

House Bill 2439

Sponsored by Representative YUNKER; Representative WRIGHT, Senators NASH, ROBINSON, SMITH DB (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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act removes the term "gender identity" from certain laws. (Flesch Readability Score: 61.3).

Removes "gender identity" from certain statutes.

A BILL FOR AN ACT

1
2 Relating to gender identity; amending ORS 10.030, 20.107, 30.860, 93.270, 101.115, 109.035, 131.915,
3 131.930, 137.672, 137.678, 147.380, 161.215, 163.135, 166.155, 166.165, 174.100, 179.750, 181A.225,
4 181A.470, 181A.640, 181A.681, 192.630, 240.306, 243.812, 279A.112, 338.125, 339.127, 339.128,
5 339.329, 339.347, 339.351, 350.335, 352.274, 418.648, 418.731, 418.925, 418.976, 430.550, 441.112,
6 441.116, 443.739, 458.505, 646A.787, 652.210, 653.547, 658.427, 659.850, 659.875, 659A.003, 659A.006,
7 659A.030, 659A.142, 659A.403, 659A.406, 659A.409, 659A.421, 659A.425, 659A.805, 659A.815,
8 659A.885, 660.139 and 744.382.

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

SECTION 1. ORS 10.030 is amended to read:

10
11 10.030. (1) Except as otherwise specifically provided by statute, the opportunity for jury service
12 may not be denied or limited on the basis of race, religion, sex, sexual orientation, [*gender*
13 *identity*,] national origin, age, income, occupation or any other factor that discriminates against a
14 cognizable group in this state.

15 (2) Any person is eligible to act as a juror in a civil trial unless the person:

16 (a) Is not a citizen of the United States;

17 (b) Does not live in the county in which summoned for jury service;

18 (c) Is less than 18 years of age; or

19 (d) Has had rights and privileges withdrawn and not restored under ORS 137.281.

20 (3)(a) Any person is eligible to act as a grand juror, or as a juror in a criminal trial, unless the
21 person:

22 (A) Is not a citizen of the United States;

23 (B) Does not live in the county in which summoned for jury service;

24 (C) Is less than 18 years of age;

25 (D) Has had rights and privileges withdrawn and not restored under ORS 137.281;

26 (E) Has been convicted of a felony or served a felony sentence within the 15 years immediately
27 preceding the date the person is required to report for jury service; or

28 (F) Has been convicted of a misdemeanor involving violence or dishonesty, or has served a
29 misdemeanor sentence based on a misdemeanor involving violence or dishonesty, within the five
30 years immediately preceding the date the person is required to report for jury service.

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.

(b) As used in this subsection:

(A) “Felony sentence” includes any incarceration, post-prison supervision, parole or probation imposed upon conviction of a felony or served as a result of conviction of a felony.

(B) “Has been convicted of a felony” has the meaning given that term in ORS 166.270.

(C) “Misdemeanor sentence” includes any incarceration or probation imposed upon conviction of a misdemeanor or served as a result of conviction of a misdemeanor.

(4) A person who is blind, hard of hearing or speech impaired or who has a physical disability is not ineligible to act as a juror and may not be excluded from a jury list or jury service on the basis of blindness, hearing or speech impairment or physical disability alone.

(5) A person is ineligible to act as a juror in any circuit court of this state within 24 months after being discharged from jury service in a federal court in this state or circuit court of this state unless that person’s service as a juror is required because of a need for additional jurors.

SECTION 2. ORS 20.107 is amended to read:

20.107. (1) In any civil judicial proceeding, including judicial review of an administrative proceeding based on a claim of unlawful discrimination, the court shall award to the prevailing plaintiff attorney and expert witness fees reasonably and necessarily incurred in connection with the discrimination claim, at the trial court or agency level and on appeal. The court may award reasonable attorney fees and expert witness fees incurred by a defendant who prevails in the action if the court determines that the plaintiff had no objectively reasonable basis for asserting a claim or no reasonable basis for appealing an adverse decision of a trial court or agency.

(2) In making an award under this section, the court shall calculate attorney and expert witness fees on the basis of a reasonable hourly rate at the time the award is made, multiplied by the amount of time actually and reasonably spent in connection with the discrimination claim.

(3) When an award under this section is made against a state agency or an officer or employee of a state agency, the award shall be paid by the agency directly from funds available to it.

(4) As used in this section, “unlawful discrimination” means discrimination based upon personal characteristics including, but not limited to, race, religion, sex, sexual orientation, [*gender identity*,] national origin, alienage, marital status or age.

