployer of emergency response employees:

33 (a) With respect to any victim of an emergency who is rescued, attended, treated or transported
34 to a medical facility by emergency response employees, the medical facility shall notify the employer
35 if the medical facility makes a determination that the victim has an infectious disease.

36 (b) With respect to any victim of an emergency who is rescued, attended, treated or transported
37 to a medical facility by emergency response employees and who dies at or before reaching the med-
38 ical facility, the medical facility that ascertains the cause of death of any such victim shall notify
39 the employer if the medical facility makes a determination that the victim had an infectious disease.

40 (2) If the medical facility has made a determination prior to a request by an employer under this
41 section, then notification required by this section shall be made orally by the medical facility and
42 shall be made not later than 48 hours after a determination described in this section is made and
43 shall be confirmed with written notification within 48 hours after the determination.

44 (3) If a medical facility makes a determination after a request by an employer under this section,

4 **SECTION 1.** The Legislative Assembly finds that by reason of and in
5 the course of their employment, health care workers and emergency response
6 employes, are subject to exposure to infectious diseases, that this exposure
7 is not fully preventable due to the nature of their duties and that health care
8 workers should be informed of exposure to infectious diseases as soon as is
9 practicable to initiate appropriate medical care and to prevent exposing
10 other persons to infectious diseases.

11 **SECTION 2.** As used in this Act unless the context requires otherwise:

12 (1) "Division" means the Health Division of the Department of Human
13 Resources.

14 (2) "Health care facility" means a facility as defined in ORS 442.015 and
15 a mental health facility, alcohol treatment facility or drug treatment facility
16 licensed or operated under ORS chapter 426 or 430.

17 (3) "Worker" means a person who is licensed or certified to provide health
18 care under ORS chapter 677, 678, 679, 680, 684 or 685 or ORS 823.150, an
19 employe of a health care facility, of a licensed health care provider or of a
20 clinical laboratory as defined in ORS 438.010 (1), a firefighter, a law
21 enforcement officer as defined in ORS 30.795, a corrections officer or a pro-
22 bation officer.

23 **SECTION 3.** (1) An employer of a health care worker at risk of con-
24 tracting an infectious disease in the course of employment shall provide to

1 the worker preventive immunization for infectious disease if such preventive
2 immunization is available and is medically appropriate.

3 (2) Such preventive immunization shall be provided by the employer at
4 no cost to the worker.

5 (3) A worker shall not be required as a condition of work to be
6 immunized under this section, unless such immunization is otherwise re-
7 quired by federal or state law, rule or regulation.

8 SECTION 4. When a local health department or the Health Division
9 learns of a case or suspected case of an infectious disease which may have
10 exposed a worker to risk of infection, the local health department or the
11 Health Division shall make reasonable effort to notify the worker and em-
12 ployer of the exposure. Notification shall include recommendations to the
13 worker and employer that are medically appropriate.


14 SECTION 5. (1) The Health Division shall adopt rules implementing this
15 Act. Such rules shall include, but need not be limited to:

16 (a) The development of curriculum dealing with the exposure of workers
17 to infectious diseases;

18 (b) Development and conduct of training programs for local health de-
19 partment personnel to prepare them to train workers about the subject of
20 infectious diseases;

21 (c) Information on the manner in which infectious diseases are trans-
22 mitted; and

23 (d) Guidelines that can assist workers and their employers in distin-
24 guishing between conditions in which such workers are or are not at risk
25 with respect to infectious diseases.

26 (2) The rules adopted by the Health Division shall require that imple-
27 mentation of this Act be accomplished in such a manner as to protect the
28 confidentiality of persons with infectious diseases and workers exposed to
29 such persons. 

30

1 then notification required by this section shall be made orally by the medical facility and shall be
2 made not later than 48 hours after a determination described in this section is made and shall be
3 confirmed with written notification within 48 hours after the determination.

4 **SECTION 7.** In making a notification required under this Act, a medical facility:

5 (1) Shall not disclose the identity of the victim of the emergency;

6 (2) Shall provide the date and time when the victim of the emergency was rescued, attended,
7 treated or transported to a medical facility by emergency response employes, the location at which
8 such emergency occurred, including the address of the location, if known, and the name of the in-
9 fectious disease with respect to which a determination is made;

10 (3) Shall provide information of any action by the employe that, as indicated by rule adopted
11 by the Health Division, is medically appropriate; and

12 (4) Shall provide such other information as may be required by the division.

13 **SECTION 8.** (1) After receiving a notification under this Act, the employer of the emergency
14 response employes, to the extent practicable, immediately shall notify each of the employer's
15 employes who responded to the emergency involved and may have been exposed to an infectious
16 disease.

17 (2) Notification under this section to an emergency response employe shall inform the employe
18 of:

19 (a) The fact that the victim has or, if dead, had an infectious disease and the employe may have
20 been exposed;

21 (b) Any action to be taken by the employe that, as determined by rule by the Health Division,
22 is medically appropriate; and

23 (c) The location, date and time of the emergency.

24 (3) A notification under this section to an emergency response employe shall not identify the
25 victim of the emergency who may have exposed the employe to an infectious disease.

26 (4) If an emergency response employe who may have been exposed to the infectious disease no
27 longer is employed by the employer, the employer shall make reasonable efforts to locate and notify
28 the former employe that the employe may have been exposed to an infectious disease.

29 **SECTION 9.** Except as necessary to accomplish the purposes of this Act, the identity of emer-
30 gency response employes who may have been exposed to an infectious disease shall not be disclosed
31 by the medical facility or the employer of the emergency response employe.

