Chapter 433

1957 REPLACEMENT PART

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GENERAL PROVISIONS

433.005 Report of communicable diseases. (1) All physicians and all other persons practicing the art or science of healing of human beings, and all persons having the care of persons affected with any communicable disease, including heads of households shall, immediately upon the development of the disease so as to show its communicable character, report to the local health officer within whose jurisdiction such sick person may be located in the manner required by the rules and regulations of the State Board of Health and upon blanks supplied by that board:

(a) The name and address of any person afflicted with any communicable disease on which the State Board of Health requires a report.

(b) The nature of the disease.

(c) Any other information required by the State Board of Health.

(2) Any person required to make a report under subsection (1) of this section shall either procure from the county health officer a blank furnished by the State Board of Health for the making of such report or make such report in writing and furnish therein information required by the State Board of Health.

433.010 Spreading disease prohibited. No person shall infect himself or suffer himself to be infected, or shall infect another with any malignant communicable disease, within this state, or being so infected shall come into this state with the intent to cause the prevalence or spread of such disease within this state.

433.015 Health officer to use due care in preventing introduction of contagious disease. No health officer shall by reason of his negligence or inefficiency, permit any contagious disease to be introduced among the inhabitants of this state.

433.020 Disturbing notice of State Board of Health prohibited. No person shall remove, destroy, deface or in any way disturb any notice of the State Board of Health, lawfully posted in a public place.

433.025 Power of State Health Officer in enforcing quarantine laws. The State Health Officer may enforce ORS 433.150 to 433.160 and 433.205 to 433.220. If necessary, he may appear before any magistrate empowered to issue warrants in criminal cases, and require such magistrate to issue a warrant, directing it to any sheriff or deputy or any constable or policeman, to remove any person or obstacle, or to defend any threatened violence to the health officer, upon entering private property, or to assist the health officer in any way to carry out the statutes enumerated.

433.030 to 433.100 [Reserved for expansion]

QUARANTINE OF PERSONS, HOUSES AND AREAS

433.105 Quarantine of affected houses. (1) When a case of any communicable disease in which quarantine or placard is required is reported the county or municipal board of health shall at once cause to be placed in a conspicuous place on both the front and rear entrances of the house where any such disease exists, a quarantine card, flag or notice as provided by the rules and regulations of the State Board of Health, and prohibit entrance to or exit from such house without a written permission from the health officer or executive officer of the local board, except attending physician.

(2) In case of failure of county or municipal board of health, or if no such board is organized, the State Health Officer shall at once enforce such quarantine or other measure as he may deem best.

433.110 Duties of physicians in controlling communicable disease. (1) Every physician shall exercise the duties of a health officer until the county or municipal health officer is notified of the existence of a communicable disease under ORS 433.105.

(2) Every physician attending a person affected with any communicable disease, so designated by the State Board of Health, shall use such precautionary measures to prevent the spread of the disease as may be required by the state, county or municipal board of health.

433.115 Alteration or removal of quarantine notices prohibited. No person shall mar, remove, deface, destroy or in any way or manner obscure a quarantine notice posted under ORS 433.105. The notice shall remain in place until after the person affected is removed from such house or has recovered and is no longer capable of communicating the disease, and the house and its contents have been properly cleaned and disinfected by either the county or municipal

board of health, or the State Board of Health, or some of its officers or agents.

433.120 Duration of quarantine. The State Board of Health may make rules and regulations prescribing the number of days a person affected with any communicable disease shall remain amenable to any quarantine, closure, restriction or safeguard measure.

433.125 Quarantine guards. The county or municipal board of health, or the State Board of Health, may employ as many persons as it deems necessary to execute its orders and properly guard any house or place containing any person affected with or exposed to any of the communicable diseases as provided in ORS 433.105. Such persons shall be sworn as quarantine guards, shall have police powers, and may use all necessary means to enforce the provisions of this chapter for the prevention of contagious and infectious diseases, or the orders of state, county or city health officer made in pursuance thereof.

433.130 Magistrate's authority to enforce quarantine and health measures. Any magistrate authorized to issue warrants in criminal cases shall issue a warrant upon affidavit of any member of the county, municipal or State Board of Health, or the executive officer of the State Board of Health, directing the warrant to the sheriff of the county or his deputy, or to any constable or police officer, requiring them under the direction of the board to remove any person who is infected with a communicable disease, or to impress or take up convenient houses, lodging, nurses, attendants and other necessaries, or to enforce all measures of the State Board of Health.

433.135 Providing for quarantined persons. When a house or other place is quarantined on account of a communicable disease, the board of health having jurisdiction shall provide for all persons confined in such place food, fuel and all the necessities of life, including medical attendance, medicine and nurses, when necessary.

433.140 Payment of quarantine expenses; county assistance. (1) The expenses incurred under ORS 433.135, when properly certified by the executive officer of such board, shall be paid by the person quarantined, when able to pay them.

(2) The county public welfare commission of the county in which the person is quarantined may provide general assistance, including medical care for such person, on the basis of need, provided that no payment shall be made by the county public welfare commission for the care of any such person in or under the care of any public institution or public agency or municipality.

433.145 Occupants of quarantined house prohibited from attending gatherings. No person residing in or occupying any house in which there is a person suffering from any communicable disease requiring absolute quarantine, shall be permitted to attend any public, private, parochial school or college or Sunday school or any other public or private gathering until the quarantine provided for in such disease has been removed by the board of health.

433.150 Quarantine hospital; seizure, control of and compensation for emergency hospital. (1) Any city or municipality may establish a quarantine hospital within or without its own limits, but if within its own limits, consent of the municipality within which it is proposed to establish such hospital shall be first obtained. Such consent shall not be necessary if the hospital is more than 800 feet from any occupied house or public highway.

(2) When a great emergency exists the board of health may seize and occupy temporarily for such quarantine hospital any suitable vacant house or building within its jurisdiction and the board of health of any city or municipality having a quarantine hospital shall have control over the same. However, in case of use of such house or premises, due compensation shall be tendered for their use.