SECTION 3. ORS 30.860 is amended to read:

30.860. (1) A person or governmental entity may not discriminate against, boycott, blacklist or refuse to buy from, sell to or trade with any person because of foreign government imposed or sanctioned discrimination based upon the race, religion, sex, sexual orientation[, *gender identity*] or national origin of the person or of the person’s partners, members, directors, stockholders, agents, employees, business associates, suppliers or customers.

(2) Any person directly injured in business or property by a violation of subsection (1) of this section may sue whoever knowingly practices, or conspires to practice, activities prohibited by subsection (1) of this section, and shall recover threefold the damages sustained. The court shall award reasonable attorney fees to the prevailing plaintiff in an action under this section. The court may award reasonable attorney fees and expert witness fees incurred by a defendant who prevails in the action if the court determines that the plaintiff had no objectively reasonable basis for asserting a claim or no objectively reasonable basis for appealing an adverse decision of a trial court.

SECTION 4. ORS 93.270 is amended to read:

93.270. (1) A person conveying or contracting to convey fee title to real property, or recording a declaration under ORS 94.580, may not include in an instrument for that purpose a provision:

(a) Restricting the use of the real property by any person or group of persons by reason of race,

1 color, religion, sex, sexual orientation, [*gender identity*,] national origin or disability.

2 (b) Restricting the use of the real property:

3 (A) As a certified or registered family child care home pursuant to ORS 329A.250 to 329A.450
 4 or as the premises of an exempt family child care provider participating in the subsidy program
 5 under ORS 329A.500; or

6 (B) By any home or facility that is licensed under ORS 443.400 to 443.455 or 443.705 to 443.825
 7 to provide residential care alone or in conjunction with treatment or training or a combination
 8 thereof.

9 (2) A condominium that includes units used for residential purposes or planned community, in-
 10 cluding a community not subject to ORS 94.550 to 94.783, may not include in a recorded instrument
 11 governing the community and may not enforce any provision that would restrict the use of the
 12 community or the lots or units of the community because of race, color, religion, sex, sexual orien-
 13 tation, [*gender identity*,] national origin, marital status, familial status, source of income, disability
 14 or the number of individuals, including family members, persons of close affinity or unrelated per-
 15 sons, who are simultaneously occupying a dwelling unit within occupancy limits.

16 (3) Any provision in an instrument executed in violation of subsection (1) or (2) of this section
 17 is void and unenforceable.

18 (4) An instrument that contains a provision restricting the use of real property in a manner
 19 listed in subsection (1)(b) of this section does not give rise to any public or private right of action
 20 to enforce the restriction.

21 (5)(a) An instrument that contains a provision restricting the use of real property by requiring
 22 roofing materials with a lower fire rating than that required in the state building code established
 23 under ORS chapter 455 does not give rise to any public or private right of action to enforce the
 24 restriction in an area determined by a local jurisdiction as a wildfire hazard zone. Prohibitions on
 25 public or private right of action under this paragraph are limited solely to considerations of fire
 26 rating.

27 (b) As used in this subsection, “wildfire hazard zones” are areas that are legally declared by a
 28 governmental agency having jurisdiction over the area to have special hazards caused by a combi-
 29 nation of combustible natural fuels, topography and climatic conditions that result in a significant
 30 hazard of catastrophic fire over relatively long periods each year. Wildfire hazard zones shall be
 31 determined using criteria established by the State Forestry Department.

32 **SECTION 5.** ORS 101.115 is amended to read:

33 101.115. (1) A provider must assist a resident, upon request, in the exercise of the resident’s
 34 rights as a citizen of the United States and as a resident of this state. A resident has the right to
 35 exercise all rights that do not infringe upon the rights or safety of other residents.

36 (2) A resident has the right to review a provider’s disclosure statements.

37 (3) A provider may not discriminate or impose any requirement or restriction based on sex,
 38 marital status, race, color, sexual orientation[, *gender identity*] or national origin of a resident, a
 39 prospective resident or a resident’s visitor.

40 (4) A provider shall make reasonable accommodations to ensure that services are accessible to
 41 residents who have disabilities.

42 (5) A provider shall treat each resident with respect and dignity at all times, and ensure privacy
 43 for each resident during rehabilitation or treatment and when receiving personal care services.

44 (6) A resident has the right to associate and communicate privately with persons of the
 45 resident’s choice and to send and receive mail that is not opened by the provider.

1 (7) A resident has the right to be free from abuse as defined in ORS 124.005.