32 **SECTION 10.** No medical facility, employer or emergency response employe may be held liable
33 for compliance with this Act. All such parties, provided they have acted in good faith, shall be
34 otherwise afforded total immunity from civil or criminal liability as a result of complying with this
35 Act or rules adopted by the Health Division to implement this Act.

36 **SECTION 11.** (1) The Health Division shall adopt rules implementing this Act. Such rules shall
37 include, but need not be limited to:

38 (a) Information on the manner in which infectious diseases are transmitted; and

39 (b) Guidelines that can assist emergency response employes and their employers in distinguish-
40 ing between conditions in which such employes are or are not at risk with respect to infectious
41 diseases.

42 (2) The rules adopted by the Health Division shall require that implementation of this Act be
43 accomplished in such a manner as to protect the confidentiality of the victim and the emergency
44 response employe.

1 ~~SECTION 12. The provisions of sections 1 to 8 of this Act shall be operative 30 days following~~
2 ~~final adoption of rules implementing this Act by the division, or January 1, 1990, whichever is later.~~

3 ~~SECTION 13. This Act being necessary for the immediate preservation of the public peace,~~
4 ~~health and safety, an emergency is declared to exist, and this Act takes effect on its passage.~~
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SENATE COMMITTEE REPORT

June 6, 1989

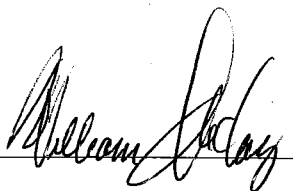
President Kitzhaber:

Your Committee on HUMAN RESOURCES to whom was referred SB 741 having had the same under consideration, respectfully reports it back recommending:

PASSAGE (ADOPTION) WITH AMENDMENTS.

NOT CONCURRING (SR 8.60) Senator (s)

Senator L. Hill will lead floor discussion.



Chair

**PROPOSED AMENDMENTS TO
SENATE BILL 741**

1 On page 1 of the printed bill, line 2, after "to" delete the rest of the line
2 and insert "infectious diseases."

3 Delete lines 4 through 29 and pages 2 through 4 and insert:

4 **"SECTION 1.** The Legislative Assembly finds that by reason of and in
5 the course of their employment, health care workers and emergency response
6 employes, are subject to exposure to infectious diseases, that this exposure
7 is not fully preventable due to the nature of their duties and that health care
8 workers should be informed of exposure to infectious diseases as soon as is
9 practicable to initiate appropriate medical care and to prevent exposing
10 other persons to infectious diseases.

11 **"SECTION 2.** As used in this Act unless the context requires otherwise:

12 "(1) 'Division' means the Health Division of the Department of Human
13 Resources.

14 "(2) 'Health care facility' means a facility as defined in ORS 442.015 and
15 a mental health facility, alcohol treatment facility or drug treatment facility
16 licensed or operated under ORS chapter 426 or 430.

17 "(3) 'Worker' means a person who is licensed or certified to provide health
18 care under ORS chapter 677, 678, 679, 680, 684 or 685 or ORS 823.150, an
19 employe of a health care facility, of a licensed health care provider or of a
20 clinical laboratory as defined in ORS 438.010 (1), a firefighter, a law
21 enforcement officer as defined in ORS 30.795, a corrections officer or a pro-
22 bation officer.

23 **"SECTION 3.** (1) An employer of a health care worker at risk of con-
24 tracting an infectious disease in the course of employment shall provide to

1 the worker preventive immunization for infectious disease if such preventive
2 immunization is available and is medically appropriate.

3 “(2) Such preventive immunization shall be provided by the employer at
4 no cost to the worker.

5 “(3) A worker shall not be required as a condition of work to be
6 immunized under this section, unless such immunization is otherwise re-
7 quired by federal or state law, rule or regulation.

8 **“SECTION 4.** When a local health department or the Health Division
9 learns of a case or suspected case of an infectious disease which may have
10 exposed a worker to risk of infection, the local health department or the
11 Health Division shall make reasonable effort to notify the worker and em-
12 ployer of the exposure. Notification shall include recommendations to the
13 worker and employer that are medically appropriate.

14 **“SECTION 5.** (1) The Health Division shall adopt rules implementing this
15 Act. Such rules shall include, but need not be limited to:

16 “(a) The development of curriculum dealing with the exposure of workers
17 to infectious diseases;

18 “(b) Development and conduct of training programs for local health de-
19 partment personnel to prepare them to train workers about the subject of
20 infectious diseases;

21 “(c) Information on the manner in which infectious diseases are trans-
22 mitted; and

23 “(d) Guidelines that can assist workers and their employers in distin-
24 guishing between conditions in which such workers are or are not at risk
25 with respect to infectious diseases.

26 “(2) The rules adopted by the Health Division shall require that imple-
27 mentation of this Act be accomplished in such a manner as to protect the
28 confidentiality of persons with infectious diseases and workers exposed to
29 such persons.”

30

OREGON STATE SENATE
STAFF MEASURE SUMMARY

Committee: Senate Human Resources
Hearing Dates: 5/24/89, 6/2/89, and 6/5/89
Prepared by: Mike Meriwether, Researcher
Date Prepared: June 6, 1989

ISSUE(S) ADDRESSED: Emergency response employees (fire fighters, law enforcement officers, corrections officers, paramedics and emergency medical technicians) may, when responding to emergencies, be exposed to infectious diseases. Such employees need to know if they have been exposed so that they may seek appropriate medical attention.

