Chapter 433

1981 REPLACEMENT PART

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GENERAL PROVISIONS

433.001 Definitions. As used in ORS 433.001 to 433.770 unless the context requires otherwise:

(1) "Assistant director" means the Assistant Director for Health or his authorized representative.

(2) "Division" means the Health Division of the Department of Human Resources. [1973 c 259 §2]

433.003 Reporting of certain diseases required. Any person who attends an individual who has a reportable disease shall report the case to the local health officer. The local health officer shall transmit such reports to the division. The division may by rule prescribe form for such reports. [1973 c 259 §4 (enacted in lieu of 433.005)]

433.005 [Repealed by 1973 c 259 §3 (433 003 enacted in lieu of 433.005)]

433.010 Spreading disease prohibited; health certificates to be issued by physicians. (1) No person shall wilfully cause the spread of any communicable disease within this state.

(2) Whenever Oregon Revised Statutes require a person to secure a health certificate, such certificate shall be acquired from a physician licensed by the Board of Medical Examiners for the State of Oregon or the Naturopathic Board of Examiners in accordance with the rules of the division. [Amended by 1973 c 259 §5; 1979 c 731 §5]

433.015 [Repealed by 1973 c 259 §20]

433.020 [Repealed by 1973 c 259 §20]

433.025 Power of assistant director in enforcing quarantine laws. The assistant director may enforce ORS 433.150, 433.156, 433.216 and 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 assistant director, upon entering private property, or to assist the assistant director in any way to carry out the statutes enumerated. [Amended by 1973 c.259 §6]

433.035 Examination or quarantine of person reasonably believed to be infected with communicable disease. (1) Whenever the assistant director or any local health officer receives a report that any person within his jurisdiction is or is reasonably believed to be infected with any communicable disease, he may, if he has reasonable cause to believe the report, cause a medical examination to be made of such person to determine whether he is in fact infected with a communicable disease. The person who orders an examination pursuant to this section shall prepare and submit to the division written findings stating the communicable disease that he believes the person to be infected with, the reasons for his belief, that laboratory confirmation of the disease is feasible, possible and would enable control measures to be taken to minimize infection of others with the disease.

(2) When any person is directed to submit to an examination under subsection (1) of this section, if he agrees to do so, he shall submit to such examination as may be necessary to establish the presence or absence of the communicable disease for which the medical examination was directed. The examination shall be carried out by the local health officer or a physician licensed by the Board of Medical Examiners for the State of Oregon or the Naturopathic Board of Examiners. A written report of the results of such examination shall be made to the local health officers and the assistant director. Laboratory examinations, if any, shall be carried out by the laboratory of the division whenever such examinations are within the scope of the tests conducted by the laboratory. If treatment is needed, the person, his parent or guardian shall be liable for the costs of treatment based on the examination carried out under this section, when able to pay such costs. Cost of any examination performed by a physician in private practice shall be paid from public funds available to the local health officer, if any, or from county funds available for general governmental expenses in the county for which the local health officer serves or in the county where the person examined resides if the local health officer serves more than one county or the examination was ordered by the assistant director.

(3) Any person directed to submit to a medical examination pursuant to subsection (1) of this section who refuses to do so may be quarantined by order of the assistant director or the local health officer for such a period and subject to such conditions as the assistant director specifies in the order.

(4) (a) Any person described in subsection (3) of this section or his agent may petition a

circuit court for an order of release from quarantine. The court shall hold a hearing within 48 hours from the date of filing of the petition and, if satisfied that there is no reasonable cause to believe that the person has a communicable disease, shall order that he be released from quarantine.

(b) The court may, in its discretion, order that the person be brought before the courts.

(5) As used in this section, "communicable disease" means a disease that may be transmitted from one person or an animal to another person, either by direct contact or through an intermediate host, vector or inanimate object, and that may result in illness, death or severe disability. [1967 c 617 §1 (enacted in lieu of 434 060), 1973 c 259 §7; 1979 c 731 §6]

ISOLATION OR QUARANTINE

433.105 [Repealed by 1973 c 259 §8 (433 106 enacted in lieu of 433 105)]

433.106 Power to isolate or quarantine; posting of notice; rules. The assistant director or any local, county or district health officer shall have the power to isolate or quarantine people, animals, inanimate objects, vessels and public conveyances, or institute other preventive medical measures, in order to prevent the spread of communicable diseases of threat to the community and shall post such notices of isolation or quarantine as the division may by rule require. Such isolation or quarantine shall be in accordance with rules adopted by the division. [1973 c 259 §9 (enacted in lieu of 433 105)]

433.110 Duties of physicians in controlling communicable disease. Every physician attending a person affected with any communicable disease shall use such precautionary measures to prevent the spread of the disease as the division may prescribe by rule [Amended by 1973 c 259 §10]

433.115 [Repealed by 1973 c 259 §20]

433.120 [Repealed by 1973 c 259 §20]

433.125 [Repealed by 1973 c 259 §20]

433.130 Magistrate's authority to enforce quarantine and isolation measures. Any magistrate authorized to issue warrants in criminal cases shall issue a warrant upon affidavit of the assistant director or any local health officer, 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 division 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 quarantine or isolation measures required by rules of the division. [Amended by 1973 c 259 §11]

433.135 Providing for quarantined persons. When a person is quarantined on account of a communicable disease, the local board of health having jurisdiction may provide for such persons confined, the necessities of life, including medical care when necessary. [Amended by 1973 c 259 §12]

433.140 Payment of quarantine expenses; 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 Adult and Family Services Division may provide general assistance, including medical care for such person, on the basis of need, provided that no payment shall be made for the care of any such person in or under the care of any public institution or public agency or municipality. [Amended by 1971 c 779 §64]

433.145 [Repealed by 1973 c 259 §20]

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 [Repealed by 1973 c 259 §13 (433 156 enacted in lieu of 433 155)]

433.156 Enforcement of isolation or quarantine by police. All state and local police officers shall cooperate with any officer authorized to impose isolation or quarantine

in the enforcement thereof. [1973 c 259 §14 (enacted in lieu of 433 155)]

433.160 [Repealed by 1973 c 259 §20]

433.205 [Repealed by 1973 c 259 §20]

433.210 [Repealed by 1973 c 259 §20]

433.215 [Repealed by 1973 c 259 §15 (433 216 enacted in lieu of 433 215)]

433.216 Detaining conveyance for inspection or investigation. If the assistant director finds that there is an imminent risk of the introduction of any dangerous communicable disease into the state by means of any public or private conveyance, he may detain such conveyance for inspection or investigation. [1973 c 259 §16 (enacted in lieu of 433 215)]

433.220 Measures taken on discovery of disease; jurisdiction over emergency. (1) If upon inspection pursuant to ORS 433.216, there is discovered among the passengers or goods therein the existence of any case of dangerous communicable disease, the assistant director, under rules of the division may:

(a) Isolate or quarantine such persons or goods in accordance with ORS 433.106.

