

A-Engrossed
House Bill 4212

Ordered by the House June 26
Including House Amendments dated June 26

Sponsored by Representative KOTEK; Representatives LEIF, NOSSE, PRUSAK, WILLIAMS (at the request of Joint Committee on the First Special Session of 2020)

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.

Authorizes governing bodies of public bodies, other than State of Oregon, to conduct all public meetings using telephone or video conferencing technology or through other electronic or virtual means. Requires public body, in cases in which governing body elects to conduct virtual public meeting, to supply means by which public can listen to or observe meeting. Provides exceptions.

Modifies quorum requirements of local governing bodies to exclude members who are unable to attend because of illness due to COVID-19.

Provides that recovery rebate payments made under Coronavirus Aid, Relief, and Economic Security Act (CARES Act) and deposited in debtor's account in financial institution are not subject to garnishment. **Provides exceptions.** Applies to garnishments issued on or before [date 90 days after expiration of state of emergency declared March 8, 2020, and any extension of declaration] **September 30, 2020.**

Authorizes Chief Justice of Supreme Court, during emergency period and for 60 days thereafter, and upon finding of good cause, to extend or suspend time period or time requirement in rule or statute in specified court proceedings. Authorizes presiding judge of circuit court to extend custody and postpone trials upon finding of good cause, and within specified limits. Authorizes Chief Justice to direct or permit electronic court appearances. Extends time to commence civil action or give notice of civil claim if expiration of time falls within emergency period or within 90 days after end of emergency period. Sunsets authority of judicial officers to modify time periods and other procedures on December 31, 2021.

Requires local governments to allow siting of qualifying emergency shelters by qualifying entities notwithstanding land use laws. Removes certain limits on motor vehicle camping. Sunsets 90 days after taking effect.

[Directs Housing and Community Services Department to distribute fund moneys so as to provide energy bill payment assistance to low-income households, prioritizing low-income households affected by pandemic.]

Temporarily allows notary public to perform notarial act using communication technology for remotely located individual under certain circumstances.

[Immunizes owner, officer, operator, employee or agent of isolation shelter, or public entity, from civil liability that is predicated on claim of illness, injury or death from COVID-19. Exempts from immunity conduct that constitutes gross negligence, malice or fraud, that is willful, intentional or reckless, that is criminal or that is unrelated to COVID-19.]

Delays termination of enterprise zone that would otherwise terminate on June 30, 2020, to December 31, 2020. Authorizes redesignation of enterprise zone that terminates on December 31, 2020, on any date before January 1, 2021.

Allows individual development accounts to be established for emergency savings.

[Requires Director of Department of Consumer and Business Services to adopt temporary and permanent rules establishing emergency temporary infectious disease standards.] Directs Oregon Health Authority to adopt rules regarding race and ethnicity data collection by health care providers.

Allows physician assistant to perform services and provide patient care without first entering into practice agreement, subject to limitations, and streamlines certain requirements during emergency period.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2
3

Relating to strategies to protect Oregonians from the effects of the COVID-19 pandemic; creating new provisions; amending ORS 18.784, 93.810, 194.225, 194.290, 194.305, 194.400 and 458.685; and

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 declaring an emergency.

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

3
4 **LOCAL GOVERNMENT AND SPECIAL GOVERNMENT BODY**
5 **PUBLIC MEETINGS AND OPERATIONS**
6

7 **SECTION 1.** (1) Notwithstanding ORS 192.610 to 192.690, the governing body of a public
8 body may hold all meetings by telephone or video conferencing technology or through some
9 other electronic or virtual means. When a governing body meets using telephone or video
10 conferencing technology, or through other electronic or virtual means, the public body shall
11 make available a method by which the public can listen to or observe the meeting. If a gov-
12 erning body meets using telephone or video conferencing technology, or through other elec-
13 tronic or virtual means:

14 (a) The public body does not have to provide a physical space for the public to attend the
15 meeting; and

16 (b) If the telephone or video conferencing technology allows the public body to do so, the
17 public body shall record the meeting and make the recording available to the public. This
18 paragraph does not apply to executive sessions.

19 (2) If the governing body of the public body elects not to use telephone or video confer-
20 encing technology or other electronic or virtual means to conduct meetings, all persons at-
21 tending meetings held in person must maintain social distancing, including maintaining
22 intervals of six feet or more between individuals, wherever possible.

23 (3) For any executive session at which the media are permitted to attend, whether con-
24 ducted in person or using electronic or virtual means, the governing body shall provide a
25 means for media to attend the executive session through telephone or other electronic or
26 virtual means.

27 (4) Notwithstanding ORS 192.610 to 192.690 or any other applicable law or policy, any
28 public testimony or comment taken during a meeting need not be taken in person if the
29 public body provides an opportunity to submit testimony or comment by telephone or video
30 conferencing technology, or through other electronic or virtual means, or provides a means
31 of submitting written testimony, including by electronic mail or other electronic methods,
32 and the governing body is able to consider the submitted testimony in a timely manner.

33 (5) Notwithstanding any requirement that establishes a quorum required for a governing
34 body to act, the minimum number of members of a governing body required for the body to
35 act shall exclude any member unable to attend because of illness due to COVID-19.

36 (6) If the public health threat underlying the declaration of a state of emergency issued
37 by the Governor on March 8, 2020, or compliance with an executive order issued under ORS
38 401.165 to 401.236 in connection with that emergency, causes a municipal corporation or
39 council of governments to fail to comply with ORS 294.305 to 294.565 or 294.900 to 294.930, the
40 municipal corporation or council of governments may make reasonable expenditures for
41 continued operations within the existing or most recently adopted budget, provided that any
42 failure to comply with ORS 294.305 to 294.565 or 294.900 to 294.930 is cured as soon as is
43 reasonably practicable.

44 (7) Notwithstanding ORS 221.770, a city may satisfy the requirements of holding a public
45 hearing under ORS 221.770 (1)(b) and (c) by holding the hearing in accordance with this sec-

1 tion and by making certification to the Oregon Department of Administrative Services as
2 soon as is reasonably practicable after the city adopts its budget.

3 (8) As used in this section:

4 (a) Terms used in this section have the meanings given those terms in ORS 192.610, ex-
5 cept that “public body” excludes the state or any board, department, commission, council,
6 bureau, committee, subcommittee, advisory group or other agency of the state.

7 (b) “Budget” and “municipal corporation” have the meanings given those terms in ORS
8 294.311.

9 (c) “Council of governments” has the meaning given that term in ORS 294.900.

10 **SECTION 2.** Section 1 of this 2020 special session Act is repealed 30 days after the date
11 on which the declaration of a state of emergency issued by the Governor on March 8, 2020,
12 and any extension of the declaration, is no longer in effect.

13
14 **GARNISHMENT MODIFICATIONS**

15
16 **SECTION 3.** ORS 18.784 is amended to read:

17 18.784. (1) Except as provided in subsection (6) of this section, if a writ of garnishment is de-
18 livered to a financial institution that has an account of the debtor, the financial institution shall
19 conduct a garnishment account review of all accounts in the name of the debtor before taking any
20 other action that may affect funds in those accounts. If the financial institution determines from the
21 garnishment account review that one or more payments described in subsection (3) of this section
22 were deposited in an account of the debtor by direct deposit or electronic payment during the
23 lookback period described in subsection (2) of this section, an amount equal to the lesser of the sum
24 of those payments or the total balance in the debtor’s account is not subject to garnishment.