2 (8) The residents' council has the right to meet with the provider no less than twice each year
 3 and must be allowed free discussion at the meetings of subjects that may include, but need not be
 4 limited to, facility income, expenditures, financial trends, resident concerns, proposed changes in
 5 policy, programs and services, and any other issue identified by the council or a resident under ORS
 6 101.112 (1).

7 (9) A resident has the right to participate in social, religious and community activities at the
 8 discretion of the resident.

9 (10) A resident has the right to be fully informed, prior to or at the time of admission and during
 10 the resident's period of residency, of services available in the continuing care retirement community,
 11 whether the provider participates in the Medicare or Medicaid programs and the consequences of
 12 the participation or lack of participation by the provider in the Medicare or Medicaid programs.

13 (11) A resident has the right to refuse medication, treatment, care or participation in clinical
 14 trials or other research.

15 (12) A resident has the right to obtain treatment, care and services, including but not limited
 16 to home health and hospice care, from persons providing health care who have not entered into a
 17 contract with or are not affiliated with the provider, subject to policies of the CCRC regarding the
 18 provision of services by persons that are not under contract.

19 (13) A resident has the right to submit grievances and to suggest changes in policies and ser-
 20 vices either orally or in writing to staff or other individuals without fear of restraint, interference,
 21 coercion, discrimination or reprisal by the provider. A provider must adopt written policies and
 22 procedures for the timely resolution of a resident's grievance.

23 (14) A resident has the right to be free from harassment by other residents and to peaceful en-
 24 joyment of the CCRC without interference from other residents.

25 (15) A provider shall keep clinical and personal records of residents confidential. A resident or
 26 an authorized representative of the resident has the right to a prompt inspection of the records
 27 pertaining to the resident's care. The provider shall provide photocopies or electronic copies of a
 28 resident's records to the resident or the authorized representative at a reasonable charge.

29 (16) A resident has the right to receive notice of proposed changes in fees or services in ac-
 30 cordance with ORS 101.112. The provider must allow residents a reasonable opportunity to comment
 31 on the proposed changes before the changes become effective.

32 (17) A provider shall have a procedure in place for a resident to request that a staff person of
 33 a particular sex be assigned to assist the resident with activities of daily living. The provider shall
 34 accommodate the request unless the provider is unable to do so. If the provider is unable to ac-
 35 commodate the request, the provider shall notify the resident, in writing, of the reasons why the
 36 provider is unable to accommodate the request and shall maintain documentation showing why the
 37 provider cannot accommodate the request.

38 **SECTION 6.** ORS 109.035 is amended to read:

39 109.035. (1) As used in this section:

40 (a) "Custody order" includes any order or judgment establishing or modifying custody of, or
 41 parenting time or visitation with, a minor child as described in ORS 107.095, 107.105 (1), 107.135 or
 42 109.103.

43 (b) "Foreign country" means any country that:

44 (A) Is not a signatory to the Hague Convention on the Civil Aspects of International Child
 45 Abduction;

1 (B) Does not provide for the extradition to the United States of a parental abductor and minor
2 child;

3 (C) Has local laws or practices that would restrict the other parent of the minor child from
4 freely traveling to or exiting from the country because of the race, religion, sex[,] **or** sexual orien-
5 tation [*or gender identity*] of the other parent;

6 (D) Has local laws or practices that would restrict the ability of the minor child from legally
7 leaving the country after the child reaches the age of majority because of the race, religion, sex[,]
8 **or** sexual orientation [*or gender identity*] of the child; or

9 (E) Poses a significant risk that the physical health or safety of the minor child would be en-
10 dangered in the country because of war, human rights violations or specific circumstances related
11 to the needs of the child.

12 (2) A court that finds by clear and convincing evidence a risk of international abduction of a
13 minor child may issue a court order requiring a parent who is subject to a custody order and who
14 plans to travel with a minor child to a foreign country to provide security, bond or other guarantee
15 as described in subsection (4) of this section.

16 (3) In determining whether a risk of international abduction of a minor child exists, a court shall
17 consider the following factors involving a parent who is subject to a custody order:

18 (a) The parent has taken or retained, attempted to take or retain or threatened to take or retain
19 a minor child in violation of state law or a valid custody order and the parent is unable to present
20 clear and convincing evidence that the parent believed in good faith that the conduct was necessary
21 to avoid imminent harm to the parent or the child;

22 (b) The parent has recently engaged in a pattern of activities that indicates the parent is plan-
23 ning to abduct the minor child from this country;

24 (c) The parent has strong familial, emotional or cultural connections to this country or another
25 country, regardless of citizenship or residency status; and

26 (d) Any other relevant factors.