(b) Cause the passengers and material in the involved conveyance to be subjected to requirements by the division for the control of the specific communicable disease.

(c) Offer free immunization in those diseases to which such prophylactic treatment is applicable to all persons exposed in any conveyance.

(2) Should any question arise as to the existence of any emergency the assistant director shall have final jurisdiction. [Amended by 1973 c 259 §17]

433.225 [Repealed by 1973 c 259 §20]

433.230 [Repealed by 1973 c 259 §20]

DISEASE CONTROL IN SCHOOLS

433.235 Definition for ORS 433.235 to 433.280. As used in ORS 433.235 to 433.280:

(1) "Administrator" means the principal or other person having general control and supervision of a school or certified day care facility

(2) "Certified day care facility" or "facility" means a day care facility caring for six or more children and certified pursuant to ORS 418.805 to 418.885.

(3) "Local health department" or "department" means the district or county board of health, public health officer, public health administrator or health department having jurisdiction within the area.

(4) "Parent" means a parent or guardian of a child or any adult responsible for the child.

(5) "Physician" means a physician licensed by the Board of Medical Examiners for the State of Oregon or by the Naturopathic Board of Examiners or a physician similarly licensed by another state in which the physician practices or a commissioned medical officer of the Armed Forces or Public Health Service of the United States.

(6) "School" means a public, private or parochial school. [Formerly 433 263]

433.240 Parental responsibility. (1) In adopting ORS 433.235 to 433.280, the Legislative Assembly recognizes the obligation of parents to have their children properly immunized and to provide to schools and facilities accurate records of immunization.

(2) Notwithstanding ORS 339.030 (8), nothing in ORS 433.235 to 433.280 operates to remove parental liability under compulsory attendance laws. [1981 c 78 §§9, 10]

433.245 Advisory committee; membership. (1) The Assistant Director for Health shall appoint a committee to advise the Health Division on the administration of the provisions of ORS 433.235 to 433.280, including the adoption of rules pursuant to ORS 433.269 (2), 433.273 and sections 12 and 14, chapter 78, Oregon Laws 1981.

(2) Members of the committee appointed pursuant to subsection (1) of this section shall include, but need not be limited to, representatives of the Health Division, the Department of Education, public, private and parochial schools, education service districts, certified day care facilities, local health departments, the boards of county commissioners or county courts and the public. [1981 c 78 §8]

433.255 Persons with or exposed to communicable disease excluded from school. Except in strict conformity with the rules of the Health Division, no child or employe shall be permitted to be in any school or facility when:

(1) Afflicted with any communicable disease or condition;

(2) From any house in which exists any communicable disease or condition; or

(3) A child has been excluded as provided in ORS 433.267 (5). [Amended by 1973 c 259 §18, 1981 c 78 §2]

433.260 Exclusion of diseased or exposed person; return to school. (1) Whenever any administrator has reason to suspect that any child or employe is afflicted with or has been exposed to any communicable disease or condition required by the rules of the Health Division to be excluded from a school or facility, the administrator shall send such person home and report the occurrence to the local health department by the most direct means available.

(2) Any person excluded under subsection (1) of this section shall not be permitted to be in the school or facility until the person presents a certificate from a physician stating that the person is not afflicted with nor a carrier of any communicable disease or condition. [Amended by 1973 c 259 §19, 1979 c 731 §7, 1981 c 78 §3]

433.263 [1973 c 566 §1, 1979 c 731 §8, 1981 c 78 §1, renumbered 433 235]

433.265 [Repealed by 1973 c 259 §20]

433.267 Immunization of school children; exceptions. (1) As a condition of attendance in any school or facility in this state, every child through grade 12 shall submit to the administrator one of the following statements unless the school or facility which the child attends already has on file a record which indicates that the child has received immunizations against the communicable diseases prescribed by rules of the Health Division as provided in ORS 433.273:

(a) A statement signed by the parent certifying that the child has received immunizations against the communicable diseases prescribed by rules of the Health Division as provided in ORS 433.273;

(b) A statement signed by the parent, a practitioner of the healing arts who has within the scope of the practitioner's license the authority to administer immunizations or a representative of the local health department that describes the manner in which the child has begun the immunization process as prescribed by rules of the Health Division pursuant to ORS 433.273;

(c) A statement signed by a physician or a representative of the local health department that the child should be exempted from receiving specified immunization because of indicated medical diagnosis;

(d) A statement signed by the parent that the child has not been immunized as described in paragraph (a) of subsection (1) of this section because the child is being reared as an adherent to a religion the teachings of which are opposed to such immunization; or

(e) A statement signed by the parent of a child transferring to a school or facility from another school district or facility that the parent will have records required by paragraphs (a) to (d) of this subsection for the child sent to the school or facility within 30 days of initial enrollment of the child therein.

(2) Children who have been emancipated pursuant to ORS 109.565 or who have reached the age of majority as provided in ORS 109.510 may sign those statements on their own behalf otherwise requiring the signatures of parents under subsection (1) of this section.

(3) The administration shall conduct a primary evaluation of the records previously on file or newly submitted pursuant to subsection (1) of this section to determine whether the child is entitled to enroll or continue in attendance by reason of having submitted a statement that complies with the requirements of subsection (1) of this section.

(4) If the records do not comply or are not received within 30 days as provided in paragraph (e) of subsection (1) of this section, the administrator shall notify the local health department and shall transmit any records concerning the child's immunization status to the department.