25 (2)(a) The provisions of this section apply *[only]* to payments described in subsection (3)(a) to
26 (f) of this section that are deposited during the lookback period that ends on the day before the day
27 on which the garnishment account review is conducted and begins on:

28 [(a)] (A) The day in the second calendar month preceding the month in which the garnishment
29 account review is conducted, that has the same number as the day on which the period ends; or

30 [(b)] (B) If there is no day as described in *[paragraph (a) of this subsection,]* **subparagraph (A)**
31 **of this paragraph**, the last day of the second calendar month preceding the month in which the
32 garnishment account review is conducted.

33 **(b) The provisions of this section apply to payments described in subsection (3)(g) of this**
34 **section that are deposited during the lookback period that ends on the day before the day**
35 **on which the garnishment account review is conducted and begins on March 8, 2020.**

36 (3) The provisions of this section apply only to:

37 (a) Federal benefit payments;

38 (b) Payments from a public or private retirement plan as defined in ORS 18.358;

39 (c) Public assistance or medical assistance, as defined in ORS 414.025, payments from the State
40 of Oregon or an agency of the State of Oregon;

41 (d) Unemployment compensation payments from the State of Oregon or an agency of the State
42 of Oregon;

43 (e) Black lung benefits payments from the United States Department of Labor; *[and]*

44 (f) Workers’ compensation payments from a workers’ compensation carrier[.]; **and**

45 **(g) Recovery rebate payments made under section 2201(a) of the Coronavirus Aid, Relief,**

1 **and Economic Security Act (P.L. 116-136) deposited in an account of the debtor at any time,**
2 **unless:**

3 **(A) The writ of garnishment is issued to collect:**

4 **(i) A judgment in a criminal action that requires the defendant to pay restitution; or**

5 **(ii) A civil judgment against a person who has been convicted of a crime if the civil**
6 **judgment is based on the same underlying facts as the conviction; and**

7 **(B) The writ of garnishment contains the following statement: “This Garnishment Has**
8 **Been Issued to Collect a Criminal Money Judgment that Awards Restitution or a Civil**
9 **Judgment Based on a Criminal Offense.”**

10 (4) The provisions of this section apply only to a payment that a financial institution can iden-
11 tify as being one of the types of payments described in subsection (3) of this section from information
12 transmitted to the financial institution by the payor.

13 (5) A financial institution shall perform a garnishment account review only one time for a spe-
14 cific garnishment. If the same garnishment is served on a financial institution more than once, the
15 financial institution may not perform a garnishment account review or take any other action relat-
16 ing to the garnishment based on the second and subsequent service of the garnishment.

17 (6) A financial institution may not conduct a garnishment account review under this section if
18 a Notice of Right to Garnish Federal Benefits from the United States Government or from a state
19 child support enforcement agency is attached to or included in the garnishment as provided in 31
20 C.F.R. part 212. If a Notice of Right to Garnish Federal Benefits is attached to or included in the
21 garnishment, the financial institution shall proceed on the garnishment as otherwise provided in
22 ORS 18.600 to 18.850.

23 (7) The provisions of this section do not affect the ability of a debtor to claim any exemption
24 that otherwise may be available to the debtor under law for any amounts in an account in a finan-
25 cial institution.

26 **SECTION 4.** ORS 18.784, as amended by section 3 of this 2020 special session Act, is amended
27 to read:

28 18.784. (1) Except as provided in subsection (6) of this section, if a writ of garnishment is de-
29 livered to a financial institution that has an account of the debtor, the financial institution shall
30 conduct a garnishment account review of all accounts in the name of the debtor before taking any
31 other action that may affect funds in those accounts. If the financial institution determines from the
32 garnishment account review that one or more payments described in subsection (3) of this section
33 were deposited in an account of the debtor by direct deposit or electronic payment during the
34 lookback period described in subsection (2) of this section, an amount equal to the lesser of the sum
35 of those payments or the total balance in the debtor’s account is not subject to garnishment.

36 (2)[(a)] The provisions of this section apply **only** to payments described in subsection (3)[(a) to
37 (f)] of this section that are deposited during the lookback period that ends on the day before the day
38 on which the garnishment account review is conducted and begins on:

39 [(A)] **(a)** The day in the second calendar month preceding the month in which the garnishment
40 account review is conducted, that has the same number as the day on which the period ends; or

41 [(B)] **(b)** If there is no day as described in [subparagraph (A) of this paragraph,] **paragraph (a)**
42 **of this subsection**, the last day of the second calendar month preceding the month in which the
43 garnishment account review is conducted.

44 [(b) *The provisions of this section apply to payments described in subsection (3)(g) of this section*
45 *that are deposited during the lookback period that ends on the day before the day on which the*

1 *garnishment account review is conducted and begins on March 8, 2020.]*

2 (3) The provisions of this section apply only to:

3 (a) Federal benefit payments;

4 (b) Payments from a public or private retirement plan as defined in ORS 18.358;

5 (c) Public assistance or medical assistance, as defined in ORS 414.025, payments from the State
6 of Oregon or an agency of the State of Oregon;

7 (d) Unemployment compensation payments from the State of Oregon or an agency of the State
8 of Oregon;

9 (e) Black lung benefits payments from the United States Department of Labor; **and**

10 (f) Workers' compensation payments from a workers' compensation carrier[; *and*].

11 [(g) *Recovery rebate payments made under section 2201(a) of the Coronavirus Aid, Relief, and*
12 *Economic Security Act (P.L. 116-136) deposited in an account of the debtor at any time, unless:*]

13 [(A) *The writ of garnishment is issued to collect:*]

14 [(i) *A judgment in a criminal action that requires the defendant to pay restitution; or*]

15 [(ii) *A civil judgment against a person who has been convicted of a crime if the civil judgment is*
16 *based on the same underlying facts as the conviction; and*]

17 [(B) *The writ of garnishment contains the following statement: "This Garnishment Has Been Is-*
18 *sued to Collect a Criminal Money Judgment that Awards Restitution or a Civil Judgment Based on*
19 *a Criminal Offense".*]

20 (4) The provisions of this section apply only to a payment that a financial institution can iden-
21 tify as being one of the types of payments described in subsection (3) of this section from information
22 transmitted to the financial institution by the payor.

23 (5) A financial institution shall perform a garnishment account review only one time for a spe-
24 cific garnishment. If the same garnishment is served on a financial institution more than once, the
25 financial institution may not perform a garnishment account review or take any other action relat-
26 ing to the garnishment based on the second and subsequent service of the garnishment.

27 (6) A financial institution may not conduct a garnishment account review under this section if
28 a Notice of Right to Garnish Federal Benefits from the United States Government or from a state
29 child support enforcement agency is attached to or included in the garnishment as provided in 31
30 C.F.R. part 212. If a Notice of Right to Garnish Federal Benefits is attached to or included in the
31 garnishment, the financial institution shall proceed on the garnishment as otherwise provided in
32 ORS 18.600 to 18.850.

33 (7) The provisions of this section do not affect the ability of a debtor to claim any exemption
34 that otherwise may be available to the debtor under law for any amounts in an account in a finan-
35 cial institution.