27 (4) A security, bond or other guarantee required by a court under this section may include, but
28 is not limited to, any of the following:

29 (a) A bond or security deposit in an amount that is sufficient to offset the cost of recovering the
30 minor child if the child is abducted;

31 (b) Supervised parenting time; or

32 (c) Passport and travel controls, including but not limited to controls that:

33 (A) Prohibit the parent from removing the minor child from this state or this country;

34 (B) Require the parent to surrender a passport or an international travel visa that is issued in
35 the name of the minor child or jointly in the names of the parent and the child;

36 (C) Prohibit the parent from applying for a new or replacement passport or international travel
37 visa on behalf of the minor child; and

38 (D) Require the parent to provide to a relevant embassy or consulate and to the Office of
39 Children's Issues in the United States Department of State the following documents:

40 (i) Written notice of passport and travel controls required under this paragraph; and

41 (ii) A certified copy of a court order issued under this section.

42 (5) After considering the factors under subsection (3) of this section and requiring a security,
43 bond or other guarantee under this section, the court shall issue a written determination supported
44 by findings of fact and conclusions of law.

45 (6) Nothing in this section is intended to limit the inherent power of a court in matters relating

1 to children.

2 **SECTION 7.** ORS 131.915 is amended to read:

3 131.915. As used in ORS 131.915 to 131.925:

4 [(1) "*Gender identity*" has the meaning given that term in ORS 174.100.]

5 [(2)] (1) "Law enforcement agency" means:

6 (a) The Department of State Police;

7 (b) The Department of Justice;

8 (c) A district attorney's office; and

9 (d) Any of the following that maintains a law enforcement unit as defined in ORS 181A.355:

10 (A) A political subdivision or an instrumentality of the State of Oregon.

11 (B) A municipal corporation of the State of Oregon.

12 (C) A tribal government.

13 (D) A university.

14 [(3)] (2) "Law enforcement officer" means:

15 (a) A member of the Oregon State Police;

16 (b) A sheriff, constable, marshal, municipal police officer or reserve officer or a police officer
17 commissioned by a university under ORS 352.121 or 353.125;

18 (c) An investigator of a district attorney's office if the investigator is or has been certified as
19 a law enforcement officer in this or any other state;

20 (d) An investigator of the Criminal Justice Division of the Department of Justice;

21 (e) A humane special agent as defined in ORS 181A.345;

22 (f) A judicial marshal of the Marshal's Office of the Judicial Department who is appointed under
23 ORS 1.177 and trained pursuant to ORS 181A.540;

24 (g) A regulatory specialist exercising authority described in ORS 471.775 (2); or

25 (h) An authorized tribal police officer as defined in ORS 181A.940.

26 [(4)] (3) "Profiling" means the targeting of an individual by a law enforcement agency or a law
27 enforcement officer, on suspicion of the individual's having violated a provision of law, based solely
28 on the individual's real or perceived age, race, ethnicity, color, national origin, language, sex, gender
29 identity, sexual orientation, political affiliation, religion, homelessness or disability, unless the
30 agency or officer is acting on a suspect description or information related to an identified or sus-
31 pected violation of a provision of law.

32 [(5)] (4) "Sexual orientation" has the meaning given that term in ORS 174.100.

33 **SECTION 8.** ORS 131.930 is amended to read:

34 131.930. As used in ORS 131.930 to 131.945:

35 [(1) "*Gender identity*" has the meaning given that term in ORS 174.100.]

36 [(2)] (1) "Law enforcement agency" means an agency employing law enforcement officers to en-
37 force criminal laws.

38 [(3)] (2) "Law enforcement officer" means a member of the Oregon State Police, a sheriff or a
39 municipal police officer.

40 [(4)] (3) "Officer-initiated pedestrian stop" means a detention of a pedestrian by a law enforce-
41 ment officer that is not associated with a call for service. The term does not apply to detentions for
42 routine searches performed at the point of entry to or exit from a controlled area.

43 [(5)] (4) "Officer-initiated traffic stop" means a detention of a driver of a motor vehicle by a law
44 enforcement officer, not associated with a call for service, for the purpose of investigating a sus-
45 pected violation of the Oregon Vehicle Code.

1 [(6)] (5) “Profiling” means the targeting of an individual by a law enforcement agency or a law
 2 enforcement officer, on suspicion of the individual’s having violated a provision of law, based solely
 3 on the individual’s real or perceived age, race, ethnicity, color, national origin, language, sex, gender
 4 identity, sexual orientation, political affiliation, religion, homelessness or disability, unless the
 5 agency or officer is acting on a suspect description or information related to an identified or sus-
 6 pected violation of a provision of law.

