

House Bill 4212

Sponsored by Representative KOTEK (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 **as introduced**.

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. 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.

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.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to strategies to protect Oregonians from the effects of the COVID-19 pandemic; creating
3 new provisions; amending ORS 18.784, 93.810, 194.225, 194.290, 194.305, 194.400 and 458.685; and
4 declaring an emergency.

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

6 7 LOCAL GOVERNMENT AND SPECIAL GOVERNMENT BODY 8 PUBLIC MEETINGS AND OPERATIONS 9

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

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

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

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

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

21 (4) If a public body posts notices of governing body public meetings on the public body's
22 website, the public body shall also send notices of these public meetings by electronic mail
23 to persons who have requested the notice. This subsection does not apply to public bodies
24 that do not have personnel available to send electronic mail notices.

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

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

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

42 (8) Notwithstanding ORS 221.770, a city may satisfy the requirements of holding a public
43 hearing under ORS 221.770 (1)(b) and (c) by holding the hearing in accordance with this sec-
44 tion and by making certification to the Oregon Department of Administrative Services as
45 soon as is reasonably practicable after the city adopts its budget.

1 equal to the lesser of the sum of those payments or the total balance in the debtor's account
 2 is not subject to garnishment.

3 (b) A recovery rebate payment made under section 2201(a) of the Coronavirus Aid, Relief,
 4 and Economic Security Act (P.L. 116-136) is subject to garnishment if:

5 (A) The garnishment is issued to collect:

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

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

9 (B) The garnishment contains the following statement: "This Garnishment Has Been Is-
 10 sued to Collect a Criminal Money Judgment that Awards Restitution or a Civil Judgment
 11 Based on a Criminal Offense".

12 [(5)] (6) A financial institution shall perform a garnishment account review only one time for a
 13 specific garnishment. If the same garnishment is served on a financial institution more than once,
 14 the financial institution may not perform a garnishment account review or take any other action
 15 relating to the garnishment based on the second and subsequent service of the garnishment.

16 [(6)] (7) A financial institution may not conduct a garnishment account review under this section
 17 if a Notice of Right to Garnish Federal Benefits from the United States Government or from a state
 18 child support enforcement agency is attached to or included in the garnishment as provided in 31
 19 C.F.R. part 212. If a Notice of Right to Garnish Federal Benefits is attached to or included in the
 20 garnishment, the financial institution shall proceed on the garnishment as otherwise provided in
 21 ORS 18.600 to 18.850.

22 [(7)] (8) The provisions of this section do not affect the ability of a debtor to claim any ex-
 23 emption that otherwise may be available to the debtor under law for any amounts in an account in
 24 a financial institution.

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

27 18.784. (1) Except as provided in subsection [(7)] (6) of this section, if a writ of garnishment is
 28 delivered to a financial institution that has an account of the debtor, the financial institution shall
 29 conduct a garnishment account review of all accounts in the name of the debtor before taking any
 30 other action that may affect funds in those accounts. If the financial institution determines from the
 31 garnishment account review that one or more payments described in subsection (3) of this section
 32 were deposited in an account of the debtor by direct deposit or electronic payment during the
 33 lookback period described in subsection (2) of this section, an amount equal to the lesser of the sum
 34 of those payments or the total balance in the debtor's account is not subject to garnishment.

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

38 (a) The day in the second calendar month preceding the month in which the garnishment ac-
 39 count review is conducted, that has the same number as the day on which the period ends; or

40 (b) If there is no day as described in paragraph (a) of this subsection, the last day of the second
 41 calendar month preceding the month in which the garnishment account review is conducted.

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

43 (a) Federal benefit payments;

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

45 (c) Public assistance or medical assistance, as defined in ORS 414.025, payments from the State

1 of Oregon or an agency of the State of Oregon;

2 (d) Unemployment compensation payments from the State of Oregon or an agency of the State
3 of Oregon;

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

5 (f) Workers' compensation payments from a workers' compensation carrier.

