Chapter 434

1967 REPLACEMENT PART
(1971 reprint)

Venereal Diseases

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CROSS REFERENCES

Administration and enforcement of health laws, Ch. 431
Administrative procedures governing state agencies, Ch. 183
Deaths or injuries to be reported to medical investigator, Ch. 146
Examination of person suspected of having communicable disease, 433.035
Interference with individual's selection of physician or treatment or with religious practice prohibited, 431.180
Juvenile court, jurisdiction over certain children, 419.476
Juveniles, medical treatment by order of court, 419.511
Minors, right to treatment without parental consent, 109.610
Premarital blood test, 106.071

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Institutions caring for venereally diseased children, 418.355 to 418.370
State-aided institutions for wayward girls and venereal cases, 418.505 to 418.530

434.180

Diseased person is not permitted to be:
Barber, 690.220
Food handler, 616.745
Ice or cold storage plant worker, 628.270
Restaurant worker, 624.080

434.010 Venereal diseases designated. Syphilis, gonorrhea and chancroid hereby are designated as venereal diseases and declared to be infectious and communicable diseases, dangerous to the public health.

434.020 Report by physician. Every physician making an examination which indicates the existence of a syphilitic, gonorrheal or chancroidal infection in any person shall report immediately the results of the examination to the State Board of Health on blanks furnished by the board. The report shall not require the name or address of the patient but shall be by number only, together with such other information as the board may require.

434.030 Report of person treating or furnishing medicine. Every physician treating or attempting to treat any case of disease mentioned in ORS 434.010 in any manner, and every physician, nurse or other person selling or giving away any compound, medicine or formula, which either by itself or in connection or conjunction with any other treatment, medicine or compound, is claimed to be useful or to cure, relieve or arrest in any way or manner any such venereal disease, shall report to the State Board of Health on blanks furnished by the board the existence of the case of venereal disease, including all information required by the board, except the name and address of the applicant for treatment.

434.040 Physician's copy of reports. Duplicates of reports made under ORS 434.020 and 434.030, including the correct name and address of the applicant for treatment, shall be retained permanently by the examining or treating physician.

434.050 Rules and regulations for quarantine and treatment; disclosure of names and addresses of persons reported or treated prohibited. The State Board of Health shall make and enforce such rules and regulations for the quarantining and treatment of any cases of the venereal diseases mentioned in ORS 434.010 reported to it or to the State Health Officer as may be deemed necessary for the protection of the public. Neither the board nor the State Health Officer shall disclose the names or addresses of persons reported or treated to any person excepting their own officers or employes or local health officers as may be necessary in the line of duty or to a prosecuting officer or in court in prosecutions or trials under any state law.

434.060 [Repealed by 1967 c.617 §2 (433.035 enacted in lieu of 434.060)]

434.070 Examination of prostitutes and lewd persons; certificate of freedom from disease prohibited. (1) All prostitutes or other lewd persons hereby are included under the class of suspected persons described in ORS 433.035 and may be required to submit to examination at any time.

(2) No certificate of freedom from venereal disease shall be issued by any health officer or physician, or laboratory operator, or other person to any prostitute.

434.080 Rules concerning isolation of persons infected and persons refusing to submit to examination. Any person called upon to submit to an examination under ORS 433.035 and 434.070, who refuses to do so, or who refuses to supply or permit to be taken the specimens provided for in ORS 433.035, or who, upon examination, is found to be suffering from a venereal disease in an infectious stage, and who, by reason of his habits, occupation, or for any other reason, is likely to spread the disease to others, may, in the discretion of the board of health or health officer, either state or local, be isolated. Isolation shall be continued until such person is determined by suitable examination to be no longer infectious. In establishing isolation, the board or officer shall define the place and the limits of the area within which the person is to be isolated. No person other than the attending physician or nurse shall enter or leave the area of isolation without the permission of the board or health officer.

434.090 Treatment of infected persons; proceedings on failure to report for treatment. (1) Every physician in attendance upon a person having an infectious venereal disease, or suspected of having such disease, shall instruct such person in the precautionary measures for preventing the spread of the disease and in the necessity for systematic and prolonged treatment, and also furnish to such person printed directions for preventing infection, to be supplied to physicians by the State Board of Health on request.