433.155 Enforcement of quarantine by county board of health. Every county board of health may:

(1) Quarantine against any other county or adjoining states, subject to approval of the State Board of Health, when any dangerous communicable disease exists, if in its judgment it is deemed necessary.

(2) Quarantine any case of communicable disease within the county.

(3) Call all police officers, sheriffs and constables, and all county officers to enforce such quarantine, subject to the authority of the State Health Officer.

433.160 Removing disease dangers in absence of municipal board's action. When

for some reason the city or municipal board of health does not exist or is inoperative, the State Board of Health shall order nuisances, or the cause of any special disease or mortality, to be abated and removed.

433.165 to 433.200 [Reserved for expansion]

CONTROL OF COMMUNICABLE DISEASES ON VESSELS AND PUBLIC CONVEYANCES

433.205 Quarantine of vessels and vehicles; limitations; approval by State Board of Health. (1) The State Board of Health or the board of health of any incorporated city or village in time of epidemic or threatened epidemic, or when any dangerous communicable disease is unusually prevalent, may, after personal investigation by the members or member or the executive officer of such board to establish the facts in the case, and not otherwise, impose a quarantine on vessels, railroads or any other public or private vehicle or vehicle conveying persons, baggage or freight, or used for such purpose, and may make or enforce such rules and regulations as such board may deem wise and necessary for protection of the health of the people of the community or the state; provided, that the running of any train or any cars, or any steam or electric railroad, or of steamboats, vessels or other public conveyance shall not be prohibited.

(2) The State Health Officer must be immediately informed of any action under subsection (1) of this section. A true copy of rules and regulations, adopted by a local board of health under this section, must have the approval of the State Board of Health, and thereafter no changes shall be made without such approval.

433.210 Compliance with rules; examinations of vessels and vehicles; false statements. (1) Whenever quarantine or closure or other measure is declared, all railroads, steamboats or other common carriers, and the owners, consignees, or the assignees of any railroad, steamboat or other vehicle used for the transportation of passengers, baggage or freight, shall submit to any rules or regulations imposed by the board of health or health officer. They shall submit to any examinations required by the health authorities respecting any circumstances or event touching the health of the crew, operatives or passengers, and the sanitary condition of the baggage or freight.

(2) No owner, consignee, or assignee, or other person interested as stated in subsection (1) of this section, shall make any unfounded statement or declaration respecting the points under examination.

433.215 Inspection of conveyances and vessels entering state. Whenever there exists in the opinion of the State Board of Health imminent danger of the introduction of any dangerous communicable disease into the state by means of railroad, steamboat or other communication with other states, the State Board of Health shall make, through its executive officer or some member of the board, or accredited inspector or agent, an inspection of all railroad cars, steamboats or other conveyances coming into the state, at such points or between such points within the state limits, as may be selected for this purpose. Such inspection shall be made, where practical, during the ordinary detention of a train at a station, or while in transit between stations, or if a steamboat, while in port. In all cases, the inspection shall be so conducted as to occasion the least possible detention or interruption of travel or inconvenience to the railroad companies or steamship companies, so far as consistent with the purposes of ORS 433.205 to 433.220.

433.220 Measures taken on discovery of disease; jurisdiction over emergency. (1) If upon inspection pursuant to ORS 433.215, there is discovered among the passengers the existence of any case of dangerous communicable disease, the health officer or his agents or inspectors, under rules and conditions prescribed by the State Board of Health, as being applicable to the nature of the disease, may:

(a) Cause the sidetracking or detention of any car infected.

(b) Detain a steamboat in port.

(c) Isolate the sick or remove them to a suitable place for treatment.

(d) Establish a suitable station.

(e) Cause the passengers and material in the infected car or steamboat to be subjected to disinfection and cleansing before proceeding farther into the state.

(f) Offer free immunization in those diseases to which such prophylactic treatment is applicable to all persons exposed in any car or at any station or port.

(2) Should any question arise as to the

existence of any emergency the State Board of Health shall have final jurisdiction.

433.225 Control of smallpox on board ships entering Columbia River. Every shipmaster shall submit his ship to a full and free examination by the health officer and obey and perform all the lawful orders and directions of such officer. No shipmaster shall permit his ship to enter the Columbia River with the smallpox on board, without displaying a yellow flag.

433.230 Use of public conveyance by afflicted person prohibited. No person knowing himself to be afflicted with a dangerous communicable disease shall use any public conveyance, street car, railroad car or taxicab. No person shall knowingly assist such afflicted person by the use of any such public conveyance.

433.235 to 433.250 [Reserved for expansion]

DISEASE CONTROL IN SCHOOLS

433.255 Persons with or exposed to communicable disease excluded from school. No pupil, teacher or janitor shall be permitted to attend any private, parochial or public school when afflicted with any communicable disease, nor shall they be permitted to attend such school from any house in which exists any communicable disease, except in strict conformity with the rules and regulations of the State Board of Health.

433.260 Exclusion of diseased or exposed pupil; return to school. Whenever any school principal or teacher in any private, parochial or public school has reason to suspect that any pupil is afflicted with or has been exposed to any communicable disease required by the rules and regulations of the State Board of Health to be excluded from school, such principal or teacher shall send such pupil home and report the occurrence to the local health officer by the most direct means available. Any pupil so excluded shall not be permitted to again attend school until he presents a certificate from a legally qualified physician stating that he is not afflicted with nor a carrier of any communicable disease.

433.265 Powers of school board in controlling spread of communicable diseases. Any district school board may, on account of the prevalence of any communicable disease or to prevent the spread of such communicable disease, in any school under its control:

(1) Prohibit the attendance of any teacher or pupil.

(2) Specify the time during which a teacher or pupil shall remain away from such school.

(3) Prohibit the attendance of any unvaccinated child, who has not had the smallpox.