(5) The department shall provide for a secondary evaluation of the records to determine whether the child should be excluded for noncompliance with the requirements stated in paragraph (a) or (e) of subsection (1) of this section. If the child is determined to be in noncompliance, the department shall issue an exclusion order and shall send copies of the order to the parent and the administrator. On the effective date of the order, the administrator shall exclude the child from the school or facility and not allow the child to attend the school or facility until the requirements of this section have been met.

(6) The administrator shall readmit the child to the school or facility when in the judgment of the local health department the

child is in compliance with the requirements of this section. The department shall return the records of the child who has been readmitted to the appropriate school or facility.

(7) The administrator shall be responsible for updating the statement described in paragraph (b) of subsection (1) of this section as necessary to reflect the current status of the immunization of the child and the time at which the child comes into compliance with immunizations against the communicable diseases prescribed by rules of the Health Division pursuant to ORS 433.273.

(8) Nothing in this section shall be construed as relieving agencies, in addition to school districts, which are involved in the maintenance and evaluation of immunization records on April 27, 1981 from continuing responsibility for these activities.

(9) All statements required by this section shall be on forms approved or provided by the Health Division. [1973 c 566 §2, 1977 c 457 §1, 1981 c 78 §4]

Note: Section 14 chapter 78, Oregon Laws 1981, provides

Sec. 14. The provisions of ORS 433 267 (5) shall be implemented as soon as practicable, in accordance with rules adopted by the Health Division, but in no case later than August 15, 1982

433.269 Immunization by local health department; records and reports. (1) Local health departments shall make available immunizations to be administered under the direction of the local health officer in convenient areas. No child shall be refused service because of inability to pay.

(2) The local health department, and all schools and facilities shall report annually to the Health Division as specified in the rules of the Health Division on the number of children in the area served who are susceptible to communicable disease by reason of noncompliance. A child exempted under ORS 433.267 shall be considered to be susceptible.

(3) The local health department shall maintain records of children who are excluded from schools and facilities. Schools and facilities shall maintain records of children in attendance conditionally because of incomplete immunization schedules and children exempted under ORS 433.267. [1973 c 566 §3, 1981 c.78 §5]

433.270 [Repealed by 1973 c 259 §20]

433.273 Rules of division. The Health Division shall adopt rules pertaining to the implementation of ORS 433.235 to 433.280, which shall include, but need not be limited to:

(1) The required immunization against diseases, including rubella, considered to be dangerous to the public health under ORS 433.267;

(2) The time schedule for immunization;

(3) The approved means of immunization;

(4) The procedures whereby students may be excluded from attendance in schools or facilities, including service of notice to parents; and

(5) The manner in which immunization records for children are established, evaluated and maintained. [1973 c 566 §4, 1977 c 457 §2, 1981 c.78 §6]

433.275 [1973 c.566 §5, repealed by 1981 c 78 §15]

Note: ORS 433 275 is repealed effective August 15, 1982 See section 15, chapter 78, Oregon Laws 1981 433 275 (1979 Replacement Part) is set forth for the users' convenience

433.275. The school administrator of any school at which a pupil applies for enrollment without meeting the requirements of ORS 433 267 shall refuse to enroll the pupil until the requirements are met

433.280 Status of immunization records as public records. Nothing in ORS 179.505, 192.525, 192.530 or 336.185 to 336.215 operates to prevent:

(1) Inspection by or release to administrators by local health departments of information relating to the status of a child's immunization against communicable diseases without the consent of the child or the parent.

(2) Local health departments from releasing information concerning the status of a child's immunization against communicable diseases by telephone to the parent, administrators and public health officials. [1981 c 78 §11]

CONTROL OF METABOLIC DISEASES

433.285 Policy to control metabolic diseases; diseases specified by rule; testing; fees; exemptions; waiver of fees. (1) It hereby is declared to be a matter of public policy of the State of Oregon that in the interest of public health and the prevention of mental retardation, every infant, shall be given tests approved by the Health Division

for the detection of the disease of phenylketonuria and other metabolic diseases.

(2) The Health Division by rule shall specify the diseases for which infants shall be tested under subsection (1) of this section, the appropriate time following delivery for collecting specimens, the manner in which the specimens are to be submitted, the persons responsible for submitting the specimens, the methods of testing and the manner of payment of the fees.

(3) The testing required by subsection (1) of this section shall not be required if the infant is being reared as an adherent to a religion the teachings of which are opposed to such testing. The person responsible for submitting specimens under the rules of the Health Division shall be responsible for submitting a statement signed by the infant's parent that the infant is being so reared. The division by rule shall prescribe the form of the statement.

(4) The Health Division shall adopt by rule a procedure whereby the fees established under subsection (2) of this section shall be waived and no infant refused service because of the parent's inability to pay the fee. [1963 c 190 §1, 1965 c 88 §1; 1977 c.582 §34; 1981 c 630 §2]

433.290 Division to conduct educational program concerning metabolic diseases. The Health Division shall institute and carry on an intensive educational program among physicians, hospitals, public health nurses and the public concerning the disease of phenylketonuria and other metabolic diseases. This educational program shall include information concerning the nature of these diseases and examinations for the detection of these diseases in infancy in order that measures may be taken to prevent the mental retardation resulting from these diseases. [1963 c.190 §2; 1977 c 582 §35]

433.295 Report of cases required; forms to be furnished. (1) All physicians, public health nurses and the administrators of hospitals shall report the discovery of cases of phenylketonuria to the Health Division.

(2) The Health Division shall furnish all physicians, public health nurses and hospitals forms on which the result of tests for phenylketonuria shall be reported to the Health Division. [1963 c.190 §3]

433.305 [Repealed by 1969 c 685 §23]

CONTROL OF TOXOPLASMOSIS

433.307 Policy to control toxoplasmosis. It is declared to be the policy of the State of Oregon that in the interest of public health, every infant shall be given tests approved by the Health Division for the detection of the disease of toxoplasmosis before becoming two weeks of age. [1973 c 470 §1; 1981 c 630 §3]

433.309 Duties of division. The Health Division shall:

(1) Institute and carry on an intensive educational program among physicians, hospitals, public health nurses and the public concerning the disease of toxoplasmosis. This educational program shall include information concerning the nature of the disease and examinations for the detection of the disease.

