

OregonLaws

ORS 433.123

Petition for court order for isolation or quarantine

- contents
- hearing on petition
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- duration of isolation or quarantine

(1) The Public Health Director or a local public health administrator may petition the circuit court for an order authorizing:

- (a)** The isolation or quarantine of a person or group of persons; **or**
- (b)** The continued isolation or quarantine of a person or group of persons detained under ORS 433.121 (Emergency

administrative order for
isolation or quarantine).

- (2)** A petition filed under subsections (1) and (9) of 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, and the
anticipated duration of
isolation or quarantine
based on the suspected
communicable disease,
infectious agent 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 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 serious risk to

the health and safety of others;

- (h)** Establish the time and date on 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).
- (3)** The person or group of persons detained or sought for detention must be personally served with a copy of the petition filed with the court under subsection (1) of this section and with the written notice required by ORS 433.126 (Notice to persons subject to order). If copies of the petition and notice 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 petition and notice in a conspicuous place where the petition and notice can be viewed by those detained or find other means to meaningfully communicate the information in the petition and notice to those detained.

- (4)** A person or group of persons subject to a petition filed under subsection (1) or (9) 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).
- (5)** Upon the filing of a petition under subsection (1) of this section to continue isolation or quarantine for a person or group of persons detained under an emergency administrative or ex parte order issued under ORS 433.121 (Emergency administrative order for isolation or quarantine), the

court shall issue an order extending the isolation or quarantine order until the court holds a hearing pursuant to subsection (6) of this section.

(6) Intentionally left blank —Ed.

(a) The court shall hold a hearing on a petition filed under subsection (1) of this section within 72 hours of the filing of the petition, exclusive of Saturdays, Sundays and legal holidays.

(b) In extraordinary circumstances and for good cause shown, or with consent of the affected persons, the Public Health Director or the local public health administrator may apply to continue the hearing date for up to 10 days. The court may grant a continuance at its discretion, giving due regard to the rights of the affected persons, the protection of the

public health, the severity of the public health threat and the availability of necessary witnesses and evidence.

- (c)** The hearing required under this subsection may be waived by consent of the affected persons.
- (d)** The provisions of ORS 40.230 (Rule 504. Psychotherapist-patient privilege), 40.235 (Rule 504-1. Physician-patient privilege) and 40.240 (Rule 504-2. Nurse-patient privilege) do not apply to a hearing held under this subsection. Any evidence presented at the hearing that would be privileged and not subject to disclosure except as required by this paragraph shall be disclosed only to the court, the parties and their legal counsel or persons authorized by the court and may not

be disclosed to the public.

- (7) The Public Health Director or local public health administrator may request that a person or group of persons who is the subject of a petition filed under subsection (1) or (9) of this section not personally appear before the court because personal appearance would pose a risk of serious harm to others. If the court grants the director's or local public health administrator's request or if the court determines that personal appearance by the person or group of persons who is the subject of the petition poses a risk of serious harm to others, the court proceeding must be conducted by legal counsel for the person or group of persons or must be held at a location, or by any means, including simultaneous electronic transmission, that allows all parties to fully participate.

(8) The court shall grant the petition if, by clear and convincing evidence, the court finds that isolation or quarantine is necessary to prevent a serious risk to the health and safety of others. In lieu of or in addition to isolation or quarantine, the court may order the imposition of other public health measures appropriate to the public health threat presented. The court order must:

(a) Specify the maximum duration for the isolation or quarantine, which may not exceed 60 days unless there is substantial medical evidence indicating that the condition that is the basis of the public health threat is spread by airborne transmission and cannot be rendered noninfectious within 60 days or may recur after 60 days, in which case the maximum duration of the isolation or

quarantine may not exceed a period of 180 days;

- (b)** Identify the person or group of persons subject to the order by name or shared or similar characteristics or circumstances;
 - (c)** Specify the factual findings warranting imposition of isolation, quarantine or another public health measure;
 - (d)** Include any conditions necessary to ensure that isolation or quarantine is carried out within the stated purposes and restrictions of this section; **and**
 - (e)** Be served on all affected persons or groups in accordance with subsection (3) of this section.
- (9)** Prior to the expiration of a court order issued under subsection (8) or (10) of this section, the Public Health

Director or the local public health administrator may petition the circuit court to continue isolation or quarantine. A petition filed under this subsection must comply with the requirements of subsections (2) to (8) of this section.

(10) Intentionally left blank —Ed.

- (a)** The court shall hold a hearing on a petition filed under subsection (9) of this section within 72 hours of filing, exclusive of Saturdays, Sundays and legal holidays.
- (b)** In extraordinary circumstances and for good cause shown, or with consent of the affected persons, the Public Health Director or the local public health administrator may apply to continue the hearing date for up to 10 days. The court may grant a continuance at its discretion, giving due

regard to the rights of the affected persons, the protection of the public health, the severity of the public health threat and the availability of necessary witnesses and evidence.

- (c)** The hearing required under this subsection may be waived by consent of the affected parties.
- (d)** The court may continue the isolation or quarantine order if the court finds there is clear and convincing evidence that continued isolation or quarantine is necessary to prevent a serious threat to the health and safety of others. In lieu of or in addition to continued isolation or quarantine, the court may order the imposition of a public health measure appropriate to the public health threat presented.

- (e)** An order issued under this subsection must comply with the requirements of subsection (8) of this section.
- (11)** An order issued under subsection (10) of this section must be for a period not to exceed 60 days and must be served on all affected parties in accordance with subsection (3) of this section.
- (12)** In no case may a person or group of persons be in quarantine or isolation for longer than 180 days unless, following a hearing, a court finds that extraordinary circumstances exist and that the person or group of persons subject to isolation or quarantine continues to pose a serious threat to the health and safety of others if detention is not continued.
- (13)** Failure to obey a court order issued under this section subjects the person in violation of the order to

contempt proceedings under
ORS 33.015 (Definitions for
ORS 33.015 to 33.155) to
33.155 (Applicability). [2007
c.445 §9; 2011 c.721 §3]

Location:

https://oregon.public.law/statutes/ors_433.123

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