

Senate Bill 824

Sponsored by Senator GELSER BLOUIN

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 person from advertising or representing to resident of this state through words, symbols or other oral or written communications in any medium that person operates as treatment center or provides or offers to provide treatment service in return for valuable consideration unless person has license, registration, certification or other authorization from Oregon Health Authority that authorizes person to operate as treatment center or provide particular treatment service and under which person must adhere to specified standard of care.

Requires each of person's principals, employees, agents or contractors that provide or offer to provide treatment service directly to another person to have license, registration, certification or other authorization from authority or from state agency, commission or board under which principal, employee, agent or contractor has legal right, subject to adherence with specified standard of care, to provide particular treatment service.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to persons purporting to provide certain treatment services; creating new provisions;
3 amending ORS 646.607; and prescribing an effective date.

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

5 **SECTION 1. (1) As used in this section, "treatment service" means a remedy or pur-**
6 **ported remedy, a therapy, a cure or purported cure or other method for correcting, regu-**
7 **lating, reducing or ameliorating a disease, dysfunction, disorder, issue or problem related to**
8 **a person's substance abuse, behavior or physical or mental health.**

9 **(2) A person may not advertise or represent to a resident of this state through words,**
10 **symbols or other oral or written communications in any medium that the person operates**
11 **as a treatment center or offers or provides a treatment service in return for valuable con-**
12 **sideration unless:**

13 **(a) The person has a license, registration, certification or other authorization from the**
14 **Oregon Health Authority that:**

15 **(A) Authorizes the person to operate as a treatment center or to provide the particular**
16 **treatment service the person is providing or offering to provide; and**

17 **(B) Requires the person to adhere to a specified standard of care; and**

18 **(b) Each of the person's principals, employees, agents or contractors that provide or of-**
19 **fer to provide a treatment service directly to another person has a license, registration,**
20 **certification or other authorization from the authority or from a state agency, commission**
21 **or board under which the principal, employee, agent or contractor has the legal right, subject**
22 **to adherence with a specified standard of care, to provide the particular treatment service**
23 **that the person provides or offers to provide.**

24 **(3) The requirement to obtain a license, registration, certification or other authorization**
25 **from the authority under subsection (2)(a) of this section applies to any person that operates**

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 as a treatment center or offers or provides a treatment service notwithstanding the person's
 2 having obtained a license, registration, certification or other authorization from any source
 3 other than the authority.

4 (4) The authority by rule may specify application procedures, the required contents of
 5 an application and any qualifications necessary to obtain a license, registration, certification
 6 or other authorization under subsection (2)(a) of this section.

7 (5) A person that violates this section engages in an unlawful trade practice under ORS
 8 646.607.

9 **SECTION 2.** ORS 646.607 is amended to read:

10 646.607. A person engages in an unlawful trade practice if in the course of the person's business,
 11 vocation or occupation the person:

12 (1) Employs any unconscionable tactic in connection with selling, renting or disposing of real
 13 estate, goods or services, or collecting or enforcing an obligation.

14 (2) Fails to deliver all or any portion of real estate, goods or services as promised, and at a
 15 customer's request, fails to refund money that the customer gave to the person to purchase the
 16 undelivered real estate, goods or services and that the person does not retain pursuant to any right,
 17 claim or defense the person may assert in good faith. This subsection does not create a warranty
 18 obligation and does not apply to a dispute over the quality of real estate, goods or services delivered
 19 to a customer.

20 (3) Violates ORS 401.965 (2).

21 (4) Violates a provision of ORS 646A.725 to 646A.750.

22 (5) Violates ORS 646A.530.

23 (6) Employs a collection practice that is unlawful under ORS 646.639.

24 (7) Is a beneficiary that violates ORS 86.726 (1)(a) or (2), 86.729 (4) or 86.732 (1) or (2).

25 (8) Violates ORS 646A.093.

26 (9) Violates a provision of ORS 646A.600 to 646A.628.

27 (10) Violates ORS 646A.808 (2).

28 (11) Violates ORS 336.184.

29 (12) Publishes on a website related to the person's business, or in a consumer agreement related
 30 to a consumer transaction, a statement or representation of fact in which the person asserts that
 31 the person, in a particular manner or for particular purposes, will use, disclose, collect, maintain,
 32 delete or dispose of information that the person requests, requires or receives from a consumer and
 33 the person uses, discloses, collects, maintains, deletes or disposes of the information in a manner
 34 that is materially inconsistent with the person's statement or representation.

35 (13) Violates ORS 646A.813 (2).

36 (14) Violates ORS 137.930 (1).

37 (15) Violates section 1, chapter 305, Oregon Laws 2021.

38 **(16) Violates section 1 of this 2023 Act.**

39 **SECTION 3.** ORS 646.607, as amended by section 3, chapter 305, Oregon Laws 2021, is amended
 40 to read:

41 646.607. A person engages in an unlawful trade practice if in the course of the person's business,
 42 vocation or occupation the person:

43 (1) Employs any unconscionable tactic in connection with selling, renting or disposing of real
 44 estate, goods or services, or collecting or enforcing an obligation.

45 (2) Fails to deliver all or any portion of real estate, goods or services as promised, and at a

1 customer’s request, fails to refund money that the customer gave to the person to purchase the
 2 undelivered real estate, goods or services and that the person does not retain pursuant to any right,
 3 claim or defense the person may assert in good faith. This subsection does not create a warranty
 4 obligation and does not apply to a dispute over the quality of real estate, goods or services delivered
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6 (3) Violates ORS 401.965 (2).

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9 (6) Employs a collection practice that is unlawful under ORS 646.639.

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15 (12) Publishes on a website related to the person’s business, or in a consumer agreement related
 16 to a consumer transaction, a statement or representation of fact in which the person asserts that
 17 the person, in a particular manner or for particular purposes, will use, disclose, collect, maintain,
 18 delete or dispose of information that the person requests, requires or receives from a consumer and
 19 the person uses, discloses, collects, maintains, deletes or disposes of the information in a manner
 20 that is materially inconsistent with the person’s statement or representation.

21 (13) Violates ORS 646A.813 (2).

22 (14) Violates ORS 137.930 (1).

23 (15) Violates section 1 of this 2023 Act.

24 **SECTION 4. (1) Section 1 of this 2023 Act and the amendments to ORS 646.607 by sections**
 25 **2 and 3 of this 2023 Act become operative on January 1, 2024.**

26 **(2) The Oregon Health Authority may adopt rules and take any other action before the**
 27 **operative date specified in subsection (1) of this section that is necessary to enable the au-**
 28 **thority, on and after the operative date specified in subsection (1) of this section, to under-**
 29 **take and exercise all of the duties, functions and powers conferred on the authority by**
 30 **section 1 of this 2023 Act and the amendments to ORS 646.607 by sections 2 and 3 of this 2023**
 31 **Act.**

32 **SECTION 5. This 2023 Act takes effect on the 91st day after the date on which the 2023**
 33 **regular session of the Eighty-second Legislative Assembly adjourns sine die.**

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