(2) Provide examinations for the detection of the disease of toxoplasmosis, on request to any pregnant woman and routinely to each newborn infant. [1973 c.470 §2, 1981 c 630 §4]

433.310 [Amended by 1969 c 314 §41; 1969 c.685 §17, renumbered 438.410]

433.311 Report of cases required; forms to be furnished. (1) All physicians, public health nurses and administrators of hospitals shall report the discovery of cases of toxoplasmosis to the Health Division.

(2) The Health Division shall furnish all physicians, public health nurses and administrators of hospitals forms on which the result of tests for toxoplasmosis shall be reported to the division. [1973 c 470 §3]

433.313 Exception to testing on religious grounds. None of the provisions of ORS 433.307 to 433.313 shall apply to any woman who objects, or to any infant whose parents object, to such examinations on the grounds that such examination conflicts with her religious tenets and practices. [1973 c.470 §4]

433.315 [Repealed by 1969 c.685 §23]

433.320 [Repealed by 1969 c.685 §23]

433.325 [Amended by 1969 c.685 §19, renumbered 438.420]

433.330 [Repealed by 1969 c.685 §23]

433.335 [Amended by 1969 c.685 §15, renumbered 438.450]

RABIES CONTROL

433.340 Definitions for ORS 433.340 to 433.390. As used in ORS 433.340 to 433.390 unless the context requires otherwise:

(1) "Animal" means a dog or other animal of a species susceptible to rabies.

(2) "Owner" means any person having a right of property in an animal or who harbors an animal or who has it in his care, or acts as its custodian, or who knowingly permits an animal to remain on or about any premises occupied by him. "Owner" does not include veterinarians or kennel operators temporarily maintaining on their premises animals owned by other persons for a period of not more than 30 days. [1971 c 413 §1]

433.345 Report of animal bites; handling and disposition of animals. (1) Whenever an animal bites any person or is suspected of rabies or has been in close contact with an animal suspected of rabies, the facts shall be immediately reported to the local health officer by any person having direct knowledge.

(2) The Health Division, in consultation with the State Department of Agriculture, shall promulgate rules relating to the handling and disposition of animals that have bitten any person or are suspected of rabies or that have been in close contact with an animal suspected of rabies. Such rules may include requirements for confinement, isolation and inoculation. Owners or persons in possession of animals subject to such rules, shall handle or dispose or allow the handling or disposal of such animals strictly in accordance with such rules. [1971 c 413 §2, 1977 c.189 §4]

433.350 Authority to take possession and order destruction of animal. When confinement and observation of an animal for purposes of determining infection with rabies will not avoid the necessity of the application of painful or possibly dangerous preventative treatment to a person who has been bitten or scratched by such animal, the Assistant Director for Health may order possession of the animal to be immediately relinquished to him or to his authorized representative and may order the animal destroyed for examination of its bodily tissues. [1971 c.413 §3]

433.355 Procedure to force compliance with ORS 433.350. (1) In the event of the refusal of the owner or person in possession of an animal to comply with an order of the Assistant Director for Health under ORS 433.350, the Assistant Director for Health or his authorized representative may petition the circuit court of the county in which such animal is located for an order requiring such owner or person to comply with such order.

(2) The petition shall be verified and shall set forth the facts relative to the refusal to comply with the order. A copy of the petition shall be served upon the owner or person in possession of the animal in the manner provided for service of summons in civil actions. Such owner or person in possession shall appear and answer the petition at a time and place set by the court in an order, a copy of which shall be served with the petition, directing the defendant to appear at such time and place, and to then and there show cause, if any he has, why an order directing compliance with the order of the Assistant Director for Health should not be granted. The time set by the court for the hearing to show cause shall be made with due regard for the circumstances of the person or persons who have been subjected to the bite or scratch of the animal and whose health or life may be in jeopardy.

(3) If the owner or person in possession fails to appear or the court either with or without such appearance finds the allegations of the petition are true and the order of the Assistant Director for Health is necessary under ORS 433.350, the court shall enter its order requiring the owner or person in possession of such animal to comply with the order of the Assistant Director for Health.

(4) The sheriff of the county in which the animal is located shall execute such order by serving upon the owner or person in possession a copy thereof duly certified to by the clerk of the circuit court and by enforcing the provisions thereof. [1971 c.413 §4]

433.360 Report of rabies cases; quarantine. (1) Whenever a case of animal rabies occurs, the fact shall be reported to the Assistant Director for Health and to the State Department of Agriculture immediately.

(2) The State Department of Agriculture in consultation with the Assistant Director for Health shall establish such quarantine under ORS chapter 596 as the department and the Assistant Director for Health may deem necessary.

(3) The State Department of Agriculture and the Assistant Director for Health may contract with counties for the purpose of carrying out the provisions of ORS 433.350,

433.355 and subsection (2) of this section. [1971 c 413 §5, 1975 c 750 §1; 1977 c.189 §5]

433.365 Inoculation against rabies; exception; costs. (1) All dogs must be inoculated against rabies, unless specifically exempted by rule of the Health Division or the State Department of Agriculture.

(2) Unless pursuant to conditions specified in ORS 430.357, any regulations of the State Department of Agriculture or the Assistant Director for Health with respect to inoculation shall:

(a) Not apply to animals brought temporarily into the state for periods of less than 30 days but they may require that such animals be kept under strict supervision by their owners.

(b) Not apply to dogs or to any other animal specifically exempted from the inoculation requirement by rule of the Health Division or the State Department of Agriculture.

(3) The costs of all such required inoculations shall be borne by the owners of the animal. [1971 c 413 §7, 1975 c 750 §2]

433.367 Division to establish vaccination clinics; payment of costs by dog owners. The Health Division shall be responsible for development and coordination of vaccination clinics at sufficient and reasonable times at various locations throughout the state for the inoculation of dogs against rabies. Costs of vaccination shall be borne by the dog owner. [1977 c 189 §2]

433.370 Inoculation certificate; city and county reporting requirements. (1) Every veterinarian inoculating an animal against rabies shall supply to the owner evidence of inoculation which shall consist of a certificate issued and signed by the veterinarian. The form of the certificate shall be prescribed and furnished by the Health Division.

