

Senate Bill 1516

Sponsored by Senator BOQUIST (Pre-session filed.)

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**.

Prohibits public bodies and private entities from requiring person to receive COVID-19 vaccination or to possess COVID-19 immunity passport, immunity pass or other evidence certifying COVID-19 vaccination or immunity status.

Prohibits public bodies and private entities from discriminating against person based on nonreceipt of COVID-19 vaccination or failure to possess COVID-19 immunity passport, immunity pass or other evidence certifying vaccination or immunity status.

Prohibits public bodies and private entities from interfering with certain rights on account of risks presented by COVID-19 pandemic.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to COVID-19; and declaring an emergency.

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

4 **SECTION 1. The Legislative Assembly finds and declares:**

5 **(1) It is the policy of the State of Oregon always to protect human rights and constitu-**
6 **tional liberties including during a public health crisis or other state of emergency.**

7 **(2) It is the policy of the State of Oregon to safeguard medical autonomy, privacy and**
8 **liberty as to all persons, which includes protecting the public from coercive COVID-19**
9 **vaccination and disclosure of vaccination or immunity status. All persons may choose to**
10 **receive vaccinations or not and to wear a face covering or mask or not as a matter of med-**
11 **ical privacy and liberty.**

12 **(3) It is the policy of the State of Oregon to protect individual liberties including freedom**
13 **of trade and commerce, freedom of religion and the rights of free speech, assembly, petition**
14 **and protest from unnecessary restrictions.**

15 **(4) It is the policy of the State of Oregon to safeguard public health and liberty in a**
16 **reasonable and balanced manner and to curtail individual liberties only to the extent neces-**
17 **sary to protect the public health and only where a direct threat can be shown to justify such**
18 **curtailment. Any curtailment of liberty to further public health must be medically necessary**
19 **and furthered by the least intrusive means possible.**

20 **(5) It is the policy of the State of Oregon to prohibit all forms of wrongful discrimination.**

21 **(6) Numerous individual liberty rights secured by the United States Constitution and the**
22 **Oregon Constitution have been unnecessarily and oppressively infringed by certain COVID-19**
23 **restrictions and emergency measures.**

24 **(7) The risks to individual liberty, freedom of speech and protest, religious freedom,**
25 **commerce, individual autonomy and self-actualization outweigh the risks presented by the**
26 **COVID-19 pandemic when individuals are unnecessarily and oppressively restricted from ex-**
27 **ercising protected constitutional rights or any other liberty interest.**

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.

SECTION 2. As used in sections 1 to 4 of this 2022 Act:

(1) “Business affiliation” means a company, including the agents, contractors and employees of the company, that contracts with or does business with the State of Oregon or a public body or receives public funds through any means including contracts, grants, loans or other disbursements of taxpayer money from a public body.

(2)(a) “Company” means a corporation, limited liability corporation, nonprofit corporation, partnership, limited partnership, limited liability partnership, business trust, joint venture, domestic or foreign sole proprietorship, other domestic or foreign entity or business association or any other business organization and includes any subsidiary or parent company of any business organization.

(b) “Company” includes a private school or private university.

(3) “Direct threat” means a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation. The determination that an individual poses a direct threat must be based on an individualized assessment of the individual’s present ability to safely perform the essential functions of the job. This assessment must be based on a reasonable medical judgment that relies on the most current medical knowledge and on the best available objective evidence. In determining whether an individual would pose a direct threat, the factors to be considered include:

(a) The duration of the risk;

(b) The nature and severity of the potential harm;

(c) The likelihood that the potential harm will occur; and

(d) The imminence of the potential harm.

(4) “Discrimination” means the following actions based on a person’s COVID-19 vaccination or immunity status or refusal to disclose vaccination or immunity status, failure or refusal to wear a face covering or mask or exercise of the person’s right to engage in commerce, practice religion or engage in free speech, assembly, petition, protest or any other right:

(a) Refusal to hire, failure to promote, reassignment with significantly different responsibilities, reduction in pay, significant change in benefits or employment termination;

(b) Refusal to allow a person to enter, matriculate to or patronize any establishment;

(c) Refusal to admit a person into a school, childcare facility, sport activity or any other extracurricular activity;

(d) Refusal to allow a person to use any form of public or mass transit including air, land or sea travel; and

(e) Any other action that deprives a person of the necessities of life or government services including, but not limited to, police, fire and mail services.

