

# House Bill 2974

Sponsored by Representative NOSSE

## 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**.

Provides that conditioning employment on refraining from using any substance that is lawful to use in this state is unlawful employment practice.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to unlawful employment practices; amending ORS 659A.315; and declaring an emergency.

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

4 **SECTION 1.** ORS 659A.315 is amended to read:

5 659A.315. (1) It is an unlawful employment practice for any employer to require, as a condition  
6 of employment, that any employee or prospective employee refrain from using [*lawful tobacco pro-*  
7 *ducts*] **a substance that is lawful to use under the laws of this state** during nonworking hours,  
8 except when the restriction relates to:

9 (a) A bona fide occupational [*requirement.*] **qualification; or**

10 (b) **The performance of work while impaired.**

11 (2) Subsection (1) of this section does not apply if an applicable collective bargaining agreement  
12 prohibits off-duty use of [*tobacco products*] **the substance.**

13 **SECTION 2. This 2021 Act being necessary for the immediate preservation of the public**  
14 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**  
15 **on its passage.**

16  

---

  
**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.