(4) Decide how far re-vaccination shall be required if cases of smallpox have occurred in the city or district.

433.270 Exclusion of insanitary pupils; corrective steps. Any district school board may prohibit the attendance of any vermin-infected or insanitary pupil in the schools under its control. The school board may require the city or county health officer to make an examination of any pupil who may be suspected of having any vermin, or of being in an insanitary condition of the body or clothing, and may require the parents or guardian of the pupil to put him in a sanitary condition before returning to school.

433.275 to 433.300 [Reserved for expansion]

CONTROL OF MEDICAL LABORATORIES

433.305 Registration of medical laboratories. Every county, municipality, institution or person operating or maintaining a laboratory in which human or animal body fluids, secretions or excretions are examined for the determination of the presence or absence of an infectious agent in the material examined or in the person or animal from which it was secured, shall register annually with the State Board of Health giving the name of such laboratory, its location and the name of the person owning or operating the same.

433.310 Advisory committee; members; term; duties. (1) The State Medical Society shall appoint an advisory committee of four members, to be composed as follows:

(a) One shall be a layman laboratory operator.

(b) Two shall be members of the State Medical Society and laboratory operators.

(c) One shall be a member of the State Board of Health.

(2) The members of the committee shall each be appointed for a term of two years,

until their successors are appointed, and shall serve without compensation.

(3) The advisory committee shall advise the State Board of Health as to what regulations of such laboratories are necessary for the protection of the public from the spread of communicable diseases resulting from the operation of such laboratories.

433.315 Certificates of approval. The State Board of Health shall issue certificates of approval to laboratories which after inspection are found to conform to the standards required by the State Board of Health.

433.320 Appeal to circuit court from refusal to approve laboratory. In any case in which the State Board of Health refuses to grant approval to a laboratory, as provided in ORS 433.315, the county, municipality, institution or person maintaining such laboratory may appeal from the decision refusing approval within 30 days after the date of refusal by the board. Such appeal shall be an equitable action before the circuit court in and for the county in which was held the last general meeting of the board, prior to the refusal of approval.

433.325 Findings as to case contact or carrier of communicable disease. When the control or release of a case contact or carrier of a communicable disease is dependent on laboratory findings, the health officer may require such findings to be obtained by a laboratory approved by the State Board of Health.

433.330 Physicians doing own laboratory work exempted. ORS 433.305 to 433.335 do not apply to physicians or groups of physicians doing their own laboratory work as an incident of their individual practice and not as a separate enterprise. However, this exemption does not apply when such laboratory work is conducted for others.

433.335 Rules and regulations. Acting upon the advice of the advisory committee, the State Board of Health shall make such rules and regulations as are necessary for carrying out ORS 433.305 to 433.335. The rules and regulations so made shall be in force and binding on persons operating and maintaining laboratories defined in ORS 433.305.

433.340 to 433.400 [Reserved for expansion]

SANITATION OF UPHOLSTERED FURNITURE AND BEDDING

433.405 General definitions. As used in ORS 433.405 to 433.680, unless the context requires otherwise:

(1) "Annually" or any of its variants means that period beginning July 1 of each year and ending June 30 of the succeeding year or any unexpired portion of that period.

(2) "Board" means the State Board of Health.

(3) "Certificate" means any registration certificate issued by the board.

(4) "Chief" means the chief of the Furniture and Bedding Inspection Section.

(5) "Inspector" means an inspector of the Furniture and Bedding Inspection Section.

(6) "Person" includes individual, copartnership, association, firm, auctioneer, trust and corporation, and the agents, employes and servants of any of them.

(7) "Section" means the Furniture and Bedding Inspection Section of the board.

(8) "Sell" or any of its variants means one or any combination of the following: Sell, offer or expose for sale, barter, trade, deliver, give away, rent, consign, lease, possess with an intent to sell or dispose of in any other commercial manner. Merchandise found on sales floors or in places from which sales or deliveries are made, is assumed to be for sale.

(9) And for the purpose of the rules and regulations under those statutes, the present tense includes the past and future tenses, and the future, the present.

433.410 Definitions of affected materials. As used in ORS 433.405 to 433.680, unless the context requires otherwise:

(1) "Bedding" means any quilted pad, packing pad, mattress pad, hammock pad, mattress, comforter, bunk quilt, sleeping bag, box spring, upholstered baby carriage, studio couch, pillow, cushion, hassock or any bag or container made of leather, cloth or any other material or any other device that is stuffed or filled in whole or in part with concealed material in addition to the structural units, all of which may be used by any human being for sleeping, resting or reclining purposes. "Pillow" includes a bag or a case of cloth filled or stuffed with feathers, downs, kapok, cotton, hair, wool or other sanitary filling not prohibited by the regulations of ORS 433.405 to 433.680 to

be used, or that may be used, as a rest or a support for the head in reclining, resting or sleeping.

(2) "Filling material" means cotton, wool, kapok, feathers, downs or any other material or combination thereof, loose or in batting, pads or any other prefabricated form, concealed or not concealed, to be used or that may be used in articles of bedding or upholstered furniture.

(3) "Owner's own material" means any article or material belonging to any person for his own or his tenant's use that is sent to any manufacturer, repairer or renovator to be repaired or renovated or used in repairing or renovating.

(4) "Secondhand" means any article or material of which prior use has been made, and includes all filling materials, not otherwise classed as new by the regulations of ORS 433.405 to 433.680. Any article of upholstered furniture or bedding on sales floors in a private residence or room which is not separated from living quarters is secondhand furniture or bedding. Any article of upholstered furniture or bedding shall be classed as secondhand if it contains any secondhand material in whole or in part.

(5) "Slip cover" means any casing or cover without any filling material and which meets any of the following requirements:

(a) Is for use or is to be placed on or over any manufactured article of upholstered furniture or bedding.

(b) Covers or conceals the upholstered furniture or bedding in whole or in part.

