House Bill 3426

Sponsored by Representative SMITH WARNER (at the request of Metro)

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.

Limits definition of terms “public building” or “property” to exclude convention or exposition centers, zoos, performing arts centers or other venues or attractions dedicated to tourism, travel, hospitality or entertainment for purposes of management by persons who are blind.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to vending facilities on public property; amending ORS 346.510; and declaring an emergency.

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

SECTION 1. ORS 346.510 is amended to read:

346.510. As used in ORS 346.510 to 346.570:

(1) “Cafeteria” means a food-dispensing facility:

(a) That can provide a variety of prepared foods and beverages;

(b) Where a patron may move through a self-service line;

(c) That may employ some servers to wait on patrons; and

(d) That provides seating suitable for patrons to consume meals.

(2) “Healthy vending item” and “local vending item” have the meanings given those terms by rules adopted by the Commission for the Blind in consultation with the Public Health Director and the business enterprise consumer committee.

(3) “Person who is blind” means a person who has not more than 20/200 visual acuity in the better eye with best correction or whose visual acuity, if better than 20/200, is accompanied by a limit to the field of vision to such a degree that its widest diameter subtends an angle of no greater than 20 degrees and whose blindness is certified by a licensed physician who specializes in diseases of the eye.

(4) “Political subdivision” means a local government as defined in ORS 174.116, a municipality, town or village of this state.

(5)(a) “Public building” or “property” means a building, land or other real property, or a portion of a building, land or other real property, that is owned, leased, managed or occupied by a department or an agency of the State of Oregon or by a political subdivision, except for:

(b) “Public building” or “property” does not include a public elementary school, a secondary school, a public university listed in ORS 352.002, a public corporation created pursuant to ORS 353.020, a convention or exposition center, a zoo, a performing arts center or any other venue or attraction dedicated to tourism, travel, hospitality or entertainment.

(6) “Vending facility” means:

(a) Shelters, counters, shelving, display and wall cases, refrigerating apparatus and other ap-
propriate auxiliary equipment that are necessary or customarily used for the vending of articles, including an established mix of healthy vending items approved by the Commission for the Blind and the agency, department or political subdivision charged with maintaining the public building or property where the vending facility is located;

(b) Manual or coin-operated vending machines or similar devices for vending articles, including machines or devices that accept electronic payment; or

(c) Cafeterias or snack bars for the dispensing of food stuffs and beverages.

(7) “Vending facility manager” means a person who is:

(a) Blind;

(b) Responsible for the day-to-day conduct of the vending facility operation; and

(c) Licensed under ORS 346.510 to 346.570.

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.