PROVISIONS OF MEASURE AS REPORTED OUT: Section 3 of the Bill requires employers to provide employees preventive immunization at no cost when medically appropriate. Section 4 requires a local health department or the Health Division when learning a worker has possibly been exposed to infectious disease to notify the worker and employer and recommend appropriate medical action. The Health Division is mandated to adopt rules to implement this Act.

MAJOR POINTS DISCUSSED:

EFFECTS OF COMMITTEE AMENDMENTS: Replaced the original bill with the provisions described above.

COMMITTEE VOTE: 4 - 0 **CARRIER:** L. Hill
AYES: McCoy, Kennemer, Kintigh, Trow
NAYS:
EXCUSED: Fawbush

Note: This summary has not been adopted or officially endorsed by action of the committee.

LEGISLATIVE FISCAL OFFICE

Fiscal Impact Assessment

Bill No. SB 741 A-Eng.

Date 6-8-89

This office has reviewed the proposed legislation and determined that it has NO IMPACT on state or local government expenditures.

B-Engrossed Senate Bill 741

Ordered by the House June 26
Including Senate Amendments dated June 9 and House Amendments
dated June 26

Sponsored by Senators L. HILL, FAWBUSH, JOLIN, KITZHABER.

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.

Requires **every** reasonable effort to notify worker and employer of risk of infection in known or suspected cases **as soon as medically appropriate under circumstances of case**. Defines terms.

Requires employers of health care personnel at risk of contracting infectious disease to provide immunization if available and medically appropriate.

Requires Health Division to adopt rules implementing Act.

A BILL FOR AN ACT

1

2 Relating to infectious diseases.

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

4 **SECTION 1.** The Legislative Assembly finds that by reason of and in the course of their em-
5 ployment, health care workers and emergency response employes, are subject to exposure to infec-
6 tious diseases, that this exposure is not fully preventable due to the nature of their duties and that
7 health care workers should be informed of exposure to infectious diseases as soon as is practicable
8 to initiate appropriate medical care and to prevent exposing other persons to infectious diseases.

9 **SECTION 2.** As used in this Act unless the context requires otherwise:

10 (1) "Division" means the Health Division of the Department of Human Resources.

11 (2) "Health care facility" means a facility as defined in ORS 442.015 and a mental health facility,
12 alcohol treatment facility or drug treatment facility licensed or operated under ORS chapter 426 or
13 430.

14 (3) "Worker" means a person who is licensed or certified to provide health care under ORS
15 chapter 677, 678, 679, 680, 684 or 685 or ORS 823.150, an employe of a health care facility, of a li-
16 censed health care provider or of a clinical laboratory as defined in ORS 438.010 (1), a firefighter,
17 a law enforcement officer as defined in ORS 30.795, a corrections officer or a probation officer.

18 **SECTION 3.** (1) An employer of a health care worker at risk of contracting an infectious dis-
19 ease in the course of employment shall provide to the worker preventive immunization for infectious
20 disease if such preventive immunization is available and is medically appropriate.

21 (2) Such preventive immunization shall be provided by the employer at no cost to the worker.

22 (3) A worker shall not be required as a condition of work to be immunized under this section,
23 unless such immunization is otherwise required by federal or state law, rule or regulation.

24 **SECTION 4.** When a local health department or the Health Division learns of a case or sus-
25 pected case of an infectious disease which may have exposed a worker to risk of infection, the local
26 health department or the Health Division shall make every reasonable effort to notify the worker

NOTE: Matter in **bold face** in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.

1 and employer of the exposure as soon as medically appropriate given the urgency of the disease or
2 suspected disease. Notification shall include recommendations to the worker and employer that are
3 medically appropriate.

4 **SECTION 5.** (1) The Health Division shall adopt rules implementing this Act. Such rules shall
5 include, but need not be limited to:

6 (a) The development of curriculum dealing with the exposure of workers to infectious diseases;

7 (b) Development and conduct of training programs for local health department personnel to
8 prepare them to train workers about the subject of infectious diseases;

9 (c) Information on the manner in which infectious diseases are transmitted; and

10 (d) Guidelines that can assist workers and their employers in distinguishing between conditions
11 in which such workers are or are not at risk with respect to infectious diseases.

12 (2) The rules adopted by the Health Division shall require that implementation of this Act be
13 accomplished in such a manner as to protect the confidentiality of persons with infectious diseases
14 and workers exposed to such persons.

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**HOUSE AMENDMENTS TO
A-ENGROSSED SENATE BILL 741**

By COMMITTEE ON ENVIRONMENT AND ENERGY

June 26

- 1 On page 2 of the printed A-engrossed bill, line 1, after "make" insert "every".
 - 2 In line 2, after "exposure" insert "as soon as medically appropriate given the urgency of the
 - 3 disease or suspected disease".
 - 4
-

A-Engrossed
Senate Bill 741

Ordered by the Senate June 9
Including Senate Amendments dated June 9

Sponsored by Senators L. HILL, FAWBUSH, JOLIN, KITZHABER

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.

[Establishes procedures for reporting exposures to and testing for infectious diseases by emergency response employes.] **Requires reasonable effort to notify worker and employer of risk of infection in known or suspected cases.** Defines terms.

Requires employers of *[emergency response]* **health care personnel at risk of contracting infectious disease** to provide immunization if available and medically appropriate.

Requires Health Division to adopt rules implementing Act.

[Becomes operative 30 days after final adoption of rules implementing Act by division, or January 1, 1990, whichever is later.]

[Declares emergency, effective on passage.]

A BILL FOR AN ACT

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Relating to infectious diseases.