(2) A county, or if the dog owner resides in a city having a dog licensing program, the city, may require the veterinarian to send a copy of each certificate issued during the previous month to a person designated by the county or city. [1971 c 413 §8; 1975 c 750 §3, 1977 c.189 §6]

433.375 Filing of inoculation certificate; certificate required for license; issuance of tag. (1) The owner of the animal shall file by mail or otherwise the inoculation certificate, together with the fee fixed pursuant to ORS 433.380, if any, with the clerk of the county in which he resides.

(2) The county shall upon receipt of the fee and certificate issue to the owner a serial-numbered tag, legibly identifying its expiration date as such date is determined in accordance with rules of the Health Division relating to intervals of inoculation. The tag shall be designed for and shall be attached to a collar or harness which shall be worn by the dog for which the tag and certificate is issued at all times when off or outside the premises of the owner. Whenever an original tag is lost, mutilated or destroyed, upon application and payment of the fee prescribed under ORS 433.380, if any, a replacement tag, to be dated, designed and worn as the original, shall be issued.

(3) No official of any county shall issue a license for a dog until he has been shown a proper certification, or its equivalent, of a rabies inoculation.

(4) The county shall file the certificate upon which a tag is issued cross-referenced to the tag number.

(5) Unexpired tags shall be honored in all counties when the animal is in transit or where the owner has established a new residence.

(6) The provisions of this section apply to a city, rather than a county, in a city which has a dog licensing program. [1971 c 413 §9, 1975 c 750 §4, 1977 c 189 §6a]

433.377 Issuance of license as verification of inoculation; issuance of tag not required. Notwithstanding ORS 433.375 or any other provision of law, a county or city may consider issuance of a license for a dog as verification of there being a certificate of inoculation on file and need not issue a tag pursuant to ORS 433.375 (2). [1977 c 189 §3]

433.379 Disposal of inoculation certificates. Notwithstanding ORS 192.001 to 192.170, the county or city may dispose of certificates of inoculation upon their expiration date. [1977 c 189 §12]

433.380 Tag fee; status of fee. A fee for the tag and replacement tag may be fixed in each county by the governing body of the county in such amount as it finds necessary to enable the county to carry out the provisions of ORS 433.365, 433.370 and 433.380 to 433.390 and the regulations promulgated

hereunder and shall not be considered a license or tax within the meaning of ORS 609.100. [1971 c 413 §10]

433.385 Impoundment of animals; notice to owner; redeeming animal; disposition of animals. (1) Any animal in violation of ORS 433.365 shall be apprehended and impounded.

(2) All animals apprehended and impounded under this section shall be held in adequate and sanitary pounds to be established or contracted for in each county by the governing body of the county. All animals so impounded shall be given proper care and maintenance.

(3) When an animal is apprehended and impounded, the owner, if known, shall be given notice of not less than five days from the date of such impounding before the animal is destroyed or otherwise disposed of. An owner appearing to redeem the animal may do so if the provisions of ORS 433.365 are complied with and if he pays the expense of keeping the animal during the time it was impounded and in addition thereto, the sum established by the county governing body. If the animal is subject to any other impounding law the requirements for release under that law shall also be met except that the expense of keeping the animal shall be payable only once for the period of impoundment. If the owner does not appear to redeem the animal after the notice provided for herein, or otherwise, after five days, or if the owner is not known, after three days, the governing body of the county may provide for animals impounded to be released to any other person upon the conditions outlined in this subsection or otherwise disposed of in a humane manner.

(4) Where the owner desires to redeem an animal impounded pursuant to this section or the animal is to be released to any other person as provided in subsection (3) of this section, the person shall post a $20 deposit with the county and obtain possession of the animal for the purpose of complying with ORS 433.365. Upon demonstrating proof of rabies inoculation and purchase of a license as required under ORS 609.100, within eight days of obtaining possession of the animal, the $20 deposit shall be refunded to the person posting the deposit. Failure to demonstrate proof of rabies inoculation and licensing within the prescribed time shall forfeit the deposit to the county.

(5) The governing body of the county shall designate persons responsible for the enforcement of this section. [1971 c 413 §11, 1977 c 189 §7]

433.390 County dog control fund; sources and uses. (1) All moneys received by a county under ORS 431.130 (1975 Replacement Part), 433.340 to 433.390 and 433.990 (3) shall be paid to the county dog control fund.

(2) The governing body of the county may, in the event of a rabies outbreak within the county, use such portion of the dog control fund as it deems necessary to purchase rabies vaccine for administration to animals under the direction of the state and local health officers. [1971 c.413 §12; 1977 c 189 §8]

433.405 [Amended by 1973 c 779 §4; 1979 c 828 §5; repealed by 1981 c.198 §2]

433.410 [Amended by 1973 c 779 §5; repealed by 1981 c 198 §2]

433.415 [Amended by 1973 c 779 §6; 1979 c 590 §1, 1979 c 828 §6; repealed by 1981 c 198 §2]

433.420 [Amended by 1973 c.779 §7; 1979 c 828 §7; repealed by 1981 c 198 §2]

433.425 [Amended by 1973 c 779 §8, repealed by 1981 c 198 §2]

433.430 [Amended by 1973 c 779 §9, repealed by 1981 c 198 §2]

433.435 [Amended by 1973 c 779 §10; repealed by 1981 c 198 §2]

433.440 [Repealed by 1981 c 198 §2]

433.445 [Amended by 1973 c 779 §11; repealed by 1981 c.198 §2]

433.450 [Amended by 1973 c 779 §12; repealed by 1981 c 198 §2]

433.455 [Amended by 1973 c 779 §13, repealed by 1981 c 198 §2]

433.460 [Amended by 1973 c 779 §14, repealed by 1981 c 198 §2]

433.465 [Amended by 1973 c 779 §15; repealed by 1981 c 198 §2]

433.470 [Amended by 1973 c 779 §16, repealed by 1981 c 198 §2]