(c) Is closed or held in place by snaps or hooks and eyes or lacing so that it may be removed without the use of tools or instruments.

(d) Is not permanently attached by tacking, sewing or in any other manner.

(6) "Upholstered furniture" means any furniture, movable or stationary, including children's furniture, ottomans, barber chairs, beauty shop chairs, office furniture, massage and surgical tables and related equipment which is stuffed or filled in whole or in part with any material hidden or concealed by fabric or any other covering, including pillows, loose or attached, belonging to or forming a part thereof and the structural units, that can be used as a support for the body of a human being or his limbs and feet when in a sitting, resting or reclining position.

433.415 Definitions relating to trade or business. As used in ORS 433.405 to 433.680, unless the context requires otherwise:

(1) "Auctioneer" means any person who sells at auction to the highest bidder, either for himself or another party, at public or private sale, any article or material regulated by ORS 433.405 to 433.680.

(2) "Branch factory" means one separated from the parent factory manufacturing in whole or in part any article of upholstered furniture or bedding.

(3) "Branch renovating shop" means one separated from the parent shop renovating or re-covering any article of bedding.

(4) "Branch repair shop" means one separated from the parent shop repairing any article of upholstered furniture.

(5) "Fumigator" means any person certified by the board to fumigate any article of upholstered furniture or bedding or filling material relating thereto.

(6) "Manufacturer" means a person who either by himself or through employes or agents makes any article of upholstered furniture or bedding in whole or in part or who does the upholstery or covering of any structural unit or part thereof, using either new or secondhand material.

(7) "Repairer" or "renovator" means a person who repairs, makes over, re-covers, restores, renovates or renews upholstered furniture or bedding.

(8) "Residence dealer" means any person who sells any new or used article of upholstered furniture or bedding from his own or another person's place of abode or from any sales room not having a recognized and ordinary store entrance.

(9) "Retailer" means a person who sells any article or thing to a consumer or user of the article or thing purchased.

(10) "Retail branch store" means any subordinate establishment, place or private residence maintaining a sales service other than one situated immediately next door to the main store, office or headquarters.

(11) "Sterilizer" means any person certified by the board to sterilize any upholstered furniture, bedding or filling material relating thereto.

(12) "Supply dealer" means any person certified by the board to manufacture, process or sell at wholesale any felt, padding, pads or loose material in bags or containers, concealed or not concealed, to be used or

that could be used in articles of bedding or upholstered furniture.

(13) "Supply depot" means any warehouse or storeroom used as a merchandising center or supply outlet, to supply or for the purpose of supplying merchandise subject to ORS 433.405 to 433.680, either directly or indirectly at wholesale or retail, which merchandise is sold or held for the purpose of sale to any person regardless of whether the purchaser is in business or in the employ of any person.

(14) "Transient repairer or renovator" means any person who travels from place to place and repairs upholstered furniture or renovates bedding with or without benefit of mobile facilities but who has no permanent shop or address.

(15) "Wholesale branch house" means a branch situated in another locality and conducting a wholesale business independent of the parent house in so far as showroom and service to the trade are concerned, excepting, however, sales or showrooms in established furniture marts or exchanges.

(16) "Wholesaler" means a person who sells any article or thing to another for the purpose of resale.

433.420 Administration by State Board of Health. The board shall administer ORS 433.405 to 433.680 and may adopt such rules and regulations as may be necessary for their administration. All rules and regulations shall have the full force and effect of law and shall become effective not earlier than 10 days after being filed with the Secretary of State.

433.425 Regulations on standards, grades and labels. The board shall, by regulation, establish grades, cleanliness standards and tolerances on the kinds and qualities of materials which are used or intended to be used or that may be used in the manufacture of upholstered furniture or bedding, provided such grades, specifications and tolerances are not in conflict with accepted national standards, relating thereto. The board may approve or adopt standard designations and rules for the proper labeling of articles filled with these materials, provided such rules are not in conflict with ORS 433.405 to 433.680.

433.430 Assignment of registration numbers. The board shall prescribe the procedure relative to assignment or reassignment of registration numbers.

433.435 Reciprocity with other states. The board may reciprocate with other states regarding the mutual recognition and acceptance of labels in interstate commerce, the recognition of manufacturer-shipper identification numerals and in such other manner as may be consistent with the best interests of this state.

433.440 Special certificates required. Except as otherwise provided in ORS 433.405 to 433.680, a person who advertises, solicits or contracts to manufacture, repair or renovate upholstered furniture or bedding and either does the work himself or employs others to do it for him, shall secure the particular certificate required by ORS 433.405 to 433.680 for the particular type of work that he solicits or advertises that he will do, regardless of whether he has a shop or factory.

433.445 Manufacturer's certificate. Every person manufacturing either upholstered furniture or bedding, or both, shall obtain annually a furniture and bedding manufacturer's certificate from the board bearing a registration number assigned by the board.

433.450 Wholesale dealer's certificate. A wholesaler of either upholstered furniture or bedding, or both, unless he holds a furniture and bedding manufacturer's certificate, shall obtain annually a wholesale furniture and bedding dealer's certificate from the board.

433.455 Repairer's and renovator's certificate. Every person repairing upholstered furniture, or renovating bedding, unless he holds a furniture and bedding manufacturer's certificate, shall obtain annually a repairer's and renovator's certificate from the board bearing a registration number assigned by the board.

433.460 Retail dealer's certificate. Every person selling any upholstered furniture or bedding at retail, including upholstered antique furniture, regardless of its condition, unless he holds a furniture and bedding manufacturer's certificate, a wholesale furniture and bedding dealer's certificate, or a repairer's and renovator's certificate, shall obtain annually a furniture and bedding dealer's certificate from the board. This does not apply to upholstered furniture or bedding sold by a peace officer when so ordered by a court.

