

OregonLaws

# ORS 433.128

## Conditions of and principles for isolation or quarantine

- notice to manager of health care facility
- 

When isolating or quarantining a person or group of persons in accordance with ORS 433.121 (Emergency administrative order for isolation or quarantine) or 433.123 (Petition for court order for isolation or quarantine), the Public Health Director or the local public health administrator shall adhere to the following conditions and principles:

- (1)** Isolation or quarantine must be by the least restrictive means necessary to prevent the spread of a communicable disease or possibly communicable

disease to others or to limit exposure to or contamination with a toxic substance by others, and may include, but is not limited to, confinement to private homes or other public or private premises.

- (2)** Confinement may not be in a prison, jail or other facility where those charged with a crime or a violation of a municipal ordinance are incarcerated unless:
- (a)** The person or group of persons represents an immediate and serious physical threat to the staff or physical facilities of a hospital or other facility in which the person or group of persons has been confined; **or**
  - (b)** A person has been found in contempt of court because of failure to obey a court order.
- (3)** Isolated persons must be confined separately from quarantined persons. If a

facility is not capable of separating isolated persons from quarantined persons, either the isolated persons or the quarantined persons must be moved to a separate facility.

- (4)** The health status of an isolated or quarantined person must be monitored regularly to determine if the person requires continued isolation or quarantine.
- (5)** A quarantined person who subsequently becomes infected or is reasonably believed to have become infected with a communicable disease or possibly communicable disease that the Public Health Director or the local public health administrator believes poses a significant threat to the health and safety of other quarantined persons must be promptly placed in isolation.
- (6)** An isolated or quarantined person must be released as soon as practicable when the Public Health Director or

local public health administrator determines that the person has been successfully decontaminated or that the person no longer poses a substantial risk of transmitting a communicable disease or possibly communicable disease that would constitute a serious or imminent threat to the health and safety of others.

- (7)** The needs of a person who is isolated or quarantined must be addressed to the greatest extent practicable in a systematic and competent fashion, including, but not limited to, providing adequate food, medication, competent medical care, clothing, shelter and means of communication with other persons who are in isolation or quarantine and persons who are not under isolation or quarantine.
- (8)** Premises used for isolation or quarantine must, to the extent practicable, be maintained in a safe and

hygienic manner to lessen the likelihood of further transmission of a communicable disease or possibly communicable disease or of further harm to persons who are isolated and quarantined.

**(9)** Cultural and religious beliefs should be considered to the extent practicable in addressing the needs of persons who are isolated or quarantined and in establishing and maintaining premises used for isolation or quarantine.

**(10)** Intentionally left blank —Ed.

**(a)** Isolation or quarantine shall not abridge the right of any person to rely exclusively on spiritual means to treat a communicable disease or possibly communicable disease in accordance with religious or other spiritual tenets and practices.

**(b)** Nothing in ORS 433.126 (Notice to persons subject to order) to 433.138 (Assistance of law enforcement officials in enforcing orders), 433.142 (Petition for isolation of contaminated property) and 433.466 (Right to legal counsel by persons subject to public health measure) prohibits a person who relies exclusively on spiritual means to treat a communicable disease or possibly communicable disease and who is infected with a communicable disease or has been exposed to a toxic substance from being isolated or quarantined in a private place of the person's own choice, provided the private place is approved by the Public Health Director or the local public health administrator and the

person who is isolated  
or quarantined  
complies with all laws,  
rules and regulations  
governing control,  
sanitation, isolation and  
quarantine.

**(11)** Prior to placing a person or group of persons subject to isolation or quarantine in a health care facility as defined in ORS 442.015 (Definitions), the Public Health Director or the local public health administrator must provide to the managers of the health care facility notice of the intention to seek authorization from the circuit court to place a person or group of persons in isolation or quarantine in the facility and must consult with the managers of the health care facility regarding how to best meet the requirements of this section.

**(12)** The Public Health Director or local public health administrator shall provide adequate means of communication between a person or a group of

persons who is isolated or  
quarantined and legal  
counsel for the person or  
group of persons. [2007  
c.445 §12; 2011 c.721 §5;  
2015 c.736 §79]

---

*Location:*

[https://oregon.public.law/statutes/ors\\_433.128](https://oregon.public.law/statutes/ors_433.128)

*Original Source: Section 433.128 — Conditions of and principles for isolation or quarantine; notice to manager of health care facility, [https://www.oregonlegislature.gov/bills\\_laws/ors/ors433.html](https://www.oregonlegislature.gov/bills_laws/ors/ors433.html) (last accessed Aug. 25, 2023).*