36 **SECTION 5. (1) The amendments to ORS 18.784 by section 4 of this 2020 special session**
37 **Act become operative on September 30, 2020.**

38 **(2) The amendments to ORS 18.784 by section 3 of this 2020 special session Act apply to**
39 **garnishments issued on or before the operative date specified in subsection (1) of this sec-**
40 **tion.**

41
42 **JUDICIAL PROCEEDING EXTENSIONS**
43 **AND ELECTRONIC APPEARANCES**
44

45 **SECTION 6. (1)(a) Notwithstanding any other statute or rule to the contrary, during the**

1 time in which any declaration of a state of emergency issued by the Governor related to
2 COVID-19, and any extension of the declaration, is in effect, and continuing for 60 days after
3 the declaration and any extension is no longer in effect, and upon a finding of good cause,
4 the Chief Justice of the Supreme Court may extend or suspend any time period or time re-
5 quirement established by statute or rule that:

6 (A) Applies in any case, action or proceeding after the case, action or proceeding is ini-
7 tiated in any circuit court, the Oregon Tax Court, the Court of Appeals or the Supreme
8 Court;

9 (B) Applies to the initiation of an appeal to the magistrate division of the Oregon Tax
10 Court or an appeal from the magistrate division to the regular division;

11 (C) Applies to the initiation of an appeal or judicial review proceeding in the Court of
12 Appeals; or

13 (D) Applies to the initiation of any type of case or proceeding in the Supreme Court.

14 (b) The Chief Justice may extend or suspend a time period or time requirement under
15 this subsection notwithstanding the fact that the date of the time period or time requirement
16 has already passed as of the effective date of this 2020 special session Act.

17 (2)(a) Notwithstanding ORS 133.060 (1), during the time in which any declaration of a
18 state of emergency issued by the Governor related to COVID-19, and any extension of the
19 declaration, is in effect, and continuing for 90 days after the declaration and any extension
20 is no longer in effect, the date specified in a criminal citation on which a person served with
21 the citation shall appear may be more than 30 days after the date the citation was issued.

22 (b) During the time in which any declaration of a state of emergency issued by the Gov-
23 ernor related to COVID-19, and any extension of the declaration, is in effect, and continuing
24 for 60 days after the declaration and any extension is no longer in effect, the presiding judge
25 of a circuit court may, upon the motion of a party or the court's own motion, and upon a
26 finding of good cause, postpone the date of appearance described in paragraph (a) of this
27 subsection for all proceedings within the jurisdiction of the court.

28 (3)(a) Notwithstanding ORS 136.290 and 136.295, and subject to paragraph (b) of this sub-
29 section, during the time in which any declaration of a state of emergency issued by the
30 Governor related to COVID-19, and any extension of the declaration, is in effect, and con-
31 tinuing for 60 days after the declaration and any extension is no longer in effect, the pre-
32 siding judge of a circuit court may, upon the motion of a party or its own motion, and upon
33 a finding of good cause, order an extension of custody and postponement of the date of the
34 trial beyond the time limits described in ORS 136.290 and 136.295.

35 (b) Notwithstanding paragraph (a) of this subsection, for a defendant to whom ORS
36 136.290 and 136.295 applies, the presiding judge may not extend custody and postpone the
37 defendant's trial date if, as a result, the defendant will be held in custody before trial for
38 more than a total of 180 days, unless the court holds a hearing and proceeds as follows:

39 (A) If the defendant is charged with a violent felony, the court may deny release upon
40 making the findings described in ORS 135.240 (4), notwithstanding the fact that a court did
41 not previously make such findings; or

42 (B) If the defendant is charged with a person crime, the court may set a trial date that
43 results in the defendant being held in custody before trial for more than a total of 180 days,
44 but not more than a total of 240 days, if the court:

45 (i) Determines the extension of custody is based upon good cause due to circumstances

1 caused by the COVID-19 pandemic, public health measures resulting from the COVID-19
2 pandemic or a situation described in ORS 136.295 (4)(b) caused by or related to COVID-19;
3 and

4 (ii) Finds, by clear and convincing evidence, that there is a substantial and specific dan-
5 ger of physical injury or sexual victimization to the victim or members of the public by the
6 defendant if the defendant is released, and that no release condition, or combination of re-
7 lease conditions, is available that would sufficiently mitigate the danger.

8 (c) The result of a hearing held pursuant to this subsection does not affect the ability
9 of a party to request a modification of the release decision under ORS 135.285.

10 (d) This subsection does not authorize a defendant to be held in custody before trial for
11 a period longer than the maximum term of imprisonment the defendant could receive as a
12 sentence under ORS 161.605 and 161.615.

13 (e) If the court proceeds under paragraph (b)(B) of this subsection, the defendant shall
14 continue to be eligible for security release and the court may maintain, lower or raise the
15 security amount at the hearing.

16 (f) As used in this subsection:

17 (A) "Good cause" means situations described in ORS 136.295 (4)(b), circumstances caused
18 by the COVID-19 pandemic or public health measures resulting from the COVID-19 pandemic.

19 (B) "Person crime" means a person felony or person Class A misdemeanor, as those
20 terms are defined in the rules of the Oregon Criminal Justice Commission.

21 (C) "Release decision" has the meaning given that term in ORS 135.230.

22 (4)(a) Notwithstanding any other statute or rule to the contrary, during the time in
23 which any declaration of a state of emergency issued by the Governor related to COVID-19,
24 and any extension of the declaration, is in effect, and continuing for 90 days after the dec-
25 laration and any extension is no longer in effect, the Chief Justice may direct or permit any
26 appearance before a court or magistrate to be by telephone, other two-way electronic com-
27 munication device or simultaneous electronic transmission.

28 (b) If an appearance is set to occur by electronic means as described in paragraph (a) of
29 this subsection, a presiding judge may instead order that the appearance be in person if,
30 upon the request of a party, the presiding judge determines that there is a particular need
31 for an in-person hearing or that a party has a constitutional right to an in-person hearing.

32 (5) The Chief Justice may delegate the exercise of any of the powers described in this
33 section to the presiding judge of a court.

34 (6) Nothing in this section affects the rights of a defendant under the Oregon and United
35 States Constitutions.

36 **SECTION 7.** (1) If the expiration of the time to commence an action or give notice of a
37 claim falls within the time in which any declaration of a state of emergency issued by the
38 Governor related to COVID-19, and any extension of the declaration, is in effect, or within
39 90 days after the declaration and any extension is no longer in effect, the expiration of the
40 time to commence the action or give notice of the claim is extended to a date 90 days after
41 the declaration and any extension is no longer in effect.

42 (2) Subsection (1) of this section applies to:

43 (a) Time periods for commencing an action established in ORS chapter 12;

44 (b) The time period for commencing an action for wrongful death established in ORS
45 30.020;

1 (c) The time period for commencing an action or giving a notice of claim under ORS
2 30.275; and

3 (d) Any other time limitation for the commencement of a civil cause of action or the
4 giving of notice of a civil claim established by statute.

5 (3) Subsection (1) of this section does not apply to:

6 (a) Time limitations for the commencement of criminal actions;

7 (b) The initiation of an appeal to the magistrate division of the Oregon Tax Court or an
8 appeal from the magistrate division to the regular division;

9 (c) The initiation of an appeal or judicial review proceeding in the Court of Appeals; or

10 (d) The initiation of any type of case or proceeding in the Supreme Court.