433.475 [Amended by 1979 c.590 §2; 1979 c 828 §8, repealed by 1981 c 198 §2]

433.480 [Repealed by 1981 c 198 §2]

433.485 [Repealed by 1981 c.198 §2]

433.490 [Amended by 1973 c 779 §17; repealed by 1981 c 198 §2]

433.495 [Amended by 1967 c 187 §1; 1973 c 779 §18, repealed by 1981 c 198 §2]

433.500 [Amended by 1967 c 187 §2; 1973 c 779 §19, repealed by 1981 c.198 §2]

433.505 [Repealed by 1981 c 198 §2]

433.510 [Amended by 1973 c 779 §20; repealed by 1981 c 198 §2]

433.515 [Repealed by 1973 c.779 §21 (433 516 enacted in lieu of 433.515)]

433.516 [1973 c.779 §22 (enacted in lieu of 433 515), 1979 c.828 §9; repealed by 1981 c.198 §2]

433.520 [Amended by 1973 c.779 §23, repealed by 1981 c 198 §2]

433.525 [Repealed by 1981 c 198 §2]

433.530 [Amended by 1973 c 779 §24; repealed by 1981 c.198 §2]

433.535 [Amended by 1973 c 779 §25, repealed by 1981 c 198 §2]

433.540 [Amended by 1973 c 779 §26, repealed by 1981 c 198 §2]

433.545 [Amended by 1973 c 779 §27; repealed by 1981 c 198 §2]

433.550 [Amended by 1973 c.779 §28, repealed by 1981 c 198 §2]

433.555 [Amended by 1973 c 779 §29, repealed by 1981 c 198 §2]

433.560 [Repealed by 1963 c 574 §1 (433 561 enacted in lieu of 433.560)]

433.561 [1963 c 574 §2 (enacted in lieu of 433 560), 1973 c 779 §30; repealed by 1981 c 198 §2]

433.565 [Repealed by 1963 c.574 §3 (433 566 enacted in lieu of 433.565)]

433.566 [1963 c 574 §4 (enacted in lieu of 433 565), 1973 c 779 §31, repealed by 1981 c.198 §2]

433.570 [Amended by 1973 c 779 §32, repealed by 1981 c 198 §2]

433.575 [Amended by 1973 c.779 §33; repealed by 1981 c.198 §2]

433.580 [Repealed by 1981 c 198 §2]

433.585 [Amended by 1973 c 779 §34, repealed by 1981 c.198 §2]

433.590 [Amended by 1973 c 779 §35, repealed by 1981 c 198 §2]

433.595 [Amended by 1973 c.779 §36; repealed by 1981 c 198 §2]

433.600 [Amended by 1973 c 779 §37, repealed by 1981 c 198 §2]

433.605 [Amended by 1973 c 779 §38, repealed by 1981 c 198 §2]

433.610 [Repealed by 1981 c 198 §2]

433.615 [Amended by 1963 c 574 §5, 1969 c 449 §1, 1973 c 779 §39; 1975 c 526 §1; 1977 c 696 §1, 1979 c 590 §3, 1979 c.828 §10; repealed by 1981 c 198 §2]

433.620 [Repealed by 1963 c 574 §6 (433.621 enacted in lieu of 433 620)]

433.621 [1963 c 574 §7 (enacted in lieu of 433 620), repealed by 1981 c 198 §2]

433.625 [Amended by 1963 c 574 §8, 1973 c 779 §40, repealed by 1981 c 198 §2]

433.630 [Amended by 1973 c 779 §41, repealed by 1981 c 198 §2]

433.635 [Repealed by 1973 c.427 §8 (433 636 enacted in lieu of 433 635)]

433.636 [1973 c 427 §9 (enacted in lieu of 433 635); repealed by 1981 c 198 §2]

433.640 [Repealed by 1981 c.198 §2]

433.645 [Repealed by 1971 c 743 §432]

433.650 [Repealed by 1981 c 198 §2]

433.655 [Repealed by 1981 c 198 §2]

433.660 [Amended by 1973 c 779 §42, 1977 c 582 §36, repealed by 1981 c 198 §2]

433.665 [Amended by 1973 c 779 §43, repealed by 1981 c 198 §2]

433.670 [Repealed by 1981 c 198 §2]

433.675 [Amended by 1969 c.314 §42, 1973 c 779 §44, repealed by 1981 c 198 §2]

433.680 [Amended by 1973 c 779 §45, repealed by 1981 c 198 §2]

433.685 [1973 c 779 §2, repealed by 1981 c 198 §2]

433.690 [1973 c 779 §3; repealed by 1981 c 198 §2]

MISCELLANEOUS SANITATION PROVISIONS

433.705 [Amended by 1977 c 582 §38, repealed by 1979 c 492 §1]

433.710 Unclean slaughterhouses prohibited. No owner or occupier of premises where animals are slaughtered shall permit the same to remain unclean, to the extent that it constitutes a health hazard. [Amended by 1977 c 582 §39]

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 Health Division.

433.720 [Amended by 1967 c 428 §10, 1969 c.593 §35; repealed by 1971 c 648 §33]

433.725 [Amended by 1967 c 428 §11; 1969 c.593 §36, repealed by 1971 c.648 §33]

433.730 [1957 c 422 §1, 1967 c 428 §12, 1969 c 593 §37, repealed by 1971 c 648 §33]

REGULATION OF OUTDOOR MASS GATHERINGS

433.735 Definitions for ORS 433.735 to 433.770. As used in ORS 433.735 to 433.770 and 433.990 (7):

(1) "Outdoor mass gathering," unless otherwise defined by county ordinance, means an actual or reasonably anticipated assembly of more than 3,000 persons which continues or can reasonably be expected to continue for more than 24 consecutive hours and which is held in open spaces and not in a permanent structure.

(2) "Organizer" includes any person who holds, stages or sponsors an outdoor mass gathering and the owner, lessee or possessor of the real property upon which the outdoor mass gathering is to take place.