433.465 Supply dealer's certificate. Every person manufacturing, processing or selling at wholesale, any felt or batting or any pads or loose materials in bags or containers for use in bedding or upholstered furniture, unless he holds a furniture and bedding manufacturer's certificate, shall procure annually a supply dealer's certificate from the board bearing a registration number assigned by the board.

433.470 Businesses to be certified. No person shall engage in a business regulated under ORS 433.405 to 433.680 unless he has first obtained the proper certificate required by ORS 433.405 to 433.680.

433.475 Slip cover makers need no certificate. Any person engaged exclusively in the manufacture of slip covers shall not be required to have a certificate under ORS 433.405 to 433.680.

433.480 Upholstered caskets excluded. Upholstered caskets used in the burial of the dead shall not be considered as upholstered furniture within the meaning of ORS 433.405 to 433.680.

433.485 Each branch and firm name treated as separate unit; exception. (1) Every person in any class shall secure a separate certificate for each branch.

(2) Every branch is subject to the provisions of ORS 433.405 to 433.680.

(3) Every person doing business at the same address under more than one firm name is subject to the registration provisions for each firm name.

(4) However, a person whose manufacturing plant is located in another state or foreign country and who is certified to manufacture upholstered furniture and bedding for sale in this state may have one wholesale outlet covered by the certificate issued to the factory.

433.490 Articles to be labeled. (1) No person shall, at wholesale or retail or otherwise, directly or indirectly, make, repair, renovate or sell any upholstered furniture or bedding for use in any household or place of abode or which can be used by human beings, if it is made of new or secondhand material which is concealed by fabric or any other covering, unless such article is plainly and indelibly stamped or labeled with a tag or other marking as provided in ORS 433.405 to 433.680 and approved by the board.

(2) Before being sold, offered or exposed for sale, cotton, wool, kapok, feathers, downs or any other material or any combination thereof, loose, in batting, pad or any other prefabricated form, concealed or not concealed, to be used or that could be used in articles of bedding or upholstered furniture, shall be labeled with a tag or other device setting forth its true content in accordance with ORS 433.405 to 433.680.

433.495 Size, contents and attachment of labels. (1) Labels to be attached to articles of upholstered furniture and bedding regulated by ORS 433.405 to 433.680 shall:

(a) Not be less than six square inches in size.

(b) Be made of a fabric of good quality approved by the board.

(c) Show or state that the filling material is "new," "secondhand," "sterilized," "fumigated" or "owner's own," as the case may be.

(d) Show or state, in addition to the prescribed language, the registration number of the manufacturer as assigned by the board.

(2) Filling materials, singly or when blended, shall be described by true name as defined by the regulations of ORS 433.405 to 433.680. Feather and down contents shall be shown by percentage only, based on avoirdupois weight. The manner of describing the various filling materials, including the language required by law, together with such other descriptive information as may be required, and the type size, placement, and the color of ink thereof, shall be prescribed by the board.

(3) If desired, the label also may describe the frame, cover and style of the article to which it is attached. When such descriptive statements are made they must, in fact, be true statements.

(4) Before display, sale or delivery of any article of upholstered furniture or bedding, all labels required by ORS 433.405 to 433.680 shall be attached securely to the article at the factory or shop. Such labels shall be fixed in such position that they may be conveniently examined.

433.500 Labels and stamps on particular items. (1) The finished size of bed pillows shall be stated on the label.

(2) Quilt and comforter labels shall show the "cut" size on the label, and a reasonable tolerance from the "cut" size measurement shall be established by regulation.

(3) Labels appearing upon decorative

pillows, boudoir and fancy cushions need not show the finished size.

(4) Slip seat chairs and benches or upholstered stools and similar articles of upholstered furniture, having a wood or metal bottom, may be clearly and indelibly stamped at the factory in lieu of the label. The stamp to be used shall not be smaller than the minimum size approved by the board. When a stamp is approved in lieu of a label, such stamp shall show or state such information as would be required on the label which it replaces.

(5) All feathers and downs, excepting raw stocks sold in bulk or package, shall be labeled with a tag or other marking upon each and every parcel setting forth the true contents according to the requirements of ORS 433.405 to 433.680.

(6) Any person who renovates or repairs upholstered furniture or bedding for any owner or customer for his own use or for use by his tenants shall attach when completed the "Owner's Own Material" label approved by the board. The "Owner's Own Material" label shall be attached securely to the article at the factory or shop, and it shall be fixed in such position that it may be conveniently examined.

433.505 Abuse of labels prohibited. No person shall:

(1) Place on labels required by ORS 433.405 to 433.680 any mark, tag or sticker or any other device, in such a way as to cover the statements required by law.

(2) Use on any label any misleading term or designation or term or designation likely to mislead.

(3) Attempt to or in fact remove, deface, alter, or cause to be removed, defaced or altered, the label or any mark or statement placed upon any upholstered furniture, bedding or material under ORS 433.405 to 433.680. A purchaser for his own use is exempted from the prohibition in this subsection.

(4) Use the required furniture and bedding label to advertise falsely or misrepresent any merchandise to which the bedding or furniture label is required to be attached.

433.510 Registration of sterilizing and fumigating plants. (1) No person shall engage in the business of sterilizing or fumigating articles or materials subject to the regulations of ORS 433.405 to 433.680 without first applying for the proper registration certificate.

(2) The application shall describe the place where the sterilization apparatus, or fumigation chamber, will be located, the type and kind of equipment to be used, the names and addresses of the true owners of the sterilizing or fumigating business and such other data as the board may from time to time require.

433.515 Certificate for approved equipment; subsequent inspection. (1) Upon receipt of an application to sterilize or fumigate, the board may cause an investigation to be made and, if satisfied that the apparatus or chamber will comply with the requirements of ORS 433.405 to 433.680 for sterilization or fumigation, the certificate shall be granted.

(2) Inspection shall be made by the board, or its authorized representatives, from time to time to determine whether the sterilizer or fumigation apparatus is fully and faithfully complying with the requirements and regulations of ORS 433.405 to 433.680 for sterilization and fumigation.