11 **SECTION 8.** (1) Sections 6 and 7 of this 2020 special session Act are repealed on December
12 31, 2021.

13 (2) The repeal of section 6 of this 2020 special session Act by subsection (1) of this section
14 does not affect the release status of a defendant determined under section 6 (3) of this 2020
15 special session Act.

16
17 **EMERGENCY SHELTER**

18
19 **SECTION 9.** ORS 446.265 and sections 10 and 11 of this 2020 special session Act are added
20 to and made a part of ORS chapter 197.

21 **SECTION 10.** (1) As used in this section and section 11 of this 2020 special session Act,
22 “emergency shelter” means a building that provides shelter on a temporary basis for indi-
23 viduals and families who lack permanent housing.

24 (2) A building used as an emergency shelter under an approval granted under section 11
25 of this 2020 special session Act:

26 (a) May resume its use as an emergency shelter after an interruption or abandonment
27 of that use for two years or less, notwithstanding ORS 215.130 (7).

28 (b) May not be used for any purpose other than as an emergency shelter except upon
29 application for a permit demonstrating that the construction of the building and its use could
30 be approved under current land use laws and local land use regulations.

31 **SECTION 11.** (1) A local government shall approve an application for the development or
32 use of land for an emergency shelter on any property, notwithstanding ORS chapter 195, 197,
33 215 or 227 or ORS 197A.300 to 197A.325, 197A.405 to 197A.409 or 197A.500 to 197A.521 or any
34 statewide land use planning goal, rule of the Land Conservation and Development Commis-
35 sion, local land use regulation, zoning ordinance, regional framework plan, functional plan
36 or comprehensive plan, if the emergency shelter:

37 (a) Includes sleeping and restroom facilities for clients;

38 (b) Will comply with applicable building codes;

39 (c) Is located inside an urban growth boundary or in an area zoned for rural residential
40 use as defined in ORS 215.501;

41 (d) Will not result in the development of a new building that is sited within an area des-
42 ignated under a statewide land use planning goal relating to natural disasters and hazards,
43 including floodplains or mapped environmental health hazards, unless the development com-
44 plies with regulations directly related to the hazard;

45 (e) Has adequate transportation access to commercial and medical services; and

1 (f) Will not pose any unreasonable risk to public health or safety.

2 (2) An emergency shelter allowed under this section must be operated by:

3 (a) A local government as defined in ORS 174.116;

4 (b) An organization with at least two years' experience operating an emergency shelter
5 using best practices that is:

6 (A) A local housing authority as defined in ORS 456.375;

7 (B) A religious corporation as defined in ORS 65.001; or

8 (C) A public benefit corporation, as defined in ORS 65.001, whose charitable purpose in-
9 cludes the support of homeless individuals and that has been recognized as exempt from in-
10 come tax under section 501(a) of the Internal Revenue Code on or before January 1, 2017; or

11 (c) A nonprofit corporation partnering with any other entity described in this subsection.

12 (3) An emergency shelter approved under this section:

13 (a) May provide on-site for its clients and at no cost to the clients:

14 (A) Showering or bathing;

15 (B) Storage for personal property;

16 (C) Laundry facilities;

17 (D) Service of food prepared on-site or off-site;

18 (E) Recreation areas for children and pets;

19 (F) Case management services for housing, financial, vocational, educational or physical
20 or behavioral health care services; or

21 (G) Any other services incidental to shelter.

22 (b) May include youth shelters, veterans' shelters, winter or warming shelters, day
23 shelters and family violence shelter homes as defined in ORS 409.290.

24 (4) An emergency shelter approved under this section may also provide additional ser-
25 vices not described in subsection (3) of this section to individuals who are transitioning from
26 unsheltered homeless status. An organization providing services under this subsection may
27 charge a fee of no more than \$300 per month per client and only to clients who are financially
28 able to pay the fee and who request the services.

29 (5) The approval of an emergency shelter under this section is not a land use decision
30 and is subject to review only under ORS 34.010 to 34.100.

31 **SECTION 12.** Sections 10 and 11 of this 2020 special session Act are repealed 90 days after
32 the effective date of this 2020 special session Act.

33 **SECTION 12a.** The repeal of sections 10 and 11 of this 2020 special session Act by section
34 12 of this 2020 special session Act does not affect an application for the development of land
35 for an emergency shelter that was completed and submitted before the date of the repeal.

36 **SECTION 13.** (1) Notwithstanding ORS 203.082 (2), a political subdivision may allow any
37 person to offer any number of overnight camping spaces on the person's property to
38 homeless individuals who are living in vehicles, without regard to whether the motor vehicle
39 was designed for use as temporary living quarters. A religious institution offering camping
40 space under this section shall also provide campers with access to sanitary facilities, in-
41 cluding toilet, handwashing and trash disposal facilities.

42 (2) A local government may regulate vehicle camping spaces under this section as tran-
43 sitional housing accommodations under ORS 446.265.

44 **SECTION 14.** Section 13 of this 2020 special session Act is repealed 90 days after the ef-
45 fective date of this 2020 special session Act.

1 (A) Has personal knowledge under ORS 194.240 (1) of the identity of the remotely located
2 individual;

3 (B) Has satisfactory evidence of the identity of the remotely located individual by a ver-
4 ification on oath or affirmation from a credible witness appearing before and identified by
5 the notary public as a remotely located individual under this section or in the physical
6 presence of the notary public under ORS 194.240 (2); or

7 (C) Has obtained satisfactory evidence of the identity of the remotely located individual
8 by using at least two different types of identity proofing;

9 (b) The notary public is reasonably able to confirm that a record before the notary public
10 is the same record in which the remotely located individual made a statement or on which
11 the individual executed a signature;

12 (c) The notary public, or a person acting on behalf of the notary public, creates an au-
13 diovisual recording of the performance of the notarial act; and

14 (d) For a remotely located individual who is located outside the United States:

15 (A) The record:

16 (i) Is to be filed with or relates to a matter before a public official or court, governmental
17 entity or other entity subject to the jurisdiction of the United States; or

18 (ii) Involves property located in the territorial jurisdiction of the United States or in-
19 volves a transaction substantially connected with the United States; and

20 (B) The act of making the statement or signing the record is not prohibited by the for-
21 eign state in which the remotely located individual is located.

22 (4) If a notarial act is performed under this section, the certificate of notarial act re-
23 quired by ORS 194.280 and the short form certificate provided in ORS 194.285 must indicate
24 that the notarial act was performed using communication technology.

25 (5) A short form certificate provided in ORS 194.285 for a notarial act subject to this
26 section is sufficient if it:

27 (a) Complies with rules adopted under subsection (8)(a) of this section; or

28 (b) Is in the form provided in ORS 194.285 and contains a statement substantially as fol-
29 lows: "This notarial act involved the use of communication technology."

30 (6) A notary public, a guardian, conservator, trustee or agent of a notary public, or a
31 personal representative of a deceased notary public shall retain the audiovisual recording
32 created under subsection (3)(c) of this section or cause the recording to be retained by a
33 repository designated by or on behalf of the person required to retain the recording. Unless
34 a different period is required by rule adopted under subsection (8)(d) of this section, the re-
35 cording must be maintained for a period of at least 10 years after the recording is made.