(3) "Permanent structure" includes a stadium, an arena, an auditorium, a coliseum, a fairgrounds or other similar established places for assemblies. [1971 c 597 §1a; 1981 c 82 §3]

433.740 Policy. The Legislative Assembly finds that the uncontrolled outdoor gatherings of large groups of persons for extended periods of time have necessitated a need for the establishment of reasonable health and safety rules to regulate such outdoor mass gatherings. [1971 c.597 §1]

433.745 Outdoor mass gathering without permit prohibited. No organizer shall hold, conduct, advertise or otherwise promote an outdoor mass gathering or allow an outdoor mass gathering to be held on real property he owns, leases or possesses unless a permit to hold such outdoor mass gathering has been issued by the county court or board of county commissioners of each county in which the outdoor mass gathering is to take place. [1971 c.597 §2]

433.750 Procedure for issuance of permit. (1) The county court or board of county commissioners of the county in which an outdoor mass gathering is to take place shall issue a permit upon application when the organizers demonstrate that they have complied or will comply with the health and safety rules governing outdoor mass gatherings to be regulated according to anticipated crowd and adopted by the Health Division.

(2) The county court or board of county commissioners shall hold a public hearing on the issue of compliance with subsection (1) of this section. Notice of the time and place of such hearing including a general explanation of the matter to be considered shall be published at least 10 calendar days before the hearing in a newspaper of general circulation in the county or, if there is none, it shall be posted in at least three public places in the county.

(3) Any decision of a county court or board of county commissioners on an application for a permit to hold an outdoor mass gathering may be appealed to a circuit court for the county. [1971 c 597 §3]

433.755 Additional information required before permit issued; liability of permit holder. (1) In reviewing an application for a permit to hold an outdoor mass gathering, the county court or board of county commissioners may require such plans, specifications and reports as it may deem necessary for proper review and it may request and shall receive from all public officers, departments and agencies of the state and its political subdivisions such cooperation and assistance as it may deem necessary, and may require the organizers to post a surety bond in an amount up to $25,000. The county court or board of county commissioners may waive any part or all of the bond.

(2) In the event of failure to remove all debris or residue and repair any damage to personal or real property arising out of the outdoor mass gathering within 72 hours after its termination, the county court or board of county commissioners may file suit against the organizer for financial settlement as is needed to remove such debris or residue and to repair such damage to real or personal property of persons not attending the outdoor mass gathering. The organizer shall be wholly responsible for payment of any fines imposed under ORS 433.990 (7). [1971 c 597 §4]

433.760 Rulemaking authority. Notwithstanding any other provisions of law, the Health Division shall, in accordance with the provisions of ORS 183.310 to 183.550,

make rules regulated according to anticipated crowds with respect to health and safety at outdoor mass gatherings which provide for:

(1) Adequate water supply, drainage and sewerage facilities;

(2) Adequate toilet facilities;

(3) Adequate refuse storage and disposal facilities;

(4) Adequate food and sanitary food service, if supplied; and

(5) Adequate emergency medical facilities. [1971 c 597 §5, 1981 c 82 §4]

433.765 Effect on county ordinances adopted under county charter. Ordinances or regulations of a county enacted under a county charter adopted pursuant to section 10, Article VI, Oregon Constitution, and not inconsistent with ORS 433.735 to 433.770 and 433.990 (7) or any rules adopted under ORS 433.735 to 433.770 and 433.990 (7), are not superseded by ORS 433.735 to 433.770 and 433.990 (7) or such rules. Nothing in ORS 433.735 to 433.770 and 433.990 (7) or any rules adopted under ORS 433.735 to 433.770 and 433.990 (7) precludes the right of a county to enact ordinances or regulations under a county charter if such ordinances or regulations are not inconsistent with ORS 433.735 to 433.770 and 433.990 (7) or any rules adopted under ORS 433.735 to 433.770 and 433.990 (7). [1971 c 597 §6]

433.767 Application to gatherings defined by county ordinance. ORS 433.735 to 433.770 and 433.990 (7) apply to outdoor mass gatherings defined by county ordinance as well as to those defined by ORS 433.735 (1). [1981 c 82 §2]

433.770 Enforcement. (1) In addition to and not in lieu of the maintenance of other actions for any violation of ORS 433.745, the district attorney for the county in which an outdoor mass gathering is to be held may maintain an action in any court of general equitable jurisdiction to prevent, restrain or enjoin any violation of ORS 433.745.

(2) Cases filed under the provisions of this section or an appeal therefrom shall be given preference on the docket over all other civil cases except those given equal preference by statute. [1971 c 597 §6a; 1979 c 284 §143]

PROGRAMS TO TREAT INSECT STINGS

433.805 Policy. It is the purpose of ORS 433.805 to 433.830 to provide a means of authorizing certain individuals when a physician is not immediately available to administer lifesaving treatment to those persons who have severe adverse reactions to insect stings. [1981 c 367 §1]

433.810 Duties of Health Division. The Health Division shall:

(1) Adopt rules necessary for the administration of ORS 433.805 to 433.830.

(2) Approve educational training programs as described in ORS 433.815 and approve such programs conducted by other governmental agencies or private entities. [1981 c 367 §2]

433.815 Educational training. Educational training programs required by ORS 433.805 to 433.830 shall be conducted by a physician licensed to practice medicine in this state. The curriculum shall minimally include the following subjects:

(1) Recognition of the symptoms of systemic reactions to insect stings; and

(2) Proper administration of a subcutaneous injection of epinephrine. [1981 c 367 §3]

433.820 Eligibility for training. A person eligible to receive the training described in ORS 433.815 must meet the following requirements:

(1) Be 18 years of age or older; and

(2) Have, or reasonably expect to have, responsibility for or contact with at least one other person as a result of the eligible person's occupational or volunteer status, such as camp counselors, scout leaders, school teachers, forest rangers, tour guides or chaperones. [1981 c 367 §4]

433.825 Availability of premeasured doses of epinephrine to trained persons. A person who has successfully completed an educational training program described in ORS 433.815, upon request, may receive from any physician licensed in this state a prescription for premeasured doses of epinephrine and the necessary paraphernalia for administration. The person may possess and administer in an emergency situation when a physician is not immediately available such prescribed epinephrine to any person suffering a severe

adverse reaction to an insect sting. [1981 c 367 §5]

433.830 Immunity of trained person rendering emergency assistance. No cause of action shall arise against a person who has successfully completed an educational training program described in ORS 433.815 for any act or omission of the person when acting in good faith while rendering emergency treatment pursuant to the authority granted by ORS 433.805 to 433.830, except where such conduct amounts to gross negligence. [1981 c 367 §6]

OREGON INDOOR CLEAN AIR ACT

433.835 Definitions for ORS 433.835 to 433.875. As used in ORS 433.835 to 433.875 and 433.990 (5):

(1) "Public place" means any inclosed indoor area open to and frequented by the public, except those public places subject to ORS 441.815, including but not limited to restaurants, as defined in ORS 624.010, bowling centers, retail stores, banks, commercial establishments, educational facilities, nursing homes, auditoriums, arenas, meeting rooms and grocery stores.