433.520 Construction of sterilization equipment; safety rules. (1) Sterilization and fumigation chambers shall be steam and gas tight in construction, and only such methods and processes as will effectively destroy all insect and bacterial life shall be approved for use.

(2) The board also shall prescribe by regulation such rules as may be necessary to the safety of sterilization and fumigation operators and to such human and animal life as may normally exist in the affected area.

433.525 Cleanliness of equipment. The premises, delivery equipment, machinery, appliances and devices of all persons under ORS 433.405 to 433.680 shall at all times be kept free of refuse, dirt, contamination, insects or vermin.

433.530 Sterilization and fumigation of materials; articles labeled after processing. (1) Every person who receives for sterilization or fumigation any upholstered furniture, bedding or filling material to be used or that can be used in upholstered furniture or bedding for resale, shall sterilize or fumigate all such articles or material in accordance with ORS 433.405 to 433.680 and the regulations thereunder and shall affix a sterilization or fumigation label approved by

the board immediately after the sterilization or fumigation has been completed.

(2) The label shall be attached securely to the article or material at the sterilizing or fumigating plant as evidence that the article or material has been sterilized or fumigated by a process approved by the board. Such label shall be fixed in a position where it may be conveniently examined.

433.535 Additional data on sterilization or fumigation label; record of labels. (1) In addition to the language required by ORS 433.495 and 433.500, the sterilization or fumigation label shall show or state:

(a) The lot number and label number of the attached sterilization or fumigation label.

(b) The kind of article or filling material sterilized or fumigated and a statement as to the cushions, pads and pillows belonging to or forming a part thereof.

(c) The name of the person for whom sterilized or fumigated.

(d) The date sterilized or fumigated.

(e) The name, address and registration number of the sterilizing or fumigating plant.

(f) Any other data which may be necessary and proper to establish that effective results are being obtained.

(2) The sterilizer or fumigator shall keep a record of the data required by subsection (1) of this section showing the disposition of each and every label. The record shall be accessible at all times to authorized inspectors of the board.

433.540 Issue of labels restricted; illegal possession or transfer prohibited; return of void labels. (1) Sterilization or fumigation labels shall be issued only to persons who are authorized to sterilize or fumigate under ORS 433.405 to 433.680.

(2) Illegal possession of any sterilization or fumigation label is prohibited. No sterilization or fumigation label may be sold, given away or transferred, unless such sale or transfer is first approved by the board.

(3) Void or mutilated labels shall be returned to the board.

433.545 Processing required prior to repair. Every article of upholstered furniture or bedding from any private or public source shall be sterilized or fumigated before it is repaired or renovated.

433.550 Unauthorized sales prohibited. No person shall, directly or indirectly, sell any upholstered furniture, bedding or filling material made, repaired, renovated, sterilized or fumigated contrary to ORS 433.405 to 433.680.

433.555 Sale of used articles without processing prohibited. No person shall, directly or indirectly, sell in this state, at wholesale or retail or otherwise, any secondhand or previously used article of upholstered furniture or bedding or any secondhand or previously used filling material to be used or that could be used in the manufacture, repair or renovation thereof, unless such article or material has, subsequent to its last use, been sterilized or fumigated by a process approved by the board and labeled according to ORS 433.405 to 433.680.

433.560 Soiled articles not to be sold. Filthy or soiled articles of upholstered furniture or filthy or soiled articles of bedding cannot be sold, offered for sale or exposed for sale.

433.565 Cleanliness of filling materials. All filling materials to be used in the manufacture of upholstered furniture or bedding shall be free from foreign matter, dirt or trash.

433.570 Special processing of certain fillers; proper labeling. Whenever the words "batt," "batting" or "felt" are used in any statement required by ORS 433.405 to 433.680, the material designated shall be in layers as processed by garnetting or carding machines and the statement on the label shall indicate whether the batt is a "staple cotton" or a "cotton linters batt" or such other true statement as may be in order.

433.575 Separate storage of new and processed articles. New or sterilized or fumigated articles of upholstered furniture or bedding or materials shall at all times be kept separate from secondhand articles or materials not fumigated or sterilized.

433.580 Identification of articles for repair and secondhand materials. Every person upon receiving upholstered furniture or bedding for repair or renovation shall securely affix immediately a tag of identification showing the owner's or dealer's name and address and the date upon which it was received. The tag shall remain affixed until actual repair or renovation is begun. Secondhand springs, structural parts and filling materials shall be likewise identified.

433.585 Regulation of exported goods. ORS 433.405 to 433.680 do not apply to upholstered furniture or bedding manufactured, repaired or renovated which is for sale outside the borders of this state, except that if such articles when manufactured, repaired or renovated contain, in whole or in part, secondhand materials, such articles shall first be sterilized or fumigated as required by ORS 433.405 to 433.680.

433.590 Imported goods to meet requirements. (1) Every person importing or selling either at wholesale or retail, directly or indirectly, any unlabled foreign-made upholstered furniture or bedding, shall fully comply with all the requirements of ORS 433.405 to 433.680, including the registration and labeling provisions, before any such upholstered furniture or bedding can be offered or exposed for sale.

(2) Secondhand upholstered furniture or bedding or secondhand filling materials to be used or that may be used in upholstered furniture or bedding, received from outside this state, shall comply with all the sterilization and fumigation provisions of ORS 433.405 to 433.680 before being accepted, sold or delivered, either directly or indirectly by any person.

433.595 Persons authorized to inspect records, materials and processing equipment; scope of inspection. The State Health Officer, the chief or any authorized inspector shall have access to any premises or to any records held by any person containing any information pertaining to any materials or articles affected by and subject to the provisions of ORS 433.405 to 433.680. They may inspect materials and structural parts intended to be used in the manufacture of upholstered furniture or bedding, partly finished and finished articles of upholstered furniture and bedding, may open such articles or parts thereof for the purpose of inspecting concealed filling material and may take either the entire articles or samples of filling material in such quantities as may be necessary for laboratory analysis.