36 (7) Before a notary public performs the notary public's initial notarial act under this
37 section, the notary public shall notify the Secretary of State that the notary public will be
38 performing notarial acts with respect to remotely located individuals and identify the tech-
39 nologies the notary public intends to use. If the Secretary of State has established standards
40 under subsection (8) of this section or ORS 194.360 for approval of communication technology
41 or identity proofing, the communication technology and identity proofing used by the notary
42 public must conform to those standards.

43 (8) In addition to adopting rules under ORS 194.360, the Secretary of State may adopt
44 rules under this section regarding the performance of a notarial act. The rules may:

45 (a) Prescribe the means of performing a notarial act involving a remotely located indi-

1 **vidual using communication technology;**

2 **(b) Establish standards for communication technology and identity proofing;**

3 **(c) Establish requirements or procedures to approve providers of communication tech-**
4 **nology and the process of identity proofing; and**

5 **(d) Establish standards and a period for the retention of an audiovisual recording created**
6 **under subsection (3)(c) of this section.**

7 **(9) Before adopting, amending or repealing a rule governing the performance of a notarial**
8 **act with respect to a remotely located individual, the Secretary of State shall consider:**

9 **(a) The most recent standards regarding the performance of a notarial act with respect**
10 **to a remotely located individual promulgated by national standard-setting organizations and**
11 **the recommendations of the National Association of Secretaries of State;**

12 **(b) Standards, practices and customs of other jurisdictions that have laws substantially**
13 **similar to this section; and**

14 **(c) The views of governmental officials and entities and other interested persons.**

15 **SECTION 21.** ORS 194.225 is amended to read:

16 194.225. (1) A notarial officer may perform a notarial act authorized by this chapter or by law
17 of this state other than this chapter.

18 (2) A notarial officer may not perform a notarial act with respect to a record to which the of-
19 ficer or the officer's spouse is a party, or in which either the officer or the officer's spouse has a
20 direct beneficial interest. A notarial act performed in violation of this subsection is voidable.

21 **(3) A notarial officer may certify that a tangible copy of an electronic record is an ac-**
22 **curate copy of the electronic record.**

23 **SECTION 22.** ORS 194.225, as amended by section 21 of this 2020 special session Act, is
24 amended to read:

25 194.225. (1) A notarial officer may perform a notarial act authorized by this chapter or by law
26 of this state other than this chapter.

27 (2) A notarial officer may not perform a notarial act with respect to a record to which the of-
28 ficer or the officer's spouse is a party, or in which either the officer or the officer's spouse has a
29 direct beneficial interest. A notarial act performed in violation of this subsection is voidable.

30 *[(3) A notarial officer may certify that a tangible copy of an electronic record is an accurate copy*
31 *of the electronic record.]*

32 **SECTION 23.** ORS 194.290 is amended to read:

33 194.290. (1) The official stamp of a notary public must:

34 *[(1)]* **(a)** Include the notary public's name, jurisdiction, commission expiration date and other
35 information required by the Secretary of State by rule; and

36 *[(2)]* **(b)** Be a legible imprint capable of being copied together with the record to which it is af-
37 fixed or attached or with which it is logically associated.

38 **(2) The official stamp of a notary public is an official notarial seal for all purposes under**
39 **the laws of this state.**

40 **SECTION 24.** ORS 194.290, as amended by section 23 of this 2020 special session Act, is
41 amended to read:

42 194.290. *[(1)]* The official stamp of a notary public must:

43 *[(a)]* **(1)** Include the notary public's name, jurisdiction, commission expiration date and other
44 information required by the Secretary of State by rule; and

45 *[(b)]* **(2)** Be a legible imprint capable of being copied together with the record to which it is af-

1 fixed or attached or with which it is logically associated.

2 *[(2) The official stamp of a notary public is an official notarial seal for all purposes under the laws*
3 *of this state.]*

4 **SECTION 25.** ORS 194.305 is amended to read:

5 194.305. (1) A notary public may select one or more tamper-evident technologies to perform
6 notarial acts with respect to electronic records. A person may not require a notary public to per-
7 form a notarial act with respect to an electronic record with a technology that the notary public
8 has not selected.

9 (2) Before a notary public performs the notary public's initial notarial act with respect to an
10 electronic record, a notary public shall notify the Secretary of State that the notary public will be
11 performing notarial acts with respect to electronic records and identify the technology the notary
12 public intends to use. If the Secretary of State, by rule, has established standards pursuant to ORS
13 194.360 for approval of technology, the technology must conform to the standards. If the technology
14 conforms to the standards, the Secretary of State shall approve the use of the technology.

15 **(3) A county clerk may accept for recording a tangible copy of an electronic record con-**
16 **taining a notarial certificate as satisfying any requirement that a record accepted for re-**
17 **ording be an original, if the notarial officer executing the notarial certificate certifies that**
18 **the tangible copy is an accurate copy of the electronic record.**

19 **SECTION 26.** ORS 194.305, as amended by section 25 of this 2020 special session Act, is
20 amended to read:

21 194.305. (1) A notary public may select one or more tamper-evident technologies to perform
22 notarial acts with respect to electronic records. A person may not require a notary public to per-
23 form a notarial act with respect to an electronic record with a technology that the notary public
24 has not selected.

25 (2) Before a notary public performs the notary public's initial notarial act with respect to an
26 electronic record, a notary public shall notify the Secretary of State that the notary public will be
27 performing notarial acts with respect to electronic records and identify the technology the notary
28 public intends to use. If the Secretary of State, by rule, has established standards pursuant to ORS
29 194.360 for approval of technology, the technology must conform to the standards. If the technology
30 conforms to the standards, the Secretary of State shall approve the use of the technology.

31 *[(3) A county clerk may accept for recording a tangible copy of an electronic record containing a*
32 *notarial certificate as satisfying any requirement that a record accepted for recording be an original,*
33 *if the notarial officer executing the notarial certificate certifies that the tangible copy is an accurate*
34 *copy of the electronic record.]*

35 **SECTION 27. A tangible copy of an electronic record containing a notarial certificate that**
36 **is accepted for recording by a county clerk before the effective date of this 2020 special ses-**
37 **sion Act satisfies any requirement that the record be an original, if the notarial officer exe-**
38 **cuting the notarial certificate certifies that the tangible copy is an accurate copy of the**
39 **electronic record.**

40 **SECTION 28.** ORS 93.810 is amended to read:

41 93.810. The following are subjects of validating or curative Acts applicable to this chapter:

42 (1) Evidentiary effect and recordation of conveyances before 1854.

43 (2) Evidentiary effect and recordation of certified copies of deeds issued by the State Land Board
44 before 1885 where the original deed was lost.

45 (3) Defective acknowledgments of married women to conveyances before 1891.

1 (4) Foreign instruments executed before 1903.

2 (5) Deeds of married women before 1907, validity; executed under power of attorney and record
3 as evidence.

4 (6) Conveyances by reversioners and remainderpersons to life tenant.

5 (7) Decrees or judgments affecting lands in more than one county.

6 (8) Irregular deeds and conveyances; defective acknowledgments; irregularities in judicial sales;
7 sales and deeds of executors, personal representatives, administrators, conservators and guardians;
8 vested rights arising by adverse title; recordation.

9 (9) Defective acknowledgments.

10 (10) Title to lands from or through aliens.

11 (11) An instrument that is presented for recording as an electronic image or by electronic means
12 and that is recorded before June 16, 2011.

