Senate Bill 642

Sponsored by Senator KNOPP (Presession 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 a 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 a 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.

A BILL FOR AN ACT

Relating to COVID-19 passport requirements.

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

SECTION 1. The Legislative Assembly finds and declares:

(1) It is the policy of the State of Oregon to safeguard medical autonomy, privacy and liberty as to all persons, which includes protecting the public from coercive COVID-19 vaccination and disclosure of vaccination or immunity status.

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

SECTION 2. (1) As used in this section:

(a) “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 moneys from a public body.

(b) (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.

(c) “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;

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.
(C) The likelihood that the potential harm will occur; and
(D) The imminence of the potential harm.

(d) “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.

(e) “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.

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

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

(h) “Public body” has the meaning given that term in ORS 174.109, and includes all agents, contractors, and employees of a public body.

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

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

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

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

(5) A public body may not enter into a contract or give a loan, grant or any other disbursement of taxpayer moneys to a business affiliation that requires a person to receive a COVID-19 vaccination or to possess a COVID-19 immunity passport, immunity pass or other evidence certifying vaccination or immunity status.

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

(7) A company that violates this section is subject to revocation of its accreditation, licenses, permits and all other government authority to operate.

(8) This section does not apply to a professional health care facility treating patients with COVID-19 when a direct threat exists that cannot be eliminated or reduced by reasonable accommodation.