

## Chapter 434

### 1977 REPLACEMENT PART

### Venereal Diseases

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### CROSS REFERENCES

Administration and enforcement of health laws, Ch. 431	434.100
Administrative procedures governing state agencies, Ch 183	Institutions caring for venereally diseased children, 418.355 to 418.370
Confidential communications, 44.040	State-aided institutions for wayward girls and venereal cases, 418.505 to 418.530
Establishment by school board of course concerning venereal disease, 336.035	
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	434.180
Juvenile court, jurisdiction over certain children, 419.476	Diseased person is not permitted to be:
Juveniles, medical treatment by order of court, 419.511	Barber, 690.220
Minors, right to treatment without parental consent, 109.610	Food handler, 616.745
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Venereal disease, treatment records, physician as witness, 44.040	Restaurant worker, 624.080



**434.005 Definitions.** As used in this chapter unless the context requires otherwise:

(1) "Division" means the Health Division of the Department of Human Resources.

(2) "Assistant director" means the Assistant Director for Health.

(3) "Venereal disease" includes syphilis, gonorrhea, chancroid, lymphogranuloma venereum, granuloma inguinale and any other disease commonly transmitted by sexual contact which the division by rule designates as dangerous to the public health.

[1973 c.829 §13; 1977 c.582 §40]

**434.010** [Amended by 1973 c.829 §36; repealed by 1977 c.582 §61]

**434.020 Report by physician.** Every physician who diagnoses or treats a case of any venereal disease listed in subsection (3) of ORS 434.005 shall immediately report the case to the local board of health, health officer or to the division by name and address on forms furnished by the division. In those counties, as designated by the division, in which the local boards of health or health officers do not conduct venereal disease control programs approved by the division, all such reports shall be made directly to the division.

[Amended by 1973 c.829 §37; 1977 c.582 §56]

**434.030** [Repealed by 1973 c.829 §71]

**434.040** [Repealed by 1973 c.829 §71]

**434.050 Rules for quarantine and treatment; confidentiality of records; exception.** The division shall make and enforce rules for the quarantining and treatment of any cases of the venereal diseases mentioned in subsection (3) of ORS 434.005 as may be deemed necessary for the protection of the public. The division shall not disclose the names or addresses of persons reported or treated to any person excepting its own employes, appropriate local health officers or other official health agencies as may be necessary for the enforcement of laws or rules of the division.

[Amended by 1973 c.829 §38; 1977 c.582 §57]

**434.055 Immunity from examination in legal proceeding.** No local health authority officer or employe shall be examined in a civil, criminal, special or other proceeding as to the existence or contents of pertinent records of a person examined or treated for an infectious venereal disease in a local health authority facility, without the consent of the person examined or treated for such disease.

[1975 c.343 §2]

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

**434.070 Examination of prostitutes and clients; certificate of freedom from disease prohibited; exception.** (1) All prostitutes or clients of prostitutes 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 except pursuant to ORS 106.071.

[Amended by 1977 c.582 §41]

**434.080 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, at the discretion of the division, or local board of health or health officer, be isolated at a designated location. Isolation shall be continued until such person is determined by suitable examination to be no longer infectious. No person other than the attending physician or nurse shall enter or leave the area of isolation without the permission of the division or local board of health or health officer.

[Amended by 1973 c.829 §39]

**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 adequate treatment.

(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 division. The division shall, when cases are so reported to it, forward the information to the local board of health or health officer. The local board of health 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 qualified physician for such disease, he shall be isolated, as described in ORS 434.080.

[Amended by 1973 c.829 §40]

**434.100 Facilities for laboratory examination and treatment.** (1) The division 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 all local boards of health and health officers in the examination of such cases as are included under ORS 434.070, 434.080, 434.090, 434.160 and 434.170, and to all physicians of this state licensed by the Board of Medical Examiners for the State of Oregon 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 Board of Medical Examiners for the State of Oregon or in laboratories licensed by the division.

[Amended by 1973 c.829 §41]

434.110 [Repealed by 1973 c 829 §71]

**434.130 Local health authorities to ascertain 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 and ascertain so far as possible all sources of infection and exposures of the same.

[Amended by 1973 c.829 §42]

**434.140 Determination of infectiousness.** A case of venereal disease shall be regarded as infectious until a physician licensed by the Board of Medical Examiners for the State of Oregon 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 physician as to the infectiousness or noninfectiousness of the case shall be final.

[Amended by 1973 c.829 §43; 1977 c.582 §42]

434.150 [Repealed by 1973 c 829 §71]

**434.160 Free treatment.** Any person who is suffering from a venereal disease in the infectious stage may present himself for care and treatment to the local board of health or health officer of the county or public health jurisdiction in which he resides and treatment shall be provided for him by the board or health officer at the expense of the local health jurisdiction.

[Amended by 1973 c.829 §44]

**434.170 Examination, treatment and isolation of prisoners.** (1) All persons who are confined or imprisoned in any state, county or city prison who are suspected of having a venereal disease 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, 434.010 to 434.050 or 434.070 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, at 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 be subject to surveillance for one year or as required by the rules of the division.

(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.

[Amended by 1973 c.829 §45]

**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 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.

[Amended by 1973 c.829 §46]

**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, 434.010 to 434.050 and 434.070 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 a licensed 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 a licensed 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.

[Amended by 1973 c.829 §47]

**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 division, made by a laboratory licensed 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 division. 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.

[Amended by 1973 c.829 §48]

**434.250 Advertising and publishing of cures for certain diseases of sexual organs prohibited; governmental services**

**exempt.** (1) No person shall advertise or publish any advertisement intended to imply or to be understood that he will treat or cure a venereal disease or other ailment involving the sexual organs or functions thereof.

(2) No person shall advertise any medicine, medicinal preparation or prescription for a venereal disease or other ailment involving the sexual organs or functions thereof.

(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.

(4) This section does not apply with respect to services offered by or under authority of governmental entities, and approved by the Health Division, in the interest of controlling the incidence of venereal disease.

[Amended by 1977 c.582 §43]

**434.260 Advertising and distributing of cures for diseases of sexual organs prohibited; approved agencies excepted.** (1) No person 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 premises controlled by him containing an advertisement concerning venereal disease or other ailment involving the sexual organs or functions thereof.

(2) This section does not apply with respect to services described in subsection (4) of ORS 434.250.

[Amended by 1973 c.829 §49; 1977 c.582 §44]

**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 434.050 and 434.070 to 434.210 is a Class C misdemeanor.

(2) Violation of ORS 434.250 is a Class A misdemeanor.

(3) Violation of ORS 434.260 or 434.270 is a Class A misdemeanor.

[Amended by 1973 c.829 §50]

**CERTIFICATE OF LEGISLATIVE COUNSEL**

Pursuant to ORS 173.170, I, Thomas G. Clifford, 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,  
October 1, 1977.

Thomas G. Clifford  
Legislative Counsel