

Senate Bill 642

Sponsored by Senator KNOPP (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.

A BILL FOR AN ACT

1
2 Relating to COVID-19 passport requirements.

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 to safeguard medical autonomy, privacy and**
6 **liberty as to all persons, which includes protecting the public from coercive COVID-19**
7 **vaccination and disclosure of vaccination or immunity status.**

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

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

10 (a) **“Business affiliation” means a company, including the agents, contractors and em-**
11 **ployees of the company, that contracts with or does business with the State of Oregon or a**
12 **public body or receives public funds through any means including contracts, grants, loans**
13 **or other disbursements of taxpayer moneys from a public body.**

14 (b)(A) **“Company” means a corporation, limited liability corporation, nonprofit corpo-**
15 **ration, partnership, limited partnership, limited liability partnership, business trust, joint**
16 **venture, domestic or foreign sole proprietorship, other domestic or foreign entity or business**
17 **association or any other business organization and includes any subsidiary or parent com-**
18 **pany of any business organization.**

19 (B) **“Company” includes a private school or private university.**

20 (c) **“Direct threat” means a significant risk of substantial harm to the health or safety**
21 **of the individual or others that cannot be eliminated or reduced by reasonable accommo-**
22 **dation. The determination that an individual poses a direct threat must be based on an in-**
23 **dividualized assessment of the individual's present ability to safely perform the essential**
24 **functions of the job. This assessment must be based on a reasonable medical judgment that**
25 **relies on the most current medical knowledge and on the best available objective evidence.**
26 **In determining whether an individual would pose a direct threat, the factors to be considered**
27 **include:**

28 (A) **The duration of the risk;**

29 (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.

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

2 (D) The imminence of the potential harm.

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

8 (A) Refusal to hire, failure to promote, reassignment with significantly different respon-
9 sibilities, reduction in pay, significant change in benefits or employment termination;

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

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

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

15 (E) Any other action that deprives a person of the necessities of life or government ser-
16 vices including, but not limited to, police, fire and mail services.

17 (e) "Incapacitated person" means a person who has reached the age of majority but is
18 unable to make or communicate decisions concerning the person's medical autonomy, phys-
19 ical health, safety or self-care, including the decision whether to receive a COVID-19
20 vaccination.

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

22 (g) "Person" means a natural person, including a minor person and an incapacitated
23 person.

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

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

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

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

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

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

45 (6) A business affiliation that violates this section materially breaches its contract with

1 **the public body with which it is affiliated, rendering the contract voidable by the public body.**

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

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

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