Senate Bill 813

Sponsored by Senator LINTHICUM

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.

A BILL FOR AN ACT

Relating to discrimination regarding COVID-19.

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

SECTION 1. The Legislative Assembly finds and declares that:

(1) It is the policy of the State of Oregon always to protect human rights and constitutional liberties, including during a public health crisis or other state of emergency.

(2) 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. All persons may choose to receive vaccinations or not and to wear a face covering or mask or not as a matter of medical privacy and liberty.

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

(4) It is the policy of the State of Oregon to safeguard public health and liberty in a reasonable and balanced manner. Any curtailment of liberty to further public health must be medically necessary and furthered by the least intrusive means possible.

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

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

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

SECTION 2. As used in sections 1 to 4 of this 2023 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 moneys 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) “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.

(4) “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.

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

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

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

SECTION 3. (1) 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.

(2) 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.

(3)(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 ab-
sent legally binding substituted consent by a legally recognized and official guardian of such
incapacitated person.

(4) A public body may not enter into a contract or give a loan, grant or any other dis-
bursement 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.

(5) 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.

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

SECTION 4. (1) A public body, business affiliation and company may not:
(a) Interfere with individual rights to practice religion, engage in commerce or exercise
the right of expression through speech, assembly, petition or protest on account of risks
presented by the COVID-19 pandemic.

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

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

(3) 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 State of
Oregon or government entity.

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

SECTION 5. Sections 1 to 4 of this 2023 Act do not alter common law or statutory pen-
alties and remedies for negligent or intentional transmission of a communicable disease to
another person.

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