13 **(12) A tangible copy of an electronic record containing a notarial certificate that is ac-**
14 **cepted for recording by a county clerk before the effective date of this 2020 special session**
15 **Act.**

16 **SECTION 29.** ORS 93.810, as amended by section 28 of this 2020 special session Act, is amended
17 to read:

18 93.810. The following are subjects of validating or curative Acts applicable to this chapter:

19 (1) Evidentiary effect and recordation of conveyances before 1854.

20 (2) Evidentiary effect and recordation of certified copies of deeds issued by the State Land Board
21 before 1885 where the original deed was lost.

22 (3) Defective acknowledgments of married women to conveyances before 1891.

23 (4) Foreign instruments executed before 1903.

24 (5) Deeds of married women before 1907, validity; executed under power of attorney and record
25 as evidence.

26 (6) Conveyances by reversioners and remainderpersons to life tenant.

27 (7) Decrees or judgments affecting lands in more than one county.

28 (8) Irregular deeds and conveyances; defective acknowledgments; irregularities in judicial sales;
29 sales and deeds of executors, personal representatives, administrators, conservators and guardians;
30 vested rights arising by adverse title; recordation.

31 (9) Defective acknowledgments.

32 (10) Title to lands from or through aliens.

33 (11) An instrument that is presented for recording as an electronic image or by electronic means
34 and that is recorded before June 16, 2011.

35 *[(12) A tangible copy of an electronic record containing a notarial certificate that is accepted for*
36 *recording by a county clerk before the effective date of this 2020 special session Act.]*

37 **SECTION 30.** ORS 194.400 is amended to read:

38 194.400. (1) The fee that a notary public may charge for performing a notarial act may not ex-
39 ceed \$10 per notarial act, **except that a notary public may charge a fee not to exceed \$25 per**
40 **notarial act for a notarial act performed under section 20 of this 2020 special session Act.**

41 (2) A notary public may charge an additional fee for traveling to perform a notarial act if:

42 (a) The notary public explains to the person requesting the notarial act that the fee is in addi-
43 tion to a fee specified in subsection (1) of this section and is in an amount not determined by law;
44 and

45 (b) The person requesting the notarial act agrees in advance upon the amount of the additional

1 fee.

2 (3) If a notary public charges fees under this section for performing notarial acts, the notary
3 public shall display, in English, a list of the fees the notary public will charge.

4 (4) A notary public who is employed by a private entity may enter into an agreement with the
5 entity under which fees collected by the notary public under this section are collected by and accrue
6 to the entity.

7 (5) A public body as defined in ORS 174.109 may collect the fees described in this section for
8 notarial acts performed in the course of employment by notaries public who are employed by the
9 public body.

10 **SECTION 31.** ORS 194.400, as amended by section 30 of this 2020 special session Act, is
11 amended to read:

12 194.400. (1) The fee that a notary public may charge for performing a notarial act may not ex-
13 ceed \$10 per notarial act[, *except that a notary public may charge a fee not to exceed \$25 per notarial*
14 *act for a notarial act performed under section 20 of this 2020 special session Act*].

15 (2) A notary public may charge an additional fee for traveling to perform a notarial act if:

16 (a) The notary public explains to the person requesting the notarial act that the fee is in addi-
17 tion to a fee specified in subsection (1) of this section and is in an amount not determined by law;
18 and

19 (b) The person requesting the notarial act agrees in advance upon the amount of the additional
20 fee.

21 (3) If a notary public charges fees under this section for performing notarial acts, the notary
22 public shall display, in English, a list of the fees the notary public will charge.

23 (4) A notary public who is employed by a private entity may enter into an agreement with the
24 entity under which fees collected by the notary public under this section are collected by and accrue
25 to the entity.

26 (5) A public body as defined in ORS 174.109 may collect the fees described in this section for
27 notarial acts performed in the course of employment by notaries public who are employed by the
28 public body.

29 **SECTION 32.** (1) Sections 19, 20 and 27 of this 2020 special session Act are repealed on
30 June 30, 2021.

31 (2) The amendments to ORS 93.810, 194.225, 194.290, 194.305 and 194.400 by sections 22, 24,
32 26, 29 and 31 of this 2020 special session Act become operative on June 30, 2021.

33 **NOTE:** Section 33 was deleted by amendment. Subsequent sections were not renumbered.

34
35 **ENTERPRISE ZONE TERMINATION EXTENSIONS**

36
37 **SECTION 34.** Section 35 of this 2020 special session Act is added to and made a part of
38 ORS 285C.050 to 285C.250.

39 **SECTION 35.** (1) Notwithstanding ORS 285C.245 (2):

40 (a) An enterprise zone that would otherwise terminate on June 30, 2020, shall terminate
41 on December 31, 2020.

42 (b) If this section takes effect after June 30, 2020, the sponsor of an enterprise zone that
43 terminated on June 30, 2020, may rescind the termination and the enterprise zone shall ter-
44minate on December 31, 2020.

45 (2) Notwithstanding ORS 285C.250 (1)(a), the sponsor of an enterprise zone described in

1 subsection (1) of this section may redesignate the enterprise zone under ORS 285C.250 on any
2 date before January 1, 2021. The redesignation may not take effect before December 31, 2020.

3 (3) All other deadlines that relate to the termination date and redesignation of an en-
4 terprise zone described in subsection (1) of this section shall be interpreted as relating to
5 December 31, 2020.

6
7 **INDIVIDUAL DEVELOPMENT ACCOUNT**
8 **MODIFICATIONS**
9

10 **SECTION 36.** ORS 458.685 is amended to read:

11 458.685. (1) A person may establish an individual development account only for a purpose ap-
12 proved by a fiduciary organization. Purposes that the fiduciary organization may approve are:

13 (a) The acquisition of post-secondary education or job training.

14 (b) If the account holder has established the account for the benefit of a household member who
15 is under the age of 18 years, the payment of extracurricular nontuition expenses designed to prepare
16 the member for post-secondary education or job training.

17 (c) If the account holder has established a savings network account for higher education under
18 ORS 178.300 to 178.360 on behalf of a designated beneficiary, the funding of qualified higher educa-
19 tion expenses as defined in ORS 178.300 by one or more deposits into a savings network account for
20 higher education on behalf of the same designated beneficiary.

21 (d) The purchase of a primary residence. In addition to payment on the purchase price of the
22 residence, account moneys may be used to pay any usual or reasonable settlement, financing or
23 other closing costs. The account holder must not have owned or held any interest in a residence
24 during the three years prior to making the purchase. However, this three-year period shall not apply
25 to displaced homemakers, individuals who have lost home ownership as a result of divorce or owners
26 of manufactured homes.

27 (e) The rental of a primary residence when housing stability is essential to achieve state policy
28 goals. Account moneys may be used for security deposits, first and last months' rent, application fees
29 and other expenses necessary to move into the primary residence, as specified in the account
30 holder's personal development plan for increasing the independence of the person.

31 (f) The capitalization of a small business. Account moneys may be used for capital, plant,
32 equipment and inventory expenses and to hire employees upon capitalization of the small business,
33 or for working capital pursuant to a business plan. The business plan must have been developed by
34 a financial institution, nonprofit microenterprise program or other qualified agent demonstrating
35 business expertise and have been approved by the fiduciary organization. The business plan must
36 include a description of the services or goods to be sold, a marketing plan and projected financial
37 statements.