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

SECTION 1. The Legislative Assembly finds that by reason of and in the course of their employment, health care workers and emergency response employes, are subject to exposure to infectious diseases, that this exposure is not fully preventable due to the nature of their duties and that health care workers should be informed of exposure to infectious diseases as soon as is practicable to initiate appropriate medical care and to prevent exposing other persons to infectious diseases.

SECTION 2. As used in this Act unless the context requires otherwise:

(1) "Division" means the Health Division of the Department of Human Resources.

(2) "Health care facility" means a facility as defined in ORS 442.015 and a mental health facility, alcohol treatment facility or drug treatment facility licensed or operated under ORS chapter 426 or 430.

(3) "Worker" means a person who is licensed or certified to provide health care under ORS chapter 677, 678, 679, 680, 684 or 685 or ORS 823.150, an employe of a health care facility, of a licensed health care provider or of a clinical laboratory as defined in ORS 438.010 (1), a firefighter, a law enforcement officer as defined in ORS 30.795, a corrections officer or a probation officer.

SECTION 3. (1) An employer of a health care worker at risk of contracting an infectious disease in the course of employment shall provide to the worker preventive immunization for infectious disease if such preventive immunization is available and is medically appropriate.

(2) Such preventive immunization shall be provided by the employer at no cost to the worker.

(3) A worker shall not be required as a condition of work to be immunized under this section, unless such immunization is otherwise required by federal or state law, rule or regulation.

SECTION 4. When a local health department or the Health Division learns of a case or suspected case of an infectious disease which may have exposed a worker to risk of infection, the local

NOTE: Matter in **bold face** in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.

1 health department or the Health Division shall make reasonable effort to notify the worker and
2 employer of the exposure. Notification shall include recommendations to the worker and employer
3 that are medically appropriate.

4 **SECTION 5.** (1) The Health Division shall adopt rules implementing this Act. Such rules shall
5 include, but need not be limited to:

6 (a) The development of curriculum dealing with the exposure of workers to infectious diseases;

7 (b) Development and conduct of training programs for local health department personnel to
8 prepare them to train workers about the subject of infectious diseases;

9 (c) Information on the manner in which infectious diseases are transmitted; and

10 (d) Guidelines that can assist workers and their employers in distinguishing between conditions
11 in which such workers are or are not at risk with respect to infectious diseases.

12 (2) The rules adopted by the Health Division shall require that implementation of this Act be
13 accomplished in such a manner as to protect the confidentiality of persons with infectious diseases
14 and workers exposed to such persons.

15

SENATE AMENDMENTS TO SENATE BILL 741

By COMMITTEE ON HUMAN RESOURCES

June 9

1 On page 1 of the printed bill, line 2, after "to" delete the rest of the line and insert "infectious
2 diseases."

3 Delete lines 4 through 29 and pages 2 through 4 and insert:

4 **"SECTION 1.** The Legislative Assembly finds that by reason of and in the course of their em-
5 ployment, health care workers and emergency response employes, are subject to exposure to infec-
6 tious diseases, that this exposure is not fully preventable due to the nature of their duties and that
7 health care workers should be informed of exposure to infectious diseases as soon as is practicable
8 to initiate appropriate medical care and to prevent exposing other persons to infectious diseases.

9 **"SECTION 2.** As used in this Act unless the context requires otherwise:

10 **"(1)** 'Division' means the Health Division of the Department of Human Resources.

11 **"(2)** 'Health care facility' means a facility as defined in ORS 442.015 and a mental health facility,
12 alcohol treatment facility or drug treatment facility licensed or operated under ORS chapter 426 or
13 430.

14 **"(3)** 'Worker' means a person who is licensed or certified to provide health care under ORS
15 chapter 677, 678, 679, 680, 684 or 685 or ORS 823.150, an employe of a health care facility, of a li-
16 censed health care provider or of a clinical laboratory as defined in ORS 438.010 (1), a firefighter,
17 a law enforcement officer as defined in ORS 30.795, a corrections officer or a probation officer.

18 **"SECTION 3.** (1) An employer of a health care worker at risk of contracting an infectious dis-
19 ease in the course of employment shall provide to the worker preventive immunization for infectious
20 disease if such preventive immunization is available and is medically appropriate.

21 **"(2)** Such preventive immunization shall be provided by the employer at no cost to the worker.

22 **"(3)** A worker shall not be required as a condition of work to be immunized under this section,
23 unless such immunization is otherwise required by federal or state law, rule or regulation.

24 **"SECTION 4.** When a local health department or the Health Division learns of a case or sus-
25 pected case of an infectious disease which may have exposed a worker to risk of infection, the local
26 health department or the Health Division shall make reasonable effort to notify the worker and
27 employer of the exposure. Notification shall include recommendations to the worker and employer
28 that are medically appropriate.

29 **"SECTION 5.** (1) The Health Division shall adopt rules implementing this Act. Such rules shall
30 include, but need not be limited to:

31 **"(a)** The development of curriculum dealing with the exposure of workers to infectious diseases;

32 **"(b)** Development and conduct of training programs for local health department personnel to
33 prepare them to train workers about the subject of infectious diseases;

34 **"(c)** Information on the manner in which infectious diseases are transmitted; and

1 “(d) Guidelines that can assist workers and their employers in distinguishing between conditions
2 in which such workers are or are not at risk with respect to infectious diseases.

3 “(2) The rules adopted by the Health Division shall require that implementation of this Act be
4 accomplished in such a manner as to protect the confidentiality of persons with infectious diseases
5 and workers exposed to such persons.”.