433.600 Methods of controlling fitness of materials and finished products. (1) The State Health Officer, the chief or any authorized inspector may determine the fitness of any secondhand or damaged article of upholstered furniture or bedding for sterilization or fumigation and sale and of any materials intended to be used in the manufacture of any article or articles of upholstered furniture or bedding.

(2) The board may condemn, withhold from sale, seize or destroy any upholstered furniture or bedding which is found to be in violation of ORS 433.405 to 433.680 and any filling material, units or other structural parts, intended to be used or that could be used in the manufacture, repair or renovation of upholstered furniture or bedding in violation of ORS 433.405 to 433.680.

433.605 Condemnation tags; removal prohibited. (1) The tag to be affixed to any articles of condemned upholstered furniture or bedding or any material by an inspector shall be a colored tag and shall contain such information as may be required by the board.

(2) No person shall remove or cause to be removed any tag or device placed upon any upholstered furniture or bedding or any material by an inspector.

433.610 Condemned articles or articles ordered held to be produced on demand. Every person shall produce upon demand of an inspector any article or material that has been condemned or ordered held on an inspection notice.

433.615 Annual registration fees. The annual registration fee for each certificate granted under ORS 433.405 to 433.680 shall be in accordance with the following table and shall be due and payable on or before July 1.

Furniture and Bedding Manufacturer's certificate	$35
Wholesale Furniture and Bedding Dealer's certificate	$35
Supply Dealer's certificate	$35
Supply Depot	$35
Furniture Repairer's and Renovator's certificate	$25
Sterilizer's or Fumigator's certificate	$25
Retail Furniture and Bedding Dealer's certificate	$10
Auctioneer's certificate	$10

433.620 Fees to be prorated. All registration certificates applied for by a new firm or person during the certificate year shall be prorated on a quarterly basis. The quarterly periods shall begin January 1, April 1, July 1 and October 1. Each one registered shall pay the proportion of the registration fees that the remainder of the registration year, beginning at the first day

of the quarter in which he registers, bears to the entire registration year.

433.625 Additional fee for delinquency in obtaining certificates. (1) Any person failing to apply for the proper certificate within 30 days after engaging in a business for which a certificate is required is delinquent and must pay a penalty of 20 percent in addition to the fee prescribed. Any person applying for a certificate of registration shall, upon request, furnish satisfactory proof that he has not operated subject to ORS 433.405 to 433.680 prior to the date shown on his application.

(2) Renewal certificate fees which are not paid before September 1 shall become delinquent and there shall be added to the requisite fee a penalty of 20 percent.

433.630 Issuance and cost of labels. (1) All labels necessary to the enforcement of ORS 433.405 to 433.680 shall be issued by the board, except that labels to be affixed to articles manufactured of "All New Materials" shall be provided and affixed by the manufacturer.

(2) Labels issued by the board may be sold to qualified persons in minimum quantities of 100 at a net price to the board of $1 for each 100 labels sold.

433.635 Disposition of moneys and fines collected under ORS 433.405 to 433.680. (1) All fines resulting from prosecutions under ORS 433.405 to 433.680 shall be paid to the board and credited to the Furniture and Bedding Inspection Fund.

(2) All moneys collected by the board under ORS 433.405 to 433.680 and any other available moneys in the Bedding and Upholstery Fund, as established by the State Treasurer, shall be received by the board and expended only in carrying out ORS 433.405 to 433.680.

433.640 Persons to comply with sterilization and fumigation laws. Responsibility for compliance with ORS 433.405 to 433.680 rests not only with the manufacturer but also with any person subject to the registration provisions of ORS 433.405 to 433.680.

433.645 Interference with inspectors prohibited; police powers of inspectors. (1) No person shall interfere with, obstruct or otherwise hinder any inspector of the board in the performance of his duties.

(2) The chief and all inspectors in the performance of their official duties shall have the powers of peace officers of this state.

433.650 Courts having jurisdiction over prosecutions. Justices of the peace, district courts, county courts and all other courts having jurisdiction as justice of the peace, shall have concurrent jurisdiction with the circuit court of all prosecutions under ORS 433.405 to 433.680.

433.655 Presumption of intent to sell. The presence of any article or material regulated by ORS 433.405 to 433.680 on sales floors or premises from which sales or deliveries are made shall be presumptive evidence of intent to sell or use.

433.660 Advisory council; membership; terms. There is created a Furniture and Bedding Advisory Council to the board which shall consist of the State Health Officer as secretary and five other members to be appointed by the Governor for a term of five years. On July 1 of each year, upon the expiration of the term of one member of the commission, the Governor shall appoint a successor.

433.665 Qualifications of appointed members. The five appointive members of the advisory council shall be persons who, because of their vocations, employment or affiliations, are qualified to represent the various branches of the affected industries. Appointments shall be apportioned so that:

(1) One member represents the upholstered furniture manufacturing industry.

(2) One member represents the bedding manufacturing industry.

(3) One member represents the retail furniture industry.

(4) One member represents the sterilizing and fumigation industry.

(5) One member, who having no commercial interest, affiliation or relationship in or to the industry, represents the public.

433.670 Vacancies and removals. (1) The Governor shall fill such vacancies as may occur in the membership of the council, and a member so appointed shall serve during the unexpired term of his predecessor.

(2) The Governor may remove any member of the council when he ceases to represent the interest in whose behalf he was appointed.

433.675 Meetings; compensation. (1) The Furniture and Bedding Advisory Council shall choose one of its members to act as

chairman and shall meet twice each year at a time and place designated by the secretary. However, the secretary may, at the written request of two members of the council or, at his own option, call a special meeting of the council to discuss such matters as may, in his opinion, require interim discussion and advice.

(2) The members of the advisory council shall receive $10 per diem plus necessary travel and other expenses while engaged upon the work of the council.

