

House Bill 2459

Sponsored by Representative GELSER; Representative TOMEI (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Adds employee or volunteer of organization providing child-related services or activities with temporary care and control of child to list of public and private officials required to report child abuse.

Adds employee or volunteer of entity or organization providing prenatal or pregnancy care to pregnant child to list of public and private officials required to report child abuse.

A BILL FOR AN ACT

Relating to child abuse reporting; amending ORS 419B.005.

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

SECTION 1. ORS 419B.005, as amended by section 4, chapter 60, Oregon Laws 2010, is amended to read:

419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

(1)(a) "Abuse" means:

(A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child which has been caused by other than accidental means, including any injury which appears to be at variance with the explanation given of the injury.

(B) Any mental injury to a child, which shall include only observable and substantial impairment of the child's mental or psychological ability to function caused by cruelty to the child, with due regard to the culture of the child.

(C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual penetration and incest, as those acts are described in ORS chapter 163.

(D) Sexual abuse, as described in ORS chapter 163.

(E) Sexual exploitation, including but not limited to:

(i) Contributing to the sexual delinquency of a minor, as *defined* **described** in ORS chapter 163, and any other conduct which allows, employs, authorizes, permits, induces or encourages a child to engage in the performing for people to observe or the photographing, filming, tape recording or other exhibition which, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or described in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not including any conduct which is part of any investigation conducted pursuant to ORS 419B.020 or which is designed to serve educational or other legitimate purposes; and

(ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution, as *defined* **described** in ORS chapter 167.

(F) Negligent treatment or maltreatment of a child, including but not limited to the failure to provide adequate food, clothing, shelter or medical care that is likely to endanger the health or welfare of the child.

(G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 to the child's health or welfare.

2 (H) Buying or selling a person under 18 years of age as described in ORS 163.537.

3 (I) Permitting a person under 18 years of age to enter or remain in or upon premises where
4 methamphetamines are being manufactured.

5 (J) Unlawful exposure to a controlled substance, as **that term is** defined in ORS 475.005, that
6 subjects a child to a substantial risk of harm to the child's health or safety.

7 (b) "Abuse" does not include reasonable discipline unless the discipline results in one of the
8 conditions described in paragraph (a) of this subsection.

9 (2) "Child" means an unmarried person who is under 18 years of age.

10 (3) "Public or private official" means:

11 (a) Physician, osteopathic physician, physician assistant, naturopathic physician, podiatric phy-
12 sician and surgeon, including any intern or resident.

13 (b) Dentist.

14 (c) School employee.

15 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide
16 or employee of an in-home health service.

17 (e) Employee of the Department of Human Services, Oregon Health Authority, State Commission
18 on Children and Families, Child Care Division of the Employment Department, the Oregon Youth
19 Authority, a county health department, a community mental health program, a community develop-
20 mental disabilities program, a county juvenile department, a licensed child-caring agency or an al-
21cohol and drug treatment program.

22 (f) Peace officer.

23 (g) Psychologist.

24 (h) Member of the clergy.

25 (i) Regulated social worker.

26 (j) Optometrist.

27 (k) Chiropractor.

28 (L) Certified provider of foster care, or an employee thereof.

29 (m) Attorney.

30 (n) Licensed professional counselor.

31 (o) Licensed marriage and family therapist.

32 (p) Firefighter or emergency medical technician.

33 (q) A court appointed special advocate, as defined in ORS 419A.004.

34 (r) A child care provider registered or certified under ORS 657A.030 and 657A.250 to 657A.450.

35 (s) Member of the Legislative Assembly.

36 (t) Physical, speech or occupational therapist.

37 (u) Audiologist.

38 (v) Speech-language pathologist.

39 (w) Employee of the Teacher Standards and Practices Commission directly involved in investi-
40gations or discipline by the commission.

41 (x) Pharmacist.

42 (y) An operator of a preschool recorded program under ORS 657A.255.

43 (z) An operator of a school-age recorded program under ORS 657A.257.

44 (aa) Employee of a private agency or organization facilitating the provision of respite services,
45 as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS

1 109.056.

2 **(bb) Employee or volunteer of any public or private organization providing child-related**
3 **services or activities that allow the employee or volunteer temporary care and control of a**
4 **child, including but not limited to youth groups or centers, scout groups or camps, summer**
5 **or day camps, survival camps and groups, centers or camps that are operated under the**
6 **guidance, supervision or auspices of religious, public or private educational systems or com-**
7 **munity service organizations.**

8 **(cc) Employee or volunteer of any public or private entity or organization providing**
9 **prenatal or pregnancy care to a child who is pregnant.**

10 (4) "Law enforcement agency" means:

11 (a) Any city or municipal police department.

12 (b) Any county sheriff's office.

13 (c) The Oregon State Police.

14 (d) A county juvenile department.

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