6

Enrolled
Senate Bill 741

Sponsored by Senators L. HILL, FAWBUSH, JOLIN, KITZHABER, Representatives CALOURI, CEASE, FORD, MANNIX, MARKHAM, SOWA

CHAPTER

AN ACT

Relating to infectious diseases.

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

SECTION 1. The Legislative Assembly finds that by reason of and in the course of their employment, health care workers and emergency response employees, are subject to exposure to infectious diseases, that this exposure is not fully preventable due to the nature of their duties and that health care workers should be informed of exposure to infectious diseases as soon as is practicable to initiate appropriate medical care and to prevent exposing other persons to infectious diseases.

SECTION 2. As used in this Act unless the context requires otherwise:

- (1) "Division" means the Health Division of the Department of Human Resources.
- (2) "Health care facility" means a facility as defined in ORS 442.015 and a mental health facility, alcohol treatment facility or drug treatment facility licensed or operated under ORS chapter 426 or 430.
- (3) "Worker" means a person who is licensed or certified to provide health care under ORS chapter 677, 678, 679, 680, 684 or 685 or ORS 823.150, an employee of a health care facility, of a licensed health care provider or of a clinical laboratory as defined in ORS 438.010 (1), a firefighter, a law enforcement officer as defined in ORS 30.795, a corrections officer or a probation officer.

SECTION 3. (1) An employer of a health care worker at risk of contracting an infectious disease in the course of employment shall provide to the worker preventive immunization for infectious disease if such preventive immunization is available and is medically appropriate.

(2) Such preventive immunization shall be provided by the employer at no cost to the worker.

(3) A worker shall not be required as a condition of work to be immunized under this section, unless such immunization is otherwise required by federal or state law, rule or regulation.

SECTION 4. When a local health department or the Health Division learns of a case or suspected case of an infectious disease which may have exposed a worker to risk of infection, the local health department or the Health Division shall make every reasonable effort to notify the worker and employer of the exposure as soon as medically appropriate given the urgency of the disease or suspected disease. Notification shall include recommendations to the worker and employer that are medically appropriate.

SECTION 5. (1) The Health Division shall adopt rules implementing this Act. Such rules shall include, but need not be limited to:

- (a) The development of curriculum dealing with the exposure of workers to infectious diseases;
- (b) Development and conduct of training programs for local health department personnel to prepare them to train workers about the subject of infectious diseases;
- (c) Information on the manner in which infectious diseases are transmitted; and

(d) Guidelines that can assist workers and their employers in distinguishing between conditions in which such workers are or are not at risk with respect to infectious diseases.

(2) The rules adopted by the Health Division shall require that implementation of this Act be accomplished in such a manner as to protect the confidentiality of persons with infectious diseases and workers exposed to such persons.

Passed by Senate June 13 1989

Repassed by Senate June 28, 1989

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Secretary of Senate

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President of Senate

Passed by House June 27, 1989

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Speaker of House

Received by Governor:

.....M.,....., 1989

Approved:

.....M.,....., 1989

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Governor

Filed by Office of Secretary of State:

.....M.,....., 1989

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Secretary of State

Senate Bill 741

Sponsored by Senators L. HILL, FAWBUSH, JOLIN, KITZHABER

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 procedures for reporting exposures to and testing for infectious diseases by emergency response employees. Defines terms.

Requires employers of emergency response personnel to provide immunization if available and medically appropriate.

Requires Health Division to adopt rules implementing Act.

Becomes operative 30 days after final adoption of rules implementing Act by division, or January 1, 1990, whichever is later.

Declares emergency, effective on passage.

A BILL FOR AN ACT

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2 Relating to emergency response employees; and declaring an emergency.

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

4 **SECTION 1.** The Legislative Assembly finds that by reason of and in the course of their em-
5 ployment, emergency response employees are subject to exposure to infectious diseases, that this ex-
6 posure is not fully preventable due to the nature of emergency response duties and that emergency
7 response employees should be informed of exposure to infectious diseases as soon as is practicable
8 to prevent exposure to other emergency victims, co-workers and families.

9 **SECTION 2.** As used in this Act, unless the context requires otherwise:

10 (1) "Emergency" means an emergency involving injury or illness.

11 (2) "Emergency response employe" means fire fighters, law enforcement officers, corrections of-
12 ficers, paramedics and emergency medical technicians, who in the course of professional duties re-
13 spond to emergencies, whether such employees serve in a volunteer capacity, receive nominal
14 compensation or are fully compensated.

15 (3) "Employer of emergency response employees" means a public or private organization that, in
16 the course of its duties, responds to emergencies.

17 (4) "Exposed" means oral contact, exposure to blood or body fluids, or otherwise at risk of
18 contracting infectious disease as described by rule by the Health Division.

19 (5) "Infectious disease" means:

20 (a) Hepatitis A.

21 (b) Hepatitis B.

22 (c) Hepatitis non-A/non-B.

23 (d) Pulmonary tuberculosis.

24 (e) Meningococcal meningitis.

25 (f) Rubella.

26 (g) Infection with the etiologic agent for acquired immune deficiency syndrome.

27 (h) Any other disease specified by rule of the division under ORS 433.004.

28 **SECTION 3.** (1) An employer of any emergency response employe shall provide to the employe
29 preventive immunization for infectious disease if such preventive immunization is available and is

NOTE: Matter in bold face in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.

1 medically appropriate.

2 (2) Such preventive immunization shall be provided by the employer at no cost to the employe.

3 (3) An emergency response employe shall not be required as a condition of work to be
4 immunized under this section, unless such immunization is otherwise required by federal or state
5 law, rule or regulation.