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

9 *[(5)(a) Except as provided in paragraph (b) of this subsection, if a financial institution determines
10 from a garnishment account review conducted under this section that a recovery rebate payment made
11 under section 2201(a) of the Coronavirus Aid, Relief, and Economic Security Act (P.L. 116-136) was
12 deposited in an account of the debtor at any time, an amount equal to the lesser of the sum of those
13 payments or the total balance in the debtor's account is not subject to garnishment.]*

14 *[(b) A recovery rebate payment made under section 2201(a) of the Coronavirus Aid, Relief, and
15 Economic Security Act (P.L. 116-136) is subject to garnishment if:]*

16 *[(A) The garnishment is issued to collect:]*

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

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

20 *[(B) The garnishment contains the following statement: "This Garnishment Has Been Issued to
21 Collect a Criminal Money Judgment that Awards Restitution or a Civil Judgment Based on a Criminal
22 Offense".]*

23 [(6)] (5) A financial institution shall perform a garnishment account review only one time for a
24 specific garnishment. If the same garnishment is served on a financial institution more than once,
25 the financial institution may not perform a garnishment account review or take any other action
26 relating to the garnishment based on the second and subsequent service of the garnishment.

27 [(7)] (6) A financial institution may not conduct a garnishment account review under this section
28 if 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 [(8)] (7) The provisions of this section do not affect the ability of a debtor to claim any ex-
34 emption that otherwise may be available to the debtor under law for any amounts in an account in
35 a financial institution.

36 **SECTION 5. (1) The amendments to ORS 18.784 by section 4 of this 2020 special session
37 Act become operative 90 days after the date on which the declaration of a state of emergency
38 issued by the Governor on March 8, 2020, and any extension of the declaration, is no longer
39 in effect.**

40 **(2) The amendments to ORS 18.784 by section 3 of this 2020 special session Act apply to
41 garnishments issued before the operative date specified in subsection (1) of this section.**

42
43 **JUDICIAL PROCEEDING EXTENSIONS**
44 **AND ELECTRONIC APPEARANCES**
45

1 **SECTION 6.** (1)(a) Notwithstanding any other statute or rule to the contrary, during the
 2 time in which any declaration of a state of emergency issued by the Governor related to
 3 COVID-19, and any extension of the declaration, is in effect, and continuing for 60 days after
 4 the declaration and any extension is no longer in effect, and upon a finding of good cause,
 5 the Chief Justice of the Supreme Court may extend or suspend any time period or time re-
 6 quirement established by statute or rule that:

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

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

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

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

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

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

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

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

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

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

43 (B) If the defendant is charged with a violent felony but the court does not deny release
 44 under ORS 135.240 (4), the court may set a trial date that results in the defendant being held
 45 in custody before trial for more than a total of 180 days if the court:

1 (i) Determines the extension of custody is based upon good cause due to circumstances
 2 caused by the COVID-19 pandemic, public health measures resulting from the COVID-19
 3 pandemic or a situation described in ORS 136.295 (4)(b) caused by or related to COVID-19;
 4 and

5 (ii) Finds, by clear and convincing evidence, that there is an articulable risk of physical
 6 injury or sexual victimization to the victim or members of the public by the defendant if the
 7 defendant is released; or

8 (C) If the defendant is charged with a crime other than a violent felony, the court may
 9 set a trial date that results in the defendant being held in custody before trial for more than
 10 a total of 180 days if the court:

11 (i) Determines the extension of custody is based upon good cause due to circumstances
 12 caused by the COVID-19 pandemic, public health measures resulting from the COVID-19
 13 pandemic or a situation described in ORS 136.295 (4)(b) caused by or related to COVID-19;
 14 and

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

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

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

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

27 (f) As used in this subsection:

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

30 (B) "Release decision" has the meaning given that term in ORS 135.230.

31 (C) "Violent felony" has the meaning given that term in ORS 135.240.

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

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

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

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

1 or comprehensive plan, if the emergency shelter:

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

3 (b) Will comply with applicable building codes;

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (A) Showering or bathing;

25 (B) Storage for personal property;

26 (C) Laundry facilities;

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

28 (E) Recreation areas for children and pets;

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

31 (G) Any other services incidental to shelter.

32 (b) May include youth shelters, winter or warming shelters, day shelters and family vi-
33 olence shelter homes as defined in ORS 409.290.

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

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

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

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

1 (4) Subgrantees shall report to the department on the use of moneys distributed from the
2 fund in a manner prescribed by the department.

3
4 **NOTARIAL ACTS**

5
6 **SECTION 19.** Section 20 of this 2020 special session Act is added to and made a part of
7 ORS chapter 194.

8 **SECTION 20.** (1) As used in this section:

9 (a) "Communication technology" means an electronic device or process that:

10 (A) Allows a notary public and a remotely located individual to communicate with each
11 other simultaneously by sight and sound; and

12 (B) When necessary and consistent with other applicable law, facilitates communication
13 with a remotely located individual who has a visual, hearing or speech impairment.

