

# D R A F T

## SUMMARY

Provides that conditioning employment on refraining from using any substance that is lawful to use in this state is unlawful employment practice. Declares emergency, effective on passage.

### A BILL FOR AN ACT

Relating to unlawful employment practices; amending ORS 659A.315; and declaring an emergency.

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

**SECTION 1.** ORS 659A.315 is amended to read:

659A.315. (1) It is an unlawful employment practice for any employer to require, as a condition of employment, that any employee or prospective employee refrain from using [*lawful tobacco products*] **a substance that is lawful to use under the laws of this state** during nonworking hours, except when the restriction relates to:

(a) A bona fide occupational [*requirement.*] **qualification; or**

(b) **The performance of work while impaired.**

(2) Subsection (1) of this section does not apply if an applicable collective bargaining agreement prohibits off-duty use of [*tobacco products*] **the substance.**

**SECTION 2. This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect on its passage.**