6 **SECTION 4.** (1) If a victim of an emergency is rescued, attended, treated or transported to a
7 medical facility by emergency response employes, and the medical facility makes a determination
8 that the victim has an infectious disease, the medical facility shall notify the employer of the
9 emergency response employes of its determination.

10 (2) If a victim of an emergency is rescued, attended, treated or transported to a medical facility
11 by emergency response employes and the victim dies at or before reaching the medical facility, the
12 medical facility ascertaining the cause of death of the victim shall notify the employer of the emer-
13 gency response employes of any determination by the medical facility that the victim had an infec-
14 tious disease.

15 (3) The notification required by this section shall be made orally by the medical facility and
16 shall be made not later than 48 hours after a determination described in this section is made and
17 shall be confirmed with written notification within 48 hours after the determination.

18 **SECTION 5.** (1) Upon request of an employe of the employer, an employer of emergency re-
19 sponse employes shall:

20 (a) Determine whether, if a victim of an emergency to which the employe responded was infected
21 with an infectious disease, the employe may have been exposed; and

22 (b) Make a request to a medical facility to which a victim was transported if, as indicated by
23 a determination made pursuant to this section, the employe may have been exposed to an infectious
24 disease.

25 (2) When a request has been made by an employer of an emergency response employe under this
26 section, the medical facility shall make any medically appropriate tests necessary to determine if the
27 victim is infected with an infectious disease.

28 (3) For the purposes of this section, a victim shall be considered to have given consent for any
29 medically appropriate tests necessary to determine if the victim is infected with an infectious dis-
30 ease.

31 **SECTION 6.** (1) If no notice is made under section 4 of this Act, upon the request of an em-
32 ployer of emergency response employes:

33 (a) With respect to any victim of an emergency who is rescued, attended, treated or transported
34 to a medical facility by emergency response employes, the medical facility shall notify the employer
35 if the medical facility makes a determination that the victim has an infectious disease.

36 (b) With respect to any victim of an emergency who is rescued, attended, treated or transported
37 to a medical facility by emergency response employes and who dies at or before reaching the med-
38 ical facility, the medical facility that ascertains the cause of death of any such victim shall notify
39 the employer if the medical facility makes a determination that the victim had an infectious disease.

40 (2) If the medical facility has made a determination prior to a request by an employer under this
41 section, then notification required by this section shall be made orally by the medical facility and
42 shall be made not later than 48 hours after a determination described in this section is made and
43 shall be confirmed with written notification within 48 hours after the determination.

44 (3) If a medical facility makes a determination after a request by an employer under this section,

1 then notification required by this section shall be made orally by the medical facility and shall be
 2 made not later than 48 hours after a determination described in this section is made and shall be
 3 confirmed with written notification within 48 hours after the determination.

4 **SECTION 7.** In making a notification required under this Act, a medical facility:

5 (1) Shall not disclose the identity of the victim of the emergency;

6 (2) Shall provide the date and time when the victim of the emergency was rescued, attended,
 7 treated or transported to a medical facility by emergency response employes, the location at which
 8 such emergency occurred, including the address of the location, if known, and the name of the in-
 9 fectionous disease with respect to which a determination is made;

10 (3) Shall provide information of any action by the employe that, as indicated by rule adopted
 11 by the Health Division, is medically appropriate; and

12 (4) Shall provide such other information as may be required by the division.

13 **SECTION 8.** (1) After receiving a notification under this Act, the employer of the emergency
 14 response employes, to the extent practicable, immediately shall notify each of the employer's
 15 employes who responded to the emergency involved and may have been exposed to an infectious
 16 disease.

17 (2) Notification under this section to an emergency response employe shall inform the employe
 18 of:

19 (a) The fact that the victim has or, if dead, had an infectious disease and the employe may have
 20 been exposed;

21 (b) Any action to be taken by the employe that, as determined by rule by the Health Division,
 22 is medically appropriate; and

23 (c) The location, date and time of the emergency.

24 (3) A notification under this section to an emergency response employe shall not identify the
 25 victim of the emergency who may have exposed the employe to an infectious disease.

26 (4) If an emergency response employe who may have been exposed to the infectious disease no
 27 longer is employed by the employer, the employer shall make reasonable efforts to locate and notify
 28 the former employe that the employe may have been exposed to an infectious disease.

29 **SECTION 9.** Except as necessary to accomplish the purposes of this Act, the identity of emer-
 30 gency response employes who may have been exposed to an infectious disease shall not be disclosed
 31 by the medical facility or the employer of the emergency response employe.

32 **SECTION 10.** No medical facility, employer or emergency response employe may be held liable
 33 for compliance with this Act. All such parties, provided they have acted in good faith, shall be
 34 otherwise afforded total immunity from civil or criminal liability as a result of complying with this
 35 Act or rules adopted by the Health Division to implement this Act.

36 **SECTION 11.** (1) The Health Division shall adopt rules implementing this Act. Such rules shall
 37 include, but need not be limited to:

38 (a) Information on the manner in which infectious diseases are transmitted; and

39 (b) Guidelines that can assist emergency response employes and their employers in distinguish-
 40 ing between conditions in which such employes are or are not at risk with respect to infectious
 41 diseases.

42 (2) The rules adopted by the Health Division shall require that implementation of this Act be
 43 accomplished in such a manner as to protect the confidentiality of the victim and the emergency
 44 response employe.