(5) “Incapacitated person” means a person who has reached the age of majority but is unable to make or communicate decisions concerning the person’s medical autonomy, physical health, safety or self-care, including the decision whether to receive a COVID-19 vaccination.

(6) “Minor person” means a person who has not reached the age of majority.

(7) “Person” means a natural person, including a minor person and an incapacitated person.

(8) “Public body” has the meaning given that term in ORS 174.109, and includes all

1 agents, contractors and employees of a public body.

2 **SECTION 3.** (1) A public body, a business affiliation and a company are prohibited from
 3 requiring any person to receive a COVID-19 vaccination or to possess a COVID-19 immunity
 4 passport, immunity pass or other evidence certifying COVID-19 vaccination or immunity
 5 status.

6 (2) A public body, a business affiliation and a company may not discriminate against any
 7 person based on nonreceipt of a COVID-19 vaccination or failure to possess a COVID-19 im-
 8 munity passport, immunity pass or other evidence certifying vaccination or immunity status,
 9 whether the person’s medical prerogative is based on religion, personal philosophy, a medical
 10 exemption, privacy or any other reason.

11 (3)(a) Notwithstanding ORS 109.640, a minor person may not be required to receive a
 12 COVID-19 vaccination absent legally binding substituted consent by all parents with author-
 13 ity over the child’s medical care or a legally recognized and official guardian of such minor
 14 person.

15 (b) An incapacitated person may not be required to receive a COVID-19 vaccination ab-
 16 sent legally binding substituted consent by a legally recognized and official guardian of such
 17 incapacitated person.

18 (4) A public body may not enter into a contract or give a loan, grant or any other dis-
 19 bursement of taxpayer money to a business affiliation that requires a person to receive a
 20 COVID-19 vaccination or to possess a COVID-19 immunity passport, immunity pass or other
 21 evidence certifying vaccination or immunity status.

22 (5) A business affiliation that violates this section materially breaches its contract with
 23 the public body with which it is affiliated, rendering the contract voidable by the public body.

24 (6) A company that violates this section is subject to revocation of its accreditation, li-
 25 censes, permits and all other government authority to operate.

26 **SECTION 4.** (1) A public body, business affiliation and company may not:

27 (a) Interfere with individual rights to practice religion, engage in commerce or exercise
 28 the right of expression through speech, assembly, petition or protest on account of risks
 29 presented by the COVID-19 pandemic.

30 (b) Discriminate against any person for exercising the rights described in paragraph (a)
 31 of this subsection or any other right on account of risks presented by the COVID-19
 32 pandemic.

33 (2) A public body may not enter into a contract or give a loan, grant or any other dis-
 34 bursement of taxpayer money to a business affiliation that restricts any person from exer-
 35 cising the rights described in subsection (1) of this section or any other liberty right secured
 36 by the United States Constitution or Oregon Constitution on account of risks presented by
 37 the COVID-19 pandemic.

38 (3) A business affiliation that violates this section materially breaches its contract with
 39 the public body with which it is affiliated, rendering the contract voidable by the State of
 40 Oregon or government entity.

41 (4) A company that violates this section is subject to revocation of its accreditation, li-
 42 censes, permits and all other government authority to operate.

43 **SECTION 5.** Sections 1 to 4 of this 2022 Act do not:

44 (1) Alter valid restrictions of activities that pose a direct threat to others where the di-
 45 rect threat cannot be eliminated or reduced by reasonable accommodation.

1 **(2) Alter common law or statutory penalties and remedies for negligent or intentional**
2 **transmission of a communicable disease to another person.**

3 **SECTION 6.** **This 2022 Act being necessary for the immediate preservation of the public**
4 **peace, health and safety, an emergency is declared to exist, and this 2022 Act takes effect**
5 **on its passage.**

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