

**HB 4107 B STAFF MEASURE SUMMARY****Carrier:** Sen. Taylor**Senate Committee On Rules****Action Date:** 02/28/20**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)**Vote:** 3-0-0-2**Yeas:** 3 - Burdick, Dembrow, Roblan**Abs:** 2 - Baertschiger Jr, Boquist**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Tyler Larson, LPRO Analyst**Meeting Dates:** 2/28**WHAT THE MEASURE DOES:**

Addresses discrimination based on cash payment and hair type or style. Declares refusal to accept U.S. coins or currency, or discrimination or distinction for offering coins or currency, by a place of public accommodation an unlawful practice. Allows incentives for cash payments. Allows refusal of currency in \$50 or \$100 denominations or coins that total \$100 or more. Exempts farmers' markets and roadside stands, banks, aircraft, gas stations, and electric vehicle charging stations. Exempts insurance, securities, mortgage, and escrow transactions, and retail transactions occurring entirely by phone or mail. Exempts internet-based transactions, defined as sale, purchase, reservation, or deposit for goods or services to be picked up or delivered. Exempts purchases from vending machines unless vending machine is within group of eight or more machines that do not accept cash payment. Exempts hospitals or medical services if billing occurs after services are rendered, so long as option to pay cash by mail or at designated location is available. Exempts transactions for goods or services, including transient lodging and transportation, when transaction requires deposit of money or signing an agreement to rent or lease consumer goods. Exempts transactions occurring in a micromarket, defined as unattended retail establishments without access to the general population offering food or beverage through automated payment processing system. Exempts regional offices of the Department of Revenue. Includes physical characteristics, such as hair type and hair style, within definition of race for purposes of school discrimination, school district participation in interscholastic activities, and unlawful employment practices. Requires interscholastic organization with which school districts contract to implement policies prohibiting discrimination based on race, color, or national origin. Prohibits school or employer dress code or policy from disproportionately impacting members of a protected class. Makes cash discrimination provisions effective and allows for complaints to Bureau of Labor and Industries (BOLI) beginning July 1, 2021. Authorizes BOLI to adopt rules and take action before operative date.

**ISSUES DISCUSSED:**

- Provisions of the measure
- Potential to revisit enforcement mechanisms for cash discrimination

**EFFECT OF AMENDMENT:**

Adds exemption to cash discrimination provisions for farmers' markets and roadside stands; aircraft; banks; insurance, securities, mortgage, and escrow transactions; and regional offices of the Department of Revenue. Exempts gas stations regardless of presence of attendant. Removes civil action as remedy for cash discrimination.

**BACKGROUND:**

According to the Federal Deposit Insurance Corporation, in 2017, 6.5 percent, or 8.4 million households in the U.S. did not have a bank-issued debit or credit card. A 2019 study by the Federal Reserve's Cash Product Office found that consumers used cash in 26 percent of transactions, with nearly 50 percent of all payments under \$10 made in

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cash. The Federal Reserve Bank of San Francisco reports that small- and medium-sized businesses are increasingly going cashless to reduce costs and theft, but that the growing cashless economy effectively denies service to the nearly 19 percent of Americans who rely heavily on cash transactions.

The Create a Respectful and Open World for Natural Hair (CROWN) Act prohibits discrimination based on hair style and texture. First enacted in California in 2019, the act has been adopted by New York, New Jersey, the City of Cincinnati, and Montgomery County, Maryland, and is before the U.S. Congress and 24 states. Oregon currently prohibits school and workplace discrimination based on race, but the applicable definitions do not explicitly include hair type, texture, or style.

House Bill 4107-B prohibits discrimination in two ways. First, it makes refusal to accept cash by a place that serves the public an unlawful practice. Second, it includes physical characteristics including hair type, texture, and style within the definition of race in school discrimination policies, interscholastic organization activities, and in unlawful employment practices, and prohibits school or employer dress codes or policies from disproportionately impacting members of a protected class.