

**Enrolled**  
**House Bill 2635**

Sponsored by Representative HUNT; Representatives COWAN, GREENLICK, Senator MORRISETTE

CHAPTER .....

AN ACT

Relating to family leave; creating new provisions; and amending ORS 659A.150 and 659A.183.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 659A.150 is amended to read:

659A.150. As used in ORS 659A.150 to 659A.186:

- (1) "Covered employer" means an employer described in ORS 659A.153.
- (2) "Eligible employee" means any employee of a covered employer other than those employees exempted under the provisions of ORS 659A.156.
- (3) "Family leave" means a leave of absence described in ORS 659A.159.
- (4) "Family member" means the spouse of an employee, the biological, adoptive or foster parent or child of the employee, **the grandparent or grandchild of the employee**, a parent-in-law of the employee or a person with whom the employee was or is in a relationship of in loco parentis.
- (5) "Health care provider" means:
  - (a) A person who is primarily responsible for providing health care to an eligible employee or a family member of an eligible employee, who is performing within the scope of the person's professional license or certificate and who is:
    - (A) A physician licensed to practice medicine under ORS 677.110, including a doctor of osteopathy;
    - (B) A podiatrist licensed under ORS 677.825;
    - (C) A dentist licensed under ORS 679.090;
    - (D) A psychologist licensed under ORS 675.030;
    - (E) An optometrist licensed under ORS 683.070;
    - (F) A naturopath licensed under ORS 685.080;
    - (G) A registered nurse licensed under ORS 678.050;
    - (H) A nurse practitioner certified under ORS 678.375;
    - (I) A direct entry midwife licensed under ORS 687.420;
    - (J) A licensed registered nurse who is certified by the Oregon State Board of Nursing as a nurse midwife nurse practitioner;
    - (K) A clinical social worker licensed under ORS 675.530; or
    - (L) A chiropractic physician licensed under ORS 684.054, but only to the extent the chiropractic physician provides treatment consisting of manual manipulation of the spine to correct a subluxation demonstrated to exist by X-rays.

(b) A person who is primarily responsible for the treatment of an eligible employee or a family member of an eligible employee solely through spiritual means, including but not limited to a Christian Science practitioner.

(6) "Serious health condition" means:

(a) An illness, injury, impairment or physical or mental condition that requires inpatient care in a hospital, hospice or residential medical care facility;

(b) An illness, disease or condition that in the medical judgment of the treating health care provider poses an imminent danger of death, is terminal in prognosis with a reasonable possibility of death in the near future, or requires constant care; or

(c) Any period of disability due to pregnancy, or period of absence for prenatal care.

**SECTION 2.** ORS 659A.183 is amended to read:

659A.183. [A covered employer who denies family leave to an eligible employee in the manner required by ORS 659A.150 to 659A.186 commits an unlawful employment practice.] **It is an unlawful practice for a covered employer to:**

(1) Deny family leave to which an eligible employee is entitled under ORS 659A.150 to 659A.186; or

(2) Retaliate or in any way discriminate against an individual with respect to hire or tenure or any other term or condition of employment because the individual has inquired about the provisions of ORS 659A.150 to 659A.186, submitted a request for family leave or invoked any provision of ORS 659A.150 to 659A.186.

**SECTION 3.** The amendments to ORS 659A.183 by section 2 of this 2007 Act apply to all conduct by an employer, whether occurring before, on or after the effective date of this 2007 Act.

Passed by House March 21, 2007

Received by Governor:

Repassed by House June 18, 2007

.....M.,....., 2007

Approved:

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Chief Clerk of House

.....M.,....., 2007

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Speaker of House

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Governor

Passed by Senate June 14, 2007

Filed in Office of Secretary of State:

.....M.,....., 2007

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President of Senate

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Secretary of State