38 (g) Improvements, repairs or modifications necessary to make or keep the account holder's pri-
39 mary dwelling habitable, accessible or visitable for the account holder or a household member. This
40 paragraph does not apply to improvements, repairs or modifications made to a rented primary
41 dwelling to achieve or maintain a habitable condition for which ORS 90.320 (1) places responsibility
42 on the landlord. As used in this paragraph, "accessible" and "visitable" have the meanings given
43 those terms in ORS 456.508.

44 (h) The purchase of equipment, technology or specialized training required to become compet-
45 itive in obtaining or maintaining employment or to start or maintain a business, as specified in the

1 account holder's personal development plan for increasing the independence of the person.

2 (i) The purchase or repair of a vehicle, as specified in the account holder's personal development
3 plan for increasing the independence of the person.

4 (j) The saving of funds for retirement, as specified in the account holder's personal development
5 plan for increasing the independence of the person.

6 (k) The payment of debts owed for educational or medical purposes when the account holder is
7 saving for another allowable purpose, as specified in the account holder's personal development plan
8 for increasing the independence of the person.

9 (L) The creation or improvement of a credit score by obtaining a secured loan or a financial
10 product that is designed to improve credit, as specified in the account holder's personal development
11 plan for increasing the independence of the person.

12 (m) The replacement of a primary residence when replacement offers significant opportunity to
13 improve habitability or energy efficiency.

14 **(n) The establishment of savings for emergency expenses to promote financial stability
15 and to protect existing assets. As used in this paragraph, "emergency expenses" includes
16 expenses for extraordinary medical costs or other unexpected and substantial personal ex-
17 penses that would significantly impact the account holder's noncash assets, health, housing
18 or standard of living if not promptly addressed.**

19 (2)(a) *[If an emergency occurs,]* An account holder may withdraw all or part of the account
20 holder's deposits to an individual development account for *[a purpose not described in subsection (1)*
21 *of this section. As used in this paragraph, "emergency" includes making payments for necessary med-
22 ical expenses, to avoid eviction of the account holder from the account holder's residence and for nec-
23 essary living expenses following a loss of employment.]* **emergency expenses as defined in
24 subsection (1)(n) of this section, without regard to whether the account was established for
25 emergency savings.**

26 (b) The account holder must reimburse *[the account]* **an account established for a purpose
27 listed under subsection (1)(a) to (m) of this section** for the amount withdrawn under this sub-
28 section *[within 12 months after the date of the withdrawal. Failure of an account holder to make a
29 timely reimbursement to the account is grounds for removing the account holder from the individual
30 development account program].* Until the reimbursement has been made in full, an account holder
31 may not withdraw any matching deposits or accrued interest on matching deposits from the account
32 **except under this subsection.**

33 (3) If an account holder withdraws moneys from an individual development account for other
34 than an approved purpose, the fiduciary organization may remove the account holder from the pro-
35 gram.

36 (4)(a) If the account holder of an account established for the purpose set forth in subsection
37 (1)(c) or (j) of this section has achieved the account's approved purpose in accordance with the
38 personal development plan developed by the account holder under ORS 458.680, the account holder
39 may withdraw, or authorize the withdrawal of, the remaining amount of all deposits, including
40 matching deposits, and interest in the account as follows:

41 (A) For an account established for the purpose set forth in subsection (1)(c) of this section, by
42 rolling over the entire withdrawal amount, not to exceed the limit established pursuant to ORS
43 178.335, into one or more of the savings network accounts for higher education under ORS 178.300
44 to 178.360, the establishment of which is the purpose of the individual development account; or

45 (B) For an account established for the purpose set forth in subsection (1)(j) of this section, by

1 rolling over the entire withdrawal amount into an individual retirement account, a retirement plan
2 or a similar account or plan established under the Internal Revenue Code.

3 (b) Upon withdrawal of all moneys in the individual development account as provided in para-
4 graph (a) of this subsection, the account relationship shall terminate.

5 (c) The rollover of moneys into a savings network account for higher education under this sub-
6 section may not cause the amount in the savings network account for higher education to exceed
7 the limit on total contributions established pursuant to ORS 178.335.

8 (d) Any amount of the rollover that has been subtracted on the taxpayer's federal return pur-
9 suant to section 219 of the Internal Revenue Code shall be added back in the determination of tax-
10 able income.

11 (5) If an account holder moves from the area where the program is conducted or is otherwise
12 unable to continue in the program, the fiduciary organization may remove the account holder from
13 the program.

14 (6) If an account holder is removed from the program under subsection [(2),] (3) or (5) of this
15 section, all matching deposits in the account and all interest earned on matching deposits shall re-
16 vert to the fiduciary organization. The fiduciary organization shall use the reverted funds as a
17 source of matching deposits for other accounts.

18 **NOTE:** Sections 37 through 39 were deleted by amendment. Subsequent sections were not re-
19 numbered.

20
21 **RACE AND ETHNICITY DATA COLLECTION**
22 **AND REPORTING DURING COVID-19 PANDEMIC**
23

24 **SECTION 40. (1) As used in this section:**

25 (a) **"COVID-19" means a disease caused by the severe acute respiratory syndrome**
26 **coronavirus 2 (SARS-CoV-2).**

27 (b) **"Encounter" means an interaction between a patient, or the patient's legal repre-**
28 **sentative, and a health care provider, whether that interaction is in person or through tele-**
29 **medicine, for the purpose of providing health care services related to COVID-19, including**
30 **but not limited to ordering or performing a COVID-19 test.**

31 (c) **"Health care provider" means:**

32 (A) **An individual licensed or certified by the:**

33 (i) **State Board of Examiners for Speech-Language Pathology and Audiology;**

34 (ii) **State Board of Chiropractic Examiners;**

35 (iii) **State Board of Licensed Social Workers;**

36 (iv) **Oregon Board of Licensed Professional Counselors and Therapists;**

37 (v) **Oregon Board of Dentistry;**

38 (vi) **State Board of Massage Therapists;**

39 (vii) **Oregon Board of Naturopathic Medicine;**

40 (viii) **Oregon State Board of Nursing;**

41 (ix) **Oregon Board of Optometry;**

42 (x) **State Board of Pharmacy;**

43 (xi) **Oregon Medical Board;**

44 (xii) **Occupational Therapy Licensing Board;**

45 (xiii) **Oregon Board of Physical Therapy;**

1 (xiv) Oregon Board of Psychology; or

2 (xv) Board of Medical Imaging;

3 (B) An emergency medical services provider licensed by the Oregon Health Authority
4 under ORS 682.216;

5 (C) A clinical laboratory licensed under ORS 438.110; and

6 (D) A health care facility as defined in ORS 442.015.

7 (d) "Telemedicine" means the delivery of a health service through a two-way communi-
8 cation medium, including but not limited to telephone, Voice over Internet Protocol, trans-
9 mission of telemetry or any Internet or electronic platform that allows a provider to interact
10 in real time with a patient, a parent or guardian of a patient or another provider acting on
11 a patient's behalf.

12 (2) The authority shall adopt rules:

13 (a) Requiring a health provider to:

14 (A) Collect encounter data on race, ethnicity, preferred spoken and written language,
15 English proficiency, interpreter needs and disability status in accordance with the standards
16 adopted by the authority under ORS 413.161; and

17 (B) Report the data in accordance with rules adopted under ORS 433.004 for the reporting
18 of diseases.