(2) "Smoking instrument" means any cigar, cigarette, pipe or other smoking equipment. [1981 c.384 §2]

Note: Section 13, chapter 384, Oregon Laws 1981, provides.

Sec. 13. This Act first becomes operative on July 1, 1983

433.840 Policy. The people of Oregon find that because the smoking of tobacco creates a health hazard to those present in confined places, it is necessary to reduce exposure to tobacco smoke by requiring nonsmoking areas in certain places. [1981 c 384 §1]

433.845 Smoking prohibited except in designated areas. No person shall smoke or carry any lighted smoking instrument in a public place except in areas designated as smoking areas pursuant to ORS 433.850. [1981 c 384 §3]

433.850 Designating areas where smoking permitted; changing areas; posting signs. (1) Pursuant to rules adopted by the Health Division, a proprietor or person in charge of a public place may designate areas in which smoking is permitted.

(2) No public place may be designated in its entirety as a smoking area except:

(a) Cocktail lounges and taverns.

(b) Inclosed offices or rooms occupied exclusively by smokers, even though the offices or rooms may be visited by nonsmokers.

(c) Rooms or halls being used for private social functions where the seating arrangements are under the control of the sponsor of the function.

(d) Retail businesses primarily engaged in the sale of tobacco or tobacco products.

(e) Restaurants with seating capacity for 30 or fewer patrons or restaurants with air filtration systems meeting the standards established pursuant to ORS 433.855.

(3) Notwithstanding any other provisions of ORS 433.835 to 433.875 and 433.990 (5), in the case of restaurants, as defined in ORS 624.010, or bowling centers, nothing in ORS 433.835 to 433.875 and 433.990 (5) is intended to prevent the owner or person in charge from expanding or contracting the size of the smoking area to meet the requirements of patrons.

(4) The proprietor or person in charge of a public place, except places described in subsection (2) of this section, shall post appropriate signs. [1981 c.384 §§4, 5]

433.855 Duties of Health Division; limitations; compliance checks. (1) The Health Division, in accordance with the provisions of ORS 183.310 to 183.550:

(a) Shall adopt rules necessary to implement the provisions of ORS 433.835 to 433.875 and 433.990 (5);

(b) Shall be responsible for compliance with such rules; and

(c) May impose a civil penalty not to exceed the amount specified in ORS 433.990 (5) for each violation of a rule of the division applicable to ORS 433.850 (2) or (4), to be collected in the manner provided in ORS 441.712, 441.735 and 441.740. All penalties recovered shall be paid into the State Treasury and credited to the General Fund.

(2) In carrying out its duties under this section, the Health Division is not authorized to require any changes in ventilation or barriers in any public place. However, nothing in this subsection is intended to limit the authority of the division to impose any requirements under any other provision of law.

(3) In public places which the Health Division regularly inspects, the Health Divi-

sion shall check for compliance with the provisions of ORS 433.835 to 433.875 and 433.990 (5). In other public places, the Health Division shall respond in writing or orally by telephone to complaints, notifying the proprietor or person in charge of responsibilities of the proprietor or person in charge under ORS 433.835 to 433.875 and 433.990 (5). If repeated complaints are received, the Health Division may take appropriate action to insure compliance.

(4) When a county has received delegation of the duties and responsibilities under ORS 446.425, 448.100 and 624.510, or contracted with the Health Division under ORS 190.110, the county shall be responsible for enforcing the provisions of ORS 433.835 to 433.875 and 433.990 (5) that are applicable to those licensed facilities and shall have the same authority as the Health Division for such enforcement. [1981 c 384 §6]

433.860 Enforcement. The Health Division or local board of health may institute an action in the circuit court of the county where the violation occurred to enjoin repeated violations of ORS 433.850. [1981 c 384 §7]

433.865 Waiver authorized. Upon request, the Health Division may waive the provisions of ORS 433.835 to 433.875 and 433.990 (5) for any public place if it determines that:

(1) There are valid reasons to do so; and

(2) A waiver will not significantly affect the health and comfort of nonsmokers. [1981 c 384 §8]

433.870 Regulation in addition to other smoking regulations. The regulations authorized by ORS 433.835 to 433.875 and 433.990 (5) are in addition to and not in lieu of any other law regulating smoking. [1981 c 384 §11]

433.875 Short title. ORS 433.835 to 433.875 and 433.990 (5) shall be cited as the Oregon Indoor Clean Air Act. [1981 c 384 §12]

PENALTIES

433.990 Penalties. (1) Violation of ORS 433.003, 433.106 to 433.156, 433.216, 433.220, 433.255, 433.260 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 433.710 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.

(4) Violation of ORS 433.035 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.

(5) Violation of ORS 433.850 (2) or (4) is a violation punishable by a fine or fines totaling not more than $100 in any 30-day period.

(6) Violation of ORS 433.345 or 433.365 or failure to obey any lawful order of the director issued under ORS 433.350 is a misdemeanor.

(7) Any organizer, as defined in ORS 433.735, violating ORS 433.745 is punishable, upon conviction, by a fine of not more than $10,000. [Subsection (8) (1969 Replacement Part) enacted as 1957 c 422 §2, subsection (8) derived from 434 990, 1971 c.648 §23, subsection (9) enacted as 1971 c 413 §6, subsection (10) enacted as 1971 c.597 §7, 1973 c 779 §46, 1979 c.492 §6, 1979 c 828 §13; subsection (5) enacted as 1981 c 384 §10]