1 **SECTION 12.** The provisions of sections 1 to 8 of this Act shall be operative 30 days following
2 final adoption of rules implementing this Act by the division, or January 1, 1990, whichever is later.

3 **SECTION 13.** This Act being necessary for the immediate preservation of the public peace,
4 health and safety, an emergency is declared to exist, and this Act takes effect on its passage.

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DRAFT

SUMMARY

Establishes procedures for reporting exposures to infectious diseases by emergency response employees.

Declares emergency, effective on passage.

A BILL FOR AN ACT

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Relating to emergency response employees; and declaring an emergency.

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

Amended

SECTION 1. The Legislative Assembly finds that by reason of *g* and in the course of *g* their employment, emergency response employees are subject to exposure to infectious diseases, that this exposure is not fully preventable due to the nature of emergency response duties and that emergency response employees should be informed of exposure to infectious diseases as soon as is practicable to prevent exposure to other emergency victims, co-workers and families.

SECTION 2. As used in this Act, unless the context requires otherwise:

- (1) "Emergency" means an emergency involving injury or illness.
- (2) "Emergency response employe" means fire fighters, law enforcement officers, corrections officers, paramedics and emergency medical technicians, who in the course of professional duties respond to emergencies, whether such employes serve in a volunteer capacity, receive nominal compensation or are fully compensated.
- (3) "Employer of emergency response employes" means a public or private organization that, in the course of its duties, responds to emergencies.
- (4) "Exposed" means oral contact, exposure to blood or body fluids, or otherwise at risk of contracting infectious disease as described by rule by the Health Division.
- (5) "Infectious disease" means:

NOTE: Matter in bold face in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.

- 1 (a) Hepatitis A.
- 2 (b) Hepatitis B.
- 3 (c) Hepatitis non-A/non-B.
- 4 (d) Pulmonary tuberculosis.
- 5 (e) Meningococcal meningitis.
- 6 (f) Rubella.
- 7 (g)* Infection with the etiologic agent for acquired immune deficiency
8 syndrome.
- 9 (h) Any other disease specified by rule of the division under ORS 433.004.

#

10 **SECTION 3.** (1) An employer of any emergency response employe shall
11 provide to the employe preventive immunization for infectious disease if such
12 preventive immunization is available and is medically appropriate.

13 (2) Such preventive immunization shall be provided by the employer at
14 no cost to the employe.

15 (3) An emergency response employe shall not be required as a condition
16 of work to be immunized under this section, unless such immunization is
17 otherwise required by federal or state law, rule or regulation.

18 **SECTION 4.** (1) If a victim of an emergency is rescued, attended, treated
19 or transported to a medical facility by emergency response employes, and the
20 medical facility makes a determination that the victim has an infectious
21 disease, the medical facility shall notify the employer of the emergency re-
22 sponse employes of its determination.

23 (2) If a victim of an emergency is rescued, attended, treated or transported
24 to a medical facility by emergency response employes and the victim dies at
25 or before reaching the medical facility, the medical facility ascertaining the
26 cause of death of the victim shall notify the employer of the emergency re-
27 sponse employes of any determination by the medical facility that the victim
28 had an infectious disease.

29 (3) The notification required by this section shall be made orally by the
30 medical facility and shall be made not later than 48 hours after a determi-
31 nation described in this section is made and shall be confirmed with written

1 notification within 48 hours after the determination.

2 **SECTION 5.**⁽¹⁾ Upon request of an employe of the employer, an employer
3 of emergency response employes shall:

4 ^a(1) Determine whether, if a victim of an emergency to which the employe
5 responded was infected with an infectious disease, the employe may have
6 been exposed; and

7 ^b(2) Make a request to a medical facility to which a victim was transported
8 if, as indicated by a determination made pursuant to this section, the
9 employe may have been exposed to an infectious disease.

10 ^c(3) When a request has been made by an employer of an emergency re-
11 sponse employe under this section, the medical facility shall make any med-
12 ically appropriate tests necessary to determine if the victim is infected with
13 an infectious disease.

14 ^d(4) For the purposes of this section, a victim shall be considered to have
15 given consent for any medically appropriate tests necessary to determine if
16 the victim is infected with an infectious disease.

17 **SECTION 6.** (1) If no notice is made under section 4 of this Act, upon
18 the request of an employer of emergency response employes:

19 (a) With respect to any victim of an emergency who is rescued, attended,
20 treated or transported to a medical facility by emergency response employes,
21 the medical facility shall notify the employer if the medical facility makes
22 a determination that the victim has an infectious disease.

23 (b) With respect to any victim of an emergency who is rescued, attended,
24 treated or transported to a medical facility by emergency response employes
25 and who dies at or before reaching the medical facility, the medical facility
26 that ascertains the cause of death of any such victim shall notify the em-
27 ployer if the medical facility makes a determination that the victim had an
28 infectious disease.

29 (2) If the medical facility has made a determination prior to a request by
30 an employer under this section, then notification required by this section
31 shall be made orally by the medical facility and shall be made not later than

X
BX
X
X

1 48 hours after a determination described in this section is made and shall
2 be confirmed with written notification within 48 hours after the determi-
3 nation.

4 (3) If a medical facility makes a determination after a request by an em-
5 ployer under this section, then notification required by this section shall be
6 made orally by the medical facility and shall be made not later than 48 hours
7 after a determination described in this section is made and shall be con-
8 firmed with written notification within 48 hours after the determination.