14 (b) "Foreign state" means a jurisdiction other than the United States, a state or a
15 federally recognized Indian tribe.

16 (c) "Identity proofing" means a process or service by which a third person provides a
17 notary public with a means to verify the identity of a remotely located individual by a review
18 of personal information from public or private data sources.

19 (d) "Outside the United States" means a location outside the geographic boundaries of
20 the United States, Puerto Rico, the United States Virgin Islands and any territory, insular
21 possession or other location subject to the jurisdiction of the United States.

22 (e) "Remotely located individual" means an individual who is not in the physical presence
23 of the notary public who performs a notarial act under subsection (3) of this section.

24 (2) A remotely located individual may comply with ORS 194.235 by using communication
25 technology to appear before a notary public.

26 (3) A notary public located in this state may perform a notarial act using communication
27 technology for a remotely located individual if:

28 (a) The notary public:

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

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

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

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

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

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

43 (A) The record:

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

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

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

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

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

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

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

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

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

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

28 (a) Prescribe the means of performing a notarial act involving a remotely located indi-
 29 vidual using communication technology;

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

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

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

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

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

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

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

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

44 194.225. (1) A notarial officer may perform a notarial act authorized by this chapter or by law
 45 of this state other than this chapter.

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

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

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

8 194.225. (1) A notarial officer may perform a notarial act authorized by this chapter or by law
 9 of this state other than this chapter.

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

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

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

16 194.290. (1) The official stamp of a notary public must:

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

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

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

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

25 194.290. *[(1)]* The official stamp of a notary public must:

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

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

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

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

33 194.305. (1) A notary public may select one or more tamper-evident technologies to perform
 34 notarial acts with respect to electronic records. A person may not require a notary public to per-
 35 form a notarial act with respect to an electronic record with a technology that the notary public
 36 has not selected.

37 (2) Before a notary public performs the notary public's initial notarial act with respect to an
 38 electronic record, a notary public shall notify the Secretary of State that the notary public will be
 39 performing notarial acts with respect to electronic records and identify the technology the notary
 40 public intends to use. If the Secretary of State, by rule, has established standards pursuant to ORS
 41 194.360 for approval of technology, the technology must conform to the standards. If the technology
 42 conforms to the standards, the Secretary of State shall approve the use of the technology.

43 **(3) A county clerk may accept for recording a tangible copy of an electronic record con-
 44 taining a notarial certificate as satisfying any requirement that a record accepted for re-
 45 cording be an original, if the notarial officer executing the notarial certificate certifies that**

1 **the tangible copy is an accurate copy of the electronic record.**

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

4 194.305. (1) A notary public may select one or more tamper-evident technologies to perform
5 notarial acts with respect to electronic records. A person may not require a notary public to per-
6 form a notarial act with respect to an electronic record with a technology that the notary public
7 has not selected.

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

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

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

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

24 93.810. The following are subjects of validating or curative Acts applicable to this chapter:

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

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

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

29 (4) Foreign instruments executed before 1903.

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

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

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

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

37 (9) Defective acknowledgments.

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

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

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

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

1 93.810. The following are subjects of validating or curative Acts applicable to this chapter:

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

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

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

6 (4) Foreign instruments executed before 1903.

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

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

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

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

14 (9) Defective acknowledgments.

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

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

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

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

21 194.400. (1) The fee that a notary public may charge for performing a notarial act may not ex-
22 ceed \$10 per notarial act, **except that a notary public may charge a fee not to exceed \$25 per**
23 **notarial act for a notarial act performed under section 20 of this 2020 special session Act.**

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

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

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

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

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

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

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

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

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

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

1 and

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

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

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

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

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

14 (2) The amendments to ORS 93.810, 194.225, 194.290, 194.305 and 194.400 by sections 22, 24,
15 26, 29 and 31 of this 2020 special session Act become operative on June 30, 2021.

16

17 **ISOLATION SHELTER LIABILITY LIMITS**

18

19 **SECTION 33. (1) As used in this section:**

20 (a) "Covered condition" means an occupational disease, as defined in ORS 656.802, that
21 for the purposes of this section includes infection by severe acute respiratory syndrome
22 coronavirus 2 (SARS-CoV-2) or diagnosis with coronavirus disease 2019 (COVID-19).

23 (b) "Isolation shelter" means a privately owned and operated hotel, motel or other lodg-
24 ing for transient occupancy that has entered into a sheltering agreement.