(2) If a person in the infectious stage of a venereal disease fails to report to the physician for treatment by him when directed

so to do, the physician shall report such failure to the local board of health or health officer or to the State Health Officer. The State Health Officer shall, when cases are so reported to him, forward the information to the local board of health or health officer. The local board or health officer may thereupon require the person to be examined as provided in ORS 433.035, and if, upon examination, said person is found to be suffering from a venereal disease, in its infectious stage, and does not present evidence to show that he is being regularly treated by a reputable physician for such disease, he shall be isolated, as described in ORS 434.080.

434.100 Facilities for laboratory examination and treatment provided and available to certain persons. (1) The State Board of Health shall provide facilities for the necessary laboratory examinations for the diagnosis of the venereal diseases and shall provide the necessary materials for the proper treatment of these diseases.

(2) These services shall be available to city and county boards of health and health officers in the examination of such cases as are included under ORS 434.070 to 434.090 and 434.160, and to all physicians of this state licensed by the State Board of Medical Examiners in the diagnosis or treatment of such cases of venereal disease as apply to such physicians for medical care. Laboratory examinations of other venereal disease cases shall be made only by physicians licensed by the State Board of Medical Examiners or in laboratories approved by the State Board of Health.

434.110 Requirements for use of facilities; termination of privileges. (1) The facilities and materials made available pursuant to ORS 434.100 shall not be furnished to physicians until the physician furnishes:

(a) Complete information required for the registration of the case, including the correct name and address of the patient.

(b) A statement signed by him certifying to the fact that he is making and will make no charge to the person on whom the tests are to be made or for whom treatment materials are requested for the test or services in securing the specimen of body fluid, secretion or excretion on which laboratory examination is requested or for the treatment of such a person based upon the indications of such tests.

(2) Upon the receipt of information that a physician has violated any of the provisions in subsection (1) of this section, the State Board of Health shall refuse further to provide laboratory examinations or treatment materials to such a physician.

434.130 Local health authorities to ascertain and investigate cases and sources. All local health authorities shall use all reasonable means to ascertain the existence of cases of infectious venereal diseases within their respective jurisdictions, investigate all cases that are not under the care of reputable physicians and ascertain so far as possible all sources of infection and exposures of the same.

434.140 Determination of infectiousness. A case of syphilis, gonorrhea or chancroid shall be regarded as infectious until a physician licensed by the State Board of Medical Examiners has examined the case and has reported to the local health department that the case is not infectious. However, if in the opinion of the health officer of the jurisdiction the protection of the public health requires it, he may review the case and cause a medical examination of any such case to be made by a physician designated by him. The opinion of this designated physican as to the infectiousness or noninfectiousness of the case shall be final.

434.150 Permit to change residence. (1) No person having a venereal disease in the infectious stage shall move or be removed from one health jurisdiction to another, without first securing permission from the State Health Officer or from the local health authorities of the place from which such removal is to be made.

(2) Before such permit shall be granted, the person making application therefor must show that such removal can and will be made without endangering the health of others and that the patient agrees to place himself under the care of a reputable physician to be named in the application for the permit.

(3) The health authority issuing such permit shall report to the local health authorities of the municipality to which such person proposes to go:

(a) The name of such person.

(b) The address to which he intends to go.

(c) The name and address of the physician by whom he will be treated.

434.160 Free treatment to indigents. Any person who is suffering from a venereal disease in the infectious stage and who is unable to pay for treatment may make application for care and treatment to the local board of health or health officer of the municipality in which he resides. If the board or health officer, after investigation, finds that the person is in fact unable to pay for treatment, treatment shall be provided for him by the board or health officer at the expense of the municipality or county.

434.170 Examination, treatment and isolation of prisoners. (1) All persons who are confined or imprisoned in any state, county or city prison shall be examined for, and, if infected, treated for venereal diseases by the health authorities or their deputies. The prison authorities of any state, county or city prison shall make available to the health authorities such portion of any state, county or city prison as may be necessary for a clinic or hospital wherein shall be isolated and treated at public expense until cured:

(a) All persons who are confined or imprisoned in any such prison and who are infected with venereal disease.

(b) Those persons who are suffering with venereal disease at the time of the expiration of their term of imprisonment.

(c) Any other persons who may be isolated or quarantined under ORS 433.035 or 434.010 to 434.190, in case no other suitable place for isolation or quarantine is available.

(2) In lieu of such isolation any of such persons may, in the discretion of the local board of health, be required to report for treatment to a licensed physician, or submit to treatment provided at public expense.

