

OregonLaws

# ORS 433.121

## Emergency administrative order for isolation or quarantine

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(1) The Public Health Director or a local public health administrator may issue an emergency administrative order causing a person or group of persons to be placed in isolation or quarantine if the Public Health Director or the local public health administrator has probable cause to believe that a person or group of persons requires immediate detention in order to avoid a clear and immediate danger to others

and that considerations of safety do not allow initiation of the petition process set out in ORS 433.123 (Petition for court order for isolation or quarantine). An administrative order issued under this section must:

- (a)** Identify the person or group of persons subject to isolation or quarantine;
- (b)** Identify the premises where isolation or quarantine will take place, if known;
- (c)** Intentionally left blank —Ed.
  - (A)** Describe the reasonable efforts made to obtain voluntary compliance with a request for an emergency public health action including requests for testing or medical examination, treatment,

counseling,  
vaccination,  
decontamination of  
persons or  
animals, isolation,  
quarantine, and  
inspection and  
closure of facilities;  
**or**

- (B)** Explain why  
reasonable efforts  
to obtain voluntary  
compliance are not  
possible and why  
the pursuit of these  
efforts creates a  
risk of serious  
harm to others;
- (d)** Describe the suspected  
communicable disease  
or toxic substance, if  
known, that is the basis  
for the issuance of the  
emergency  
administrative order  
and the anticipated  
duration of isolation or  
quarantine based on  
the suspected  
communicable disease  
or toxic substance;

- (e)** Provide information supporting the reasonable belief of the Public Health Director or the local public health administrator that the person or group of persons is, or is suspected to be, infected with, exposed to, or contaminated with a communicable disease or toxic substance that could spread to or contaminate others if remedial action is not taken;
  
- (f)** Provide information supporting the reasonable belief of the Public Health Director or the local public health administrator that the person or group of persons would pose a serious and imminent risk to the health and safety of others if not detained for purposes of isolation or quarantine;

- (g)** Describe the medical basis for which isolation or quarantine is justified and explain why isolation or quarantine is the least restrictive means available to prevent a risk to the health and safety of others;
  - (h)** Establish the time and date at which the isolation or quarantine commences; **and**
  - (i)** Contain a statement of compliance with the conditions of and principles for isolation and quarantine specified in ORS 433.128 (Conditions of and principles for isolation or quarantine).
- (2)** Intentionally left blank —Ed.
- (a)** In lieu of issuing an emergency administrative order under subsection (1) of this section, the Public Health Director or a local public health

administrator may  
petition the circuit court  
for a written ex parte  
order.

**(b)** The petition to the court  
and the court's order  
must include the  
information described in  
subsection (1) of this  
section.

**(c)** The Public Health  
Director or local public  
health administrator:

**(A)** Shall make  
reasonable efforts  
to serve the  
person or group of  
persons subject to  
isolation or  
quarantine with the  
petition before the  
petition is filed;  
**and**

**(B)** Is not required to  
provide prior notice  
of an ex parte  
proceeding at  
which the petition  
is being  
considered by the  
court.

- (3)** Within 12 hours of the issuance of an order under subsection (1) or (2) of this section, the person or group of persons detained or sought for detention must be personally served with the written notice required by ORS 433.126 (Notice to persons subject to order) and with a copy of any order issued under subsection (1) or (2) of this section. If copies of the notice and order cannot be personally served in a timely manner to a group of persons because the number of persons in the group makes personal service impracticable, the Public Health Director or the local public health administrator shall post the notice and order in a conspicuous place where the notice and order can be viewed by those detained or shall find other means to meaningfully communicate the information in the notice and order to those detained.
- (4)** A person or group of persons detained pursuant

to an order issued under subsection (1) or (2) of this section may not be detained for longer than 72 hours unless a petition is filed under ORS 433.123 (Petition for court order for isolation or quarantine).

- (5)** If the detention of a person or group of persons for longer than 72 hours is deemed necessary, immediately following the issuance of an order under subsection (1) or (2) of this section, the Public Health Director or the local public health administrator must petition the circuit court in accordance with ORS 433.123 (Petition for court order for isolation or quarantine).
- (6)** A person or group of persons detained under subsection (1) or (2) of this section has the right to be represented by legal counsel in accordance with ORS 433.466 (Right to legal counsel by persons subject to public health measure).



[2007 c.445 §8; 2011 c.721

§2]

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*Location:*

[https://oregon.public.law/statutes/ors\\_433.121](https://oregon.public.law/statutes/ors_433.121)

*Original Source: Section 433.121 — Emergency administrative order for isolation or quarantine; contents; ex parte court order, [https://www.oregonlegislature.gov/bills\\_laws/ors/ors433.html](https://www.oregonlegislature.gov/bills_laws/ors/ors433.html) (last accessed Aug. 25, 2023).*