25 (c) "Public entity" means the state government, as defined in ORS 174.111, an agency or
26 instrumentality of the state government, a local government, as defined in ORS 174.116, an
27 agency or instrumentality of a local government, or a public official acting in an official ca-
28 pacity.

29 (d) "Sheltering agreement" means an agreement between a public entity and the owner,
30 officer, operator or agent of an isolation shelter under which the owner, officer, operator or
31 agent agrees to:

32 (A) House and provide goods and services to individuals who choose to or are obeying a
33 directive to remain isolated because of exposure to or infection by SARS-CoV-2 or who are
34 recovering from COVID-19; and

35 (B) Adhere to federal and state public health guidance with respect to cleaning and dis-
36 infecting areas of public accommodation for the purpose of reducing exposure to and trans-
37 mission of SARS-CoV-2.

38 (2) Except as provided in subsection (3) of this section:

39 (a) An owner, officer, operator, employee or agent of an isolation shelter is immune in
40 any action or proceeding from civil liability that is predicated upon a claim of illness, injury
41 or death from COVID-19 or exposure to or infection by SARS-CoV-2.

42 (b) An owner, officer, operator or agent of an isolation shelter is immune in any action
43 or proceeding by an employee of the isolation shelter from civil liability that is predicated
44 upon a claim of illness, injury or death from COVID-19 or exposure to or infection by
45 SARS-CoV-2.

1 (c) A public entity is immune in any action or proceeding from civil liability that is
2 predicated upon a claim of illness, injury or death from COVID-19 or exposure to or infection
3 by SARS-CoV-2 as a direct or foreseeable result of the public entity's entering into a shel-
4 tering agreement with an owner, officer, operator or agent of an isolation shelter.

5 (3)(a) Subsection (2) of this section does not apply to an owner, officer, operator, em-
6 ployee or agent of an isolation shelter that engages in conduct that results in another
7 person's illness, injury, death or other loss and that:

8 (A) Constitutes gross negligence, malice or fraud;

9 (B) Is willful, intentional or reckless;

10 (C) Is criminal; or

11 (D) Is unrelated to a claim for illness, injury or death from COVID-19 or exposure to or
12 infection by SARS-CoV-2.

13 (b) An employee of an isolation shelter may bring a claim under ORS 656.802 for a cov-
14 ered condition that arises out of or occurs in the course of employment by, at or in the
15 isolation shelter. The procedures, presumptions, evidence and other requirements set forth
16 for occupational disease claims in ORS 656.802, 656.804 and 656.807 apply to any claim an
17 employee makes under this paragraph.

18
19 **ENTERPRISE ZONE TERMINATION EXTENSIONS**

20
21 **SECTION 34.** Section 35 of this 2020 special session Act is added to and made a part of
22 ORS 285C.050 to 285C.250.

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

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

26 (b) If this section takes effect after June 30, 2020, the sponsor of an enterprise zone that
27 terminated on June 30, 2020, may rescind the termination and the enterprise zone shall ter-
28minate on December 31, 2020.

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

32 (3) All other deadlines that relate to the termination date and redesignation of an en-
33terprise zone described in subsection (1) of this section shall be interpreted as relating to
34 December 31, 2020.

35
36 **INDIVIDUAL DEVELOPMENT ACCOUNT**
37 **MODIFICATIONS**

38
39 **SECTION 36.** ORS 458.685 is amended to read:

40 458.685. (1) A person may establish an individual development account only for a purpose ap-
41 proved by a fiduciary organization. Purposes that the fiduciary organization may approve are:

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

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

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

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

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

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

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

28 (h) The purchase of equipment, technology or specialized training required to become compet-
29 itive in obtaining or maintaining employment or to start or maintain a business, as specified in the
30 account holder's personal development plan for increasing the independence of the person.

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

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

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

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

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

43 **(n) The establishment of savings for emergency expenses to promote financial stability**
44 **and to protect existing assets. As used in this paragraph, "emergency expenses" includes**
45 **expenses for extraordinary medical costs, during periods of unanticipated unemployment or**

1 **other unexpected and substantial personal expenses that would significantly impact the ac-**
2 **count holder's noncash assets, health, housing or standard of living if not promptly ad-**
3 **ressed.**

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

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

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

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

26 (A) For an account established for the purpose set forth in subsection (1)(c) of this section, by
27 rolling over the entire withdrawal amount, not to exceed the limit established pursuant to ORS
28 178.335, into one or more of the savings network accounts for higher education under ORS 178.300
29 to 178.360, the establishment of which is the purpose of the individual development account; or

30 (B) For an account established for the purpose set forth in subsection (1)(j) of this section, by
31 rolling over the entire withdrawal amount into an individual retirement account, a retirement plan
32 or a similar account or plan established under the Internal Revenue Code.

