

House Bill 2589

Sponsored by Representative POWER (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**.

Clarifies that sexual orientation and transgender status are not considered physical or mental impairments.

Removes provision that employer may not be found to have engaged in unlawful employment practice solely because employer fails to provide reasonable accommodation to individual for disability arising out of individual's transgender status.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to discrimination on the basis of disability; amending ORS 659A.118 and 659A.130; and de-
3 claring an emergency.

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

5 **SECTION 1.** ORS 659A.118 is amended to read:

6 659A.118. (1) For the purposes of ORS 659A.112, reasonable accommodation may include:

7 (a) Making existing facilities used by employees readily accessible to and usable by individuals
8 with disabilities.

9 (b) Job restructuring, part-time or modified work schedules or reassignment to a vacant position.

10 (c) Acquisition or modification of equipment or devices.

11 (d) Appropriate adjustment or modification of examinations, training materials or policies.

12 (e) The provision of qualified readers or interpreters.

13 *[(2) Notwithstanding any other provision of ORS 659A.103 to 659A.145, an employer may not be*
14 *found to have engaged in an unlawful employment practice solely because the employer fails to provide*
15 *reasonable accommodation to an individual with a disability arising out of transsexualism.]*

16 *[(3)]* **(2)** An employer is not required to provide a reasonable accommodation to an individual
17 who satisfies the criteria for being an individual with a disability for the purposes of ORS 659A.103
18 to 659A.145 solely because the individual meets the criterion described in ORS 659A.104 (1)(c).

19 **SECTION 2.** ORS 659A.130 is amended to read:

20 659A.130. (1) For the purposes of ORS 659A.112 to 659A.139, *[homosexuality and bisexuality*
21 *are]* **sexual orientation and transgender status are** not physical or mental impairments. An indi-
22 vidual *[who is homosexual or bisexual]* does not have a disability for the purposes of ORS 659A.112
23 to 659A.139 solely by reason of *[being homosexual or bisexual]* **the individual's sexual orientation**
24 **or transgender status.**

25 (2) For the purposes of ORS 659A.112 to 659A.139, the following conditions are not physical or
26 mental impairments, and an individual with one or more of the following conditions does not have
27 a disability for the purposes of ORS 659A.112 to 659A.139 solely by reason of that condition:

28 (a) *[Transvestism,]* Pedophilia, exhibitionism, voyeurism or other sexual behavior disorders.

29 (b) Compulsive gambling, kleptomania or pyromania.

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 (c) Psychoactive substance use disorders resulting from current illegal use of drugs.

2 **SECTION 3. This 2019 Act being necessary for the immediate preservation of the public**
3 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**
4 **on its passage.**

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