19 (b) Prescribing the manner of reporting.

20 (c) Ensuring, to the extent practicable, that the data collected and reported under this
21 section by health care providers is not duplicative.

22 (d) Establishing phased in deadlines for the collection of data under this section, begin-
23 ning no later than October 1, 2020.

24 (3) The authority may provide incentives to health care providers and facilities to help
25 defer the costs of making changes to electronic health records or similar systems.

26 (4) Data collected by health care providers under this section is confidential and subject
27 to disclosure only in accordance with the federal Health Insurance Portability and Account-
28 ability Act privacy regulations, 45 C.F.R. parts 160 and 164, ORS 192.553 to 192.581 or other
29 state or federal laws limiting the disclosure of health information.

30 **SECTION 41.** Section 40 of this 2020 special session Act may be enforced by any means
31 permitted under the law by:

32 (1) A health professional regulatory board specified in section 40 of this 2020 special ses-
33 sion Act with respect to a provider under the jurisdiction the board.

34 (2) The Oregon Health Authority or the Department of Human Services with regard to
35 health care facilities under each agency's respective jurisdiction.

36 (3) The authority with regard to emergency medical services providers licensed under
37 ORS 682.216 and clinical laboratories licensed under ORS 438.110.

38 **SECTION 41a.** Section 40 of this 2020 special session Act is amended to read:

39 **Sec. 40.** (1) As used in this section:

40 (a) "COVID-19" means a disease caused by the severe acute respiratory syndrome coronavirus
41 2 (SARS-CoV-2).

42 (b) "Encounter" means an interaction between a patient, or the patient's legal representative,
43 and a health care provider, whether that interaction is in person or through telemedicine, for the
44 purpose of providing health care services related to COVID-19, including but not limited to ordering
45 or performing a COVID-19 test.

- 1 (c) “Health care provider” means:
2 (A) An individual licensed or certified by the:
3 (i) State Board of Examiners for Speech-Language Pathology and Audiology;
4 (ii) State Board of Chiropractic Examiners;
5 (iii) State Board of Licensed Social Workers;
6 (iv) Oregon Board of Licensed Professional Counselors and Therapists;
7 (v) Oregon Board of Dentistry;
8 (vi) State Board of Massage Therapists;
9 (vii) Oregon Board of Naturopathic Medicine;
10 (viii) Oregon State Board of Nursing;
11 (ix) Oregon Board of Optometry;
12 (x) State Board of Pharmacy;
13 (xi) Oregon Medical Board;
14 (xii) Occupational Therapy Licensing Board;
15 (xiii) Oregon Board of Physical Therapy;
16 (xiv) Oregon Board of Psychology; or
17 (xv) Board of Medical Imaging;
18 (B) An emergency medical services provider licensed by the Oregon Health Authority under
19 ORS 682.216;
20 (C) A clinical laboratory licensed under ORS 438.110; and
21 (D) A health care facility as defined in ORS 442.015.
22 (d) “Telemedicine” means the delivery of a health service through a two-way communication
23 medium, including but not limited to telephone, Voice over Internet Protocol, transmission of
24 telemetry or any Internet or electronic platform that allows a provider to interact in real time with
25 a patient, a parent or guardian of a patient or another provider acting on a patient’s behalf.
26 (2) The authority shall adopt rules:
27 (a) Requiring a health provider to:
28 (A) Collect encounter data on race, ethnicity, preferred spoken and written language, English
29 proficiency, interpreter needs and disability status in accordance with the standards adopted by the
30 authority under ORS 413.161; and
31 (B) Report the data in accordance with rules adopted under ORS 433.004 for the reporting of
32 diseases.
33 (b) Prescribing the manner of reporting.
34 (c) Ensuring, to the extent practicable, that the data collected and reported under this section
35 by health care providers is not duplicative.
36 *[(d) Establishing phased in deadlines for the collection of data under this section, beginning no
37 later than October 1, 2020.]*
38 (3) The authority may provide incentives to health care providers and facilities to help defer the
39 costs of making changes to electronic health records or similar systems.
40 (4) Data collected by health care providers under this section is confidential and subject to
41 disclosure only in accordance with the federal Health Insurance Portability and Accountability Act
42 privacy regulations, 45 C.F.R. parts 160 and 164, ORS 192.553 to 192.581 or other state or federal
43 laws limiting the disclosure of health information.
44 **SECTION 41b. (1) Section 41 of this 2020 special session Act becomes operative on De-**
45 **cember 31, 2020.**

1 (2) The amendments to section 40 of this 2020 special session Act by section 41a of this
2 2020 special session Act become operative on December 31, 2021.

3 **SECTION 42.** Section 43 of this 2020 special session Act is added to and made a part of
4 the Insurance Code.

5 **SECTION 43.** An insurer transacting insurance in this state may not consider any in-
6 formation collected and reported under section 40 of this 2020 special session Act to:

- 7 (1) Deny, limit, cancel, rescind or refuse to renew a policy of insurance;
8 (2) Establish premium rates for a policy of insurance; or
9 (3) Establish the terms and conditions of a policy of insurance.

10
11 **PHYSICIAN ASSISTANTS**

12
13 **SECTION 44.** Section 45 of this 2020 special session Act is added to and made a part of
14 ORS 677.495 to 677.535.

15 **SECTION 45.** (1) Notwithstanding any other provision of ORS 677.495 to 677.535, a physi-
16 cian assistant may, without entering into a practice agreement, perform services and provide
17 patient care within the physician assistant's scope of practice in accordance with subsection
18 (2) of this section.

19 (2) A physician assistant may perform services and provide patient care as described in
20 subsection (1) of this section only in compliance with guidelines and standards established
21 by one or more supervising physicians.

22 (3) A physician assistant who performs services and provides patient care under this
23 section is exempt from any chart review and onsite supervision requirements described in
24 ORS 677.495 to 677.535 or rules adopted by the Oregon Medical Board pursuant to ORS 677.495
25 to 677.535.

26 (4) The board may adopt rules to carry out this section.

27 **SECTION 46.** (1) As used in this section:

28 (a) "Physician assistant":

29 (A) Has the meaning given that term in ORS 677.495; and

30 (B) Means a person licensed to practice as a physician assistant in another state or ter-
31 ritory of the United States.

32 (b) "Telehealth" means the use of electronic and telecommunications technologies to
33 provide health care services.

34 (2) A physician assistant may use telehealth to perform services for and provide patient
35 care to a patient who is located across state lines from the physician assistant if the services
36 and patient care are within the physician assistant's scope of practice.

37 (3) The Oregon Medical Board may adopt rules to carry out this section.

38 **SECTION 47.** Sections 45 and 46 of this 2020 special session Act are repealed on the date
39 on which the declaration of a state of emergency issued by the Governor on March 8, 2020,
40 and any extension of the declaration, is no longer in effect.

41
42 **CAPTIONS**

43
44 **SECTION 48.** The unit captions used in this 2020 special session Act are provided only for
45 the convenience of the reader and do not become part of the statutory law of this state or

1 **express any legislative intent in the enactment of this 2020 special session Act.**

2

3

EMERGENCY CLAUSE

4

5 **SECTION 49. This 2020 special session Act being necessary for the immediate preserva-**
6 **tion of the public peace, health and safety, an emergency is declared to exist, and this 2020**
7 **special session Act takes effect on its passage.**

8