9 **SECTION 7.** In making a notification required under this Act, a medical
10 facility:

11 (1) Shall not disclose the identity of the victim of the emergency;

12 (2) Shall provide the date and time when the victim of the emergency was
13 rescued, attended, treated or transported to a medical facility by emergency
14 response employes, the location at which such emergency occurred, including
15 the address of the location, if known, and the name of the infectious disease
16 with respect to which a determination is made;

17 (3) Shall provide information of any action by the employe that, as indi-
18 cated by rule adopted by the Health Division, is medically appropriate; and

19 (4) Shall provide such other information as may be required by the divi-
20 sion.

21 **SECTION 8.** (1) After receiving a notification under this Act, the em-
22 ployer of the emergency response employes, to the extent practicable, imme-
23 diately shall notify each of the employer's employes who responded to the
24 emergency involved and may have been exposed to an infectious disease.

25 (2) Notification under this section to an emergency response employe
26 shall inform the employe of:

27 (a) The fact that the victim has or, if dead, had an infectious disease and
28 the employe may have been exposed;

29 (b) Any action to be taken by the employe that, as determined by rule by
30 the Health Division, is medically appropriate; and

31 (c) The location, date and time of the emergency.

1 (3) A notification under this section to an emergency response employe
2 shall not identify the victim of the emergency who may have exposed the
3 employe to an infectious disease.

4 (4) If an emergency response employe who may have been exposed to the
5 infectious disease no longer is employed by the employer, the employer shall
6 make reasonable efforts to locate and notify the former employe that the
7 employe may have been exposed to an infectious disease.

8 **SECTION 9.** Except as necessary to accomplish the purposes of this Act,
9 the identity of emergency response employes who may have been exposed to
10 an infectious disease shall not be disclosed by the medical facility or the
11 employer of the emergency response employe.

12 **SECTION 10.** No medical facility, employer or emergency response
13 employe may be held liable for compliance with this Act. All such parties,
14 provided they have acted in good faith, shall be otherwise afforded total
15 immunity from civil or criminal liability as a result of complying with this
16 Act or rules adopted by the Health Division to implement this Act.

17 **SECTION 11.** (1) The Health Division shall adopt rules implementing this
18 Act. Such rules shall include, but need not be limited to:

19 (a) Information on the manner in which infectious diseases are transmit-
20 ted; and

21 (b) Guidelines that can assist emergency response employes and their
22 employers in distinguishing between conditions in which such employes are
23 or are not at risk with respect to infectious diseases.

24 (2) The rules adopted by the Health Division shall require that imple-
25 mentation of this Act be accomplished in such a manner as to protect the
26 confidentiality of the victim and the emergency response employe.

27 **SECTION 12.** The provisions of sections 1 to 8 of this Act shall be op-
28 erative 30 days following final adoption of rules implementing this Act by
29 the division, or January 1, 1990, whichever is later.

30 **SECTION 13.** This Act being necessary for the immediate preservation
31 of the public peace, health and safety, an emergency is declared to exist, and

1 this Act takes effect on its passage.

2

SENATE/~~HOUSE~~ BILL BACK

LC 2524

Bill 741

Title: Relating to emergency response employees; and declaring an emergency.

Sponsored by Committee on:

At the request of

All agencies, organizations and persons that have formally requested the measure are named herein in accordance with ORS 171.127

Larry Hill
 CHIEF SPONSOR
 LARRY HILL

SPONSORS: P=Principal A=Additional

P	SENATE	A	P	HOUSE	A	P	HOUSE	A
()	Bradbury	()	()	Agrons	()	()	Katz	()
()	Brenneman	()	()	Baum	()	()	Keisling	()
()	Brockman	()	()	Bauman	()	()	Kotulski	()
()	Bunn	()	()	Brian	()	()	Mannix	()
()	Cease	()	()	Bunn	()	()	Markham	()
()	Cohen	()	()	Burton	()	()	Mason	()
()	Dukes	()	()	Calhoon	()	()	McTeague	()
(<i>WP</i>)	Fawbush	()	()	Calouri	()	()	Miller	()
()	Gold	()	()	Campbell	()	()	Minnis	()
()	Grensky	()	()	Carter	()	()	Nelson	()
()	Hamby	()	()	Cease	()	()	Norris	()
()	Hannon	()	()	Clark	()	()	Oakley	()
()	Hill, J.	()	()	Clarno	()	()	Parkinson	()
()	Hill, L.	()	()	Courtney	()	()	Peterson	()
()	Houck	()	()	Derfler	()	()	Pickard	()
(<i>J</i>)	Jolin	()	()	Dix	()	()	Repine	()
()	Kennemer	()	()	Dominy	()	()	Rijken	()
()	Kerans	()	()	Dwyer	()	()	Roberts	()
()	Kintigh	()	()	Edmunson	()	()	Sayler	()
(<i>M</i>)	Kitzhaber	()	()	Ford	()	()	Schoon	()
()	McCoy	()	()	Gershon	()	()	Schroeder	()
()	Otto	()	()	Gilmour	()	()	Shiprack	()
()	Phillips	()	()	Hanlon	()	()	Sowa	()
()	Roberts	()	()	Hanneman	()	()	Stein	()
()	Shoemaker	()	()	Hayden	()	()	Van Vliet	()
()	Springer	()	()	Hosticka	()	()	VanLeeuwen	()
()	Thorne	()	()	Hugo	()	()	Walden	()
()	Timms	()	()	Johnson	()	()	Wehage	()
()	Trow	()	()	Jones, D.	()	()	Whitty	()
()	Yih	()	()	Jones, D.E.	()	()	Young	()

FOR INFORMATION ONLY

Roddy
 CONTACT PERSON (please print or type)

88310
 TELEPHONE NUMBER