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

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

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

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

44 (6) If an account holder is removed from the program under subsection [(2),] (3) or (5) of this
45 section, all matching deposits in the account and all interest earned on matching deposits shall re-

1 vert to the fiduciary organization. The fiduciary organization shall use the reverted funds as a
 2 source of matching deposits for other accounts.

3
 4 **OREGON OSHA**
 5 **INFECTIOUS DISEASE STANDARDS**
 6

7 **SECTION 37.** Sections 38 and 39 of this 2020 special session Act are added to and made
 8 a part of ORS chapter 654.

9 **SECTION 38.** (1) As used in this section and section 39 of this 2020 special session Act:

10 (a) “Administrative controls” means managerial measures taken by an employer, in-
 11 cluding but not limited to changes in workplace policies or standard operating procedures,
 12 to reduce the risk of occupational exposure.

13 (b) “Agricultural worker” has the meaning given that term in ORS 315.163.

14 (c) “Clinical laboratory” has the meaning given that term in ORS 438.010.

15 (d) “Emergency medical services provider” has the meaning given that term in ORS
 16 682.025.

17 (e) “Engineering controls” means protective control measures, including but not limited
 18 to the installation of physical barriers or high-efficiency ventilation systems, to reduce, iso-
 19 late or remove the risk of occupational exposure.

20 (f) “Food processor” has the meaning given that term in ORS 307.455.

21 (g) “Grocery store or food market” has the meaning given that term in ORS 616.850.

22 (h) “Health care facility” has the meaning given that term in ORS 442.015.

23 (i) “Health care worker” means a person who is licensed or certified to provide health
 24 care under ORS chapter 677, 678, 679, 680, 684 or 685 or an employee of a health care facility,
 25 of a licensed health care provider or of a clinical laboratory.

26 (j) “Occupational exposure” means the reasonably anticipated exposure to agents of
 27 transmissible infectious diseases resulting from a worker’s performance of job duties.

28 (k) “Personal protective equipment” means specialized clothing, equipment or products
 29 designed to create a barrier to penetration of substances or solid, liquid or airborne particles,
 30 or to minimize exposure to hazards that may cause serious illness, including but not limited
 31 to:

32 (A) Surgical face masks;

33 (B) Disposable gloves; or

34 (C) Eye protection, including goggles or face shields.

35 (2) No later than August 1, 2020, the Director of the Department of Consumer and Busi-
 36 ness Services shall adopt temporary rules establishing an emergency temporary infectious
 37 disease standard to address the immediate health risks posed by occupational exposure and
 38 impose control measures designed to protect workers against such exposure.

39 (3) Temporary rules adopted under this section shall be adopted in accordance with ORS
 40 183.335 (5) and shall be effective until the director (5) adopts rules pursuant to section 39 of this
 41 2020 special session Act.

42 (4) At a minimum, the emergency temporary infectious disease standard established un-
 43 der this section must:

44 (a) Categorize workers who may be susceptible to elevated levels of risk of occupational
 45 exposure while working, including but not limited to:

- 1 (A) Health care workers;
- 2 (B) Emergency medical service providers;
- 3 (C) Grocery store or food market personnel;
- 4 (D) Clinical laboratory personnel;
- 5 (E) Food processors;
- 6 (F) Agricultural workers; or
- 7 (G) Public transit operators.

8 (b) Establish requirements for the selection, use, cleaning and disposal of personal pro-
9 tective equipment based on the level of risk of occupational exposure in a specific workspace
10 and the availability of equipment.

11 (c) Incorporate a framework for implementing the following control measures to mitigate
12 or eliminate the risk of occupational exposure, prioritized in the following order:

- 13 (A) Engineering controls;
- 14 (B) Administrative controls;
- 15 (C) Safe work practices; and
- 16 (D) Personal protective equipment.

17 (d) Establish a risk-based model to help employers assess the level of risk of occupational
18 exposure in a particular workplace setting, identify sources of potential exposure and adopt
19 specific measures to address the exposure risks identified in that setting.

20 **SECTION 39.** (1) The Director of the Department of Consumer and Business Services
21 shall, no later than July 31, 2021, adopt by rule a permanent infectious disease standard to
22 address occupational exposure and to impose required protective measures to protect work-
23 ers against the risks of such exposure.