(3) However, all persons treated voluntarily or otherwise at public expense shall remain under such parole for one year as required by the rules and regulations of the State Board of Health.

(4) Nothing in this section shall be construed to interfere with the service of any sentence imposed by a court as a punishment for the commission of crime.

434.180 Conduct and occupations of infected persons restricted. No person having any venereal disease in the infectious stage shall:

(1) Conduct himself in such a manner as to expose others to infection.

(2) Engage in the preparation, manufacture or handling of milk, milk products or other foodstuffs.

(3) Be employed or permitted to work in any dairy, creamery, milk depot or other place where milk or its products are produced, manufactured or sold, or in any other place or establishment where foods are exposed or handled.

(4) Engage in the nursing or care of children or of the sick, or in any other occupation of such a nature that his infection may be transmitted to others.

434.190 Power conferred on officers and boards. All power and authority necessary for the performance of the duties, discretionary or otherwise, imposed by ORS 433.035 and 434.010 to 434.190 upon any of the health officers or boards of this state, hereby is conferred upon such boards and officers.

434.200 Blood tests for pregnant women. (1) Every licensed physician attending a pregnant woman in this state for conditions relating to her pregnancy during the period of gestation or at the time of delivery, in the case of every woman so attended, shall take or cause to be taken a sample of blood of such woman at the time of the first professional visit, or within 10 days thereafter. The blood specimen thus obtained shall be submitted to an approved laboratory for a standard test for syphilis.

(2) Every other person permitted by law to attend a pregnant woman in this state, but not permitted by law to take blood samples, shall cause a sample of blood of such pregnant woman to be taken by a duly licensed physician or surgeon, and have such sample submitted to an approved laboratory for a standard test for syphilis.

(3) However, in all cases the physician or surgeon must have the consent of the patient to take blood samples.

434.210 Standard test without charge to patient. (1) For the purposes of ORS 434.200 a standard test shall be a test for syphilis approved by the State Board of Health, made by a laboratory approved to make such tests.

(2) Such laboratory tests as are required by ORS 434.200 shall be made on request without charge at the laboratory of the State Board of Health. No charge shall be made to any patient by the physician for services in securing the specimen of body

fluid on which laboratory examination is requested.

434.250 Advertising and publishing of cures for certain diseases of urogenital organs prohibited. (1) No person shall advertise or publish any advertisement intended to imply or to be understood that he will restore manly vigor, treat or cure lost manhood, lost power, stricture, gonorrhea, chronic urethral discharges, gleet, varicocele or syphilis.

(2) No person shall advertise any medicine, medicinal preparation, remedy or prescription for any of the ailments or diseases listed in subsection (1) of this section.

(3) No owner or managing officer of any newspaper shall print or publish in his paper any advertisement of the type described in subsections (1) and (2) of this section.

434.260 Advertising and distributing of cures for diseases of urogenital organs prohibited; approved agencies excepted. No person, except boards of health or agencies approved by the State Board of Health, shall publish, deliver or distribute, or cause to be published, delivered or distributed in any manner whatever, or permit placards or posters to be or remain on buildings or outhouses or premises controlled by him containing an advertisement concerning venereal disease, lost manhood, lost vitality, impotency, sexual weakness, seminal emissions, varicocele, self-abuse or excessive sexual indulgence and calling attention to a medicine, article or preparation that may be used therefor or to a person from whom, or an office or place at which information, treatment or advice may be obtained.

434.270 Sale of drug for treating venereal disease without prescription prohibited. No druggist or other person shall sell any drug, compound or specific preparation of any kind used for, or reasonably intended to be used for, the cure or treatment of any venereal diseases, except upon the prescription of a regularly licensed physician.

434.990 Penalties. (1) Violation of ORS 434.010 to 434.190 is punishable, upon conviction, by a fine of not less than $10 nor more than $100 or by imprisonment for not less than 10 days nor more than 30 days, or by both.

(2) Violation of ORS 434.250 is punishable, upon conviction, by a fine of not less than $100 nor more than $1,000, or by imprisonment in the county jail for not less than six months nor more than 12 months, or by both.

(3) Violation of ORS 434.260 or 434.270 is punishable, upon conviction, as provided in ORS 431.990.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Robert W. Lundy, 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 1, 1967.

Robert W. Lundy
Legislative Counsel