

Enrolled
House Bill 2668

Sponsored by Representative FREDERICK (at the request of Commissioner of the Bureau of Labor and Industries Brad Avakian) (Pre-session filed.)

CHAPTER

AN ACT

Relating to public accommodations; creating new provisions; and amending ORS 346.680 and 659A.400.

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

SECTION 1. ORS 659A.400 is amended to read:

659A.400. (1) A place of public accommodation, subject to the [exclusion] **exclusions** in subsection (2) of this section, means:

(a) Any place or service offering to the public accommodations, advantages, facilities or privileges whether in the nature of goods, services, lodgings, amusements or otherwise.

(b) Any place that is open to the public and owned or maintained by a public body, as defined in ORS 174.109, regardless of whether the place is commercial in nature.

(c) Any service to the public that is provided by a public body, as defined in ORS 174.109, regardless of whether the service is commercial in nature.

[(2) However, a place of public accommodation does not include any institution, bona fide club or place of accommodation which is in its nature distinctly private.]

(2) A place of public accommodation does not include:

(a) A Department of Corrections institution as defined in ORS 421.005.

(b) A state hospital as defined in ORS 162.135.

(c) A youth correction facility as defined in ORS 420.005.

(d) A local correction facility or lockup as defined in ORS 169.005.

(e) An institution, bona fide club or place of accommodation that is in its nature distinctly private.

SECTION 2. ORS 346.680 is amended to read:

346.680. As used in ORS 346.680 to 346.690:

(1) "Assistance animal" means any animal trained to assist a person with a physical impairment in one or more daily life activities, including but not limited to:

(a) Dog guides, as defined in ORS 346.610;

(b) Hearing ear dogs, as defined in ORS 346.640;

(c) An animal trained to pull a wheelchair;

(d) An animal trained to fetch dropped items; and

(e) An animal trained to perform balance work.

(2) "Assistance animal trainee" means any animal undergoing training to assist a person with a physical impairment.

(3) "Daily life activity" includes but is not limited to:

- (a) Self-care;
- (b) Ambulation;
- (c) Communication; or
- (d) Transportation.

(4) "Mode of transportation" means any mode of transportation operating within this state.

(5) "Person with a physical impairment" means any person who has a permanent physical impairment, whose physical impairment limits one or more of daily life activities and who has a record of impairment and is regarded by health care practitioners as having such an impairment, requiring the use of an assistance animal including but not limited to blindness, deafness and complete or partial paralysis.

(6) "Public accommodation" means a place of public accommodation as defined in ORS 659A.400 including but not limited to educational institutions, airlines and restaurants. The [exception] **exclusions** stated in ORS 659A.400 (2) [is not an exception] **are not exclusions** under ORS 90.390 and 346.680 to 346.690.

SECTION 3. If Senate Bill 610 becomes law, section 2 of this 2013 Act (amending ORS 346.680) is repealed.

Passed by House April 25, 2013

Received by Governor:

Repassed by House June 11, 2013

.....M.,....., 2013

Approved:

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Ramona J. Line, Chief Clerk of House

.....M.,....., 2013

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Tina Kotek, Speaker of House

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John Kitzhaber, Governor

Passed by Senate June 6, 2013

Filed in Office of Secretary of State:

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Peter Courtney, President of Senate

.....M.,....., 2013

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Kate Brown, Secretary of State