24 (2) The permanent infectious disease standard adopted under this section may be based
25 in part on the emergency temporary infectious disease standard described in section 38 of
26 this 2020 special session Act.

27
28 **RACE AND ETHNICITY DATA COLLECTION**
29 **AND REPORTING DURING COVID-19 PANDEMIC**

30
31 **SECTION 40.** (1) As used in this section:

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

34 (b) "Encounter" means an interaction between a patient, or the patient's legal repre-
35 sentative, and a health care provider, whether that interaction is in person or through tele-
36 health, including messaging through an online platform, for the purpose of the provision of
37 health care services related to COVID-19, including but not limited to ordering a COVID-19
38 test.

39 (c) "Health care provider" means any of the following:

- 40 (A) An individual licensed by any of the following health professional regulatory boards:
 - 41 (i) State Board of Examiners for Speech-Language Pathology and Audiology;
 - 42 (ii) State Board of Chiropractic Examiners;
 - 43 (iii) State Board of Licensed Social Workers;
 - 44 (iv) Oregon Board of Licensed Professional Counselors and Therapists;
 - 45 (v) Oregon Board of Dentistry;

- 1 (vi) State Board of Massage Therapists;
- 2 (vii) Oregon Board of Naturopathic Medicine;
- 3 (viii) Oregon State Board of Nursing;
- 4 (ix) Oregon Board of Optometry;
- 5 (x) State Board of Pharmacy;
- 6 (xi) Oregon Medical Board;
- 7 (xii) Occupational Therapy Licensing Board;
- 8 (xiii) Oregon Board of Physical Therapy;
- 9 (xiv) Oregon Board of Psychology; and
- 10 (xv) Board of Medical Imaging.

11 (B) The Oregon Health Authority, to the extent that the authority licenses emergency
12 medical services providers.

13 (C) A clinical laboratory licensed under ORS 438.110.

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

15 (2) A health care provider must:

16 (a) During an encounter, collect data on race, ethnicity, preferred spoken and written
17 languages, English proficiency, interpreter needs and disability status pursuant to the stan-
18 dards adopted by the authority under ORS 413.161.

19 (b) Report data collected under paragraph (a) of this subsection to:

20 (A) A laboratory if ordering a COVID-19 test; and

21 (B) The authority and the Department of Human Services if the reporting is otherwise
22 required by law.

23 (3) The authority shall adopt rules that include but are not limited to:

24 (a) Establishing the deadline by which a health care provider must begin collecting the
25 data required under subsection (2) of this section, that is no later than August 1, 2020;

26 (b) Providing guidance on the frequency of reporting for COVID-19 reporting required
27 under ORS 433.004 and rules adopted thereunder, that is applicable to reporting occurring
28 on or after August 1, 2020, and that may apply to other reporting periods; and

29 (c) Establishing the manner of reporting.

30 (5) The authority or department may provide incentives to health care providers to help
31 defer the costs of making changes to electronic health records or similar systems.

32 (6) This section may be enforced by any means permitted under the law by:

33 (a) A health professional regulatory board with jurisdiction over the health care provider.

34 (b) The authority or the department with regard to health care facilities under each
35 agency's respective jurisdiction.

36 (c) The authority with regard to licensed laboratories.

37 **SECTION 41.** Section 42 of this 2020 special session Act is added to and made a part of
38 the Insurance Code.

39 **SECTION 42.** A person may not use the information required to be collected under sec-
40 tion 40 of this 2020 special session Act to reject, deny, limit, cancel, refuse to renew, increase
41 the rates of, affect the terms and conditions of or otherwise affect:

42 (1) Any policy for hospital or medical expenses.

43 (2) Any policy of insurance.

44 **SECTION 43.** Sections 40 to 42 of this 2020 special session Act are repealed on the date
45 that is 270 days after the date on which the declaration of a state of emergency issued by

1 the Governor on March 8, 2020, and any extension of the declaration, is no longer in effect.

2

3

CAPTIONS

4

5 **SECTION 44.** The unit captions used in this 2020 special session Act are provided only for
6 the convenience of the reader and do not become part of the statutory law of this state or
7 express any legislative intent in the enactment of this 2020 special session Act.

8

9

EMERGENCY CLAUSE

10

11 **SECTION 45.** This 2020 special session Act being necessary for the immediate preserva-
12 tion of the public peace, health and safety, an emergency is declared to exist, and this 2020
13 special session Act takes effect on its passage.

14