433.680 Functions of the council. The advisory council may:

(1) Consider all matters submitted to it by the State Health Officer.

(2) Propose such rules and regulations as may, in its opinion, be necessary in carrying out ORS 433.405 to 433.680.

(3) Make recommendations to the Civil Service Commission and the State Health Officer relative to the qualifications and duties of the inspectors.

(4) Advise regarding enforcement policy and other matters which may be pertinent to the purpose and intent of ORS 433.405 to 433.680.

433.685 to 433.700 [Reserved for expansion]

MISCELLANEOUS SANITATION PROVISIONS

433.705 Report of inflamed eyes; notice by health officer; copies of statute furnished to nurses and midwives. (1) Should one or both eyes of an infant become inflamed or swollen or reddened at any time within two weeks after birth, the attending physician, midwife or nurse, or other person having the care of such infant, shall report in writing within 24 hours after the discovery thereof, to the health officer or to a legally qualified practitioner of the city, town or district in which the mother of the child resides, the fact that such inflammation or swelling or redness exists.

(2) The health officer, immediately upon receipt of such a written report, shall notify the parents or the person having charge of the infant of the danger to the eyes of the infant by reason of said condition from neglect of proper treatment of the same and inclose with the notice directions for the proper treatment of the condition.

(3) Every health officer shall furnish a copy of this section to each person who is known to him to act as midwife or nurse in the city or town from which such health officer is appointed. The State Board of Health shall cause a sufficient number of copies of this section to be printed and supply them to the health officer on application.

433.710 Unclean slaughterhouses prohibited. No owner or occupier of any slaughterhouse, or of any premises where hogs, beeves or other animals are slaughtered, shall permit the same to remain unclean, to the annoyance of the people of this state.

433.715 Exposed merchandise; intermingling or sale without disinfectant prohibited. No person having delivered merchandise, such as clothing, wearing apparel of every description, hair goods, brushes, rubber goods, books, mattresses, blankets sheets, pillows or other kinds of bedding, to any person or institution at or thereafter taken to any place where any communicable disease exists or may exist, after the delivery of such merchandise, shall intermingle the same with the goods for sale or offer the same for sale or sell the same, or receive any merchandise from any place or premises where any communicable disease exists or has existed, and intermingle such goods with other goods for sale or offer the same for sale or sell the same, until such goods have been thoroughly disinfected in accordance with the rules and regulations of the State Board of Health.

433.720 Establishment of county refuse dumps and disposal plants; cooperation with cities. (1) The counties, acting by and through their respective county courts, may obtain real and personal property by lease, purchase or otherwise for the purpose of operating and maintaining garbage and refuse dumps and disposal plants.

(2) For the purpose of subsection (1) of this section:

(a) Counties may enter into any contracts which may seem desirable with any city in their respective counties covering the cooperative use of such dumps or disposal plants.

(b) Cities may enter into contracts with the county in which they are situated for the cooperative maintenance of garbage dumps and disposal plants.

433.725 Garbage dumps and disposal plants established pursuant to ORS 433.720 under jurisdiction of county court. Each garbage dump or disposal plant established under ORS 433.720 shall be operated under

the jurisdiction of the county court in which it is situated. The county court may prescribe rules, regulations and conditions under which such dumps or disposal plants may be operated and permit or prohibit by rule or regulation the dumping of refuse or garbage at such dump or disposal plant.

433.730 Regulation of garbage and refuse dumps. For the protection of the public health and safety, no public or private person shall operate any garbage or refuse dump within this state in a manner which unnecessarily causes air or water pollution, fire hazards, litter nuisances to nearby premises or insect or rodent nuisances. The county court or board of county commissioners in each county may prescribe rules and regulations establishing procedures, practices and standards within their county, but outside the limits of any incorporated city, for the operation of such dumps in conformance with this section. [1957 c.422 §1]

433.735 to 433.985 [Reserved for expansion]

PENALTIES

433.990 Penalties. (1) Violation of ORS 433.005, 433.105 to 433.155, 433.205 to 433.220, 433.230, 433.255 to 433.270, 433.705 or 433.715 is punishable, upon conviction, as provided in ORS 431.990.

(2) Violation of ORS 433.010 is punishable, upon conviction, by imprisonment in the penitentiary for not more than three years.

(3) Violation of ORS 433.015 is punishable, upon conviction, by a fine not to exceed $1,000 or imprisonment in the county jail for a period not to exceed three months, or both.

(4) Violation of ORS 433.020 is punishable, upon conviction, by a fine of not less than $5 nor more than $50 or imprisonment of not less than 5 nor more than 30 days.

(5) Violation of ORS 433.225 is punishable, upon conviction, by a fine not to exceed $300 or imprisonment in the county jail for a period not to exceed three months, or both.

(6) Violation of ORS 433.405 to 433.680 is punishable, upon conviction, for each offense by a fine of not less than $50 nor more than $500 or by imprisonment in the county jail for not less than three nor more than six months, or both. The unit for a separate and distinct offense under those sections is every article of improperly labeled, or not labeled, upholstered furniture or bedding made, repaired, re-covered, renovated, sterilized or fumigated, sold, exposed or offered for sale, delivered, consigned, rented or possessed with intent to sell contrary to ORS 433.405 to 433.680.

(7) Violation of ORS 433.710 is punishable, upon conviction, by a fine of not less than $5 nor more than $50. If the nuisance is not removed within five days after the first offense, it is considered a second offense and every like neglect of each succeeding five days thereafter is considered an additional offense.

(8) Violation of ORS 433.730 or of any of the rules, regulations and conditions promulgated under ORS 433.725 or 433.730 is punishable, upon conviction, by a fine of not more than $100. If correction is not made within five days after the first offense, it is considered a second offense and every like neglect of each succeeding five days thereafter is considered an additional offense. [Subsection (8) enacted as 1957 c.422 §2]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on December 2, 1957

Sam R. Haley
Legislative Counsel