7 [(7)] (6) “Sexual orientation” has the meaning given that term in ORS 174.100.

8 **SECTION 9.** ORS 174.100 is amended to read:

9 174.100. As used in the statute laws of this state, unless the context or a specially applicable
 10 definition requires otherwise:

11 (1) “Any other state” includes any state and the District of Columbia.

12 (2) “City” includes any incorporated village or town.

13 (3) “County court” includes board of county commissioners.

14 [(4)] *“Gender identity” means an individual’s gender-related identity, appearance, expression or be-*
 15 *havior, regardless of whether the identity, appearance, expression or behavior differs from that associ-*
 16 *ated with the gender assigned to the individual at birth.]*

17 [(5)] (4) “Husband and wife,” “husband or wife,” “husband” or “wife” means spouses or a spouse
 18 in a marriage.

19 [(6)] (5) “May not” and “shall not” are equivalent expressions of an absolute prohibition.

20 [(7)] (6) “Person” includes individuals, corporations, associations, firms, partnerships, limited li-
 21 ability companies and joint stock companies.

22 [(8)] (7) “Sexual orientation” means an individual’s actual or perceived heterosexuality,
 23 homosexuality or bisexuality.

24 [(9)] (8) “State Treasury” includes those financial assets the lawful custody of which are vested
 25 in the State Treasurer and the office of the State Treasurer relating to the custody of those financial
 26 assets.

27 [(10)] (9) “To” means “to and including” when used in a reference to a series of statute sections,
 28 subsections or paragraphs.

29 [(11)] (10) “United States” includes territories, outlying possessions and the District of Columbia.

30 [(12)] (11) “Violate” includes failure to comply.

31 **SECTION 10.** ORS 179.750 is amended to read:

32 179.750. (1) Discrimination may not be made in the admission, accommodation, care, education
 33 or treatment of any person in a state institution because the person does or does not contribute to
 34 the cost of the care.

35 (2) Discrimination may not be made in the provision of or access to educational facilities and
 36 services and recreational facilities and services to any person in the state institutions enumerated
 37 in ORS 420.005 or Department of Corrections institutions as defined in ORS 421.005 on the basis of
 38 race, religion, sex, sexual orientation, [*gender identity*,] national origin or marital status of the per-
 39 son. This subsection does not require combined domiciliary facilities at the state institutions to
 40 which it applies.

41 **SECTION 11.** ORS 181A.470 is amended to read:

42 181A.470. The Board on Public Safety Standards and Training shall ensure that all police offi-
 43 cers and certified reserve officers are trained to:

44 (1) Investigate, identify and report crimes:

45 (a) Motivated by prejudice based on the perceived race, color, religion, national origin, sexual

1 orientation, gender, [*gender identity*,] marital status, political affiliation or beliefs, membership or
 2 activity in or on behalf of a labor organization or against a labor organization, physical or mental
 3 disability, age, economic or social status or citizenship of the victim; and

4 (b) That constitute abuse, as defined in ORS 419B.005, or domestic violence.

5 (2) Understand the requirements of the Vienna Convention on Consular Relations and identify
 6 situations in which the officers are required to inform a person of the person's rights under the
 7 convention.

8 **SECTION 12.** ORS 192.630 is amended to read:

9 192.630. (1) All meetings of the governing body of a public body shall be open to the public and
 10 all persons shall be permitted to attend any meeting except as otherwise provided by ORS 192.610
 11 to 192.705.

12 (2) A quorum of a governing body may not meet in private for the purpose of deciding on or
 13 deliberating toward a decision on any matter except as otherwise provided by ORS 192.610 to
 14 192.705.

15 (3) A governing body may not hold a meeting at any place where discrimination on the basis
 16 of race, color, creed, sex, sexual orientation, [*gender identity*,] national origin, age or disability is
 17 practiced. However, the fact that organizations with restricted membership hold meetings at the
 18 place does not restrict its use by a public body if use of the place by a restricted membership or-
 19 ganization is not the primary purpose of the place or its predominant use.

20 (4)(a) Meetings of the governing body of a public body shall be held:

21 (A) Within the geographic boundaries over which the public body has jurisdiction;

22 (B) At the administrative headquarters of the public body;

23 (C) At the nearest practical location; or

24 (D) If the public body is a state, county, city or special district entity, within Indian country of
 25 a federally recognized Oregon Indian tribe that is within the geographic boundaries of this state.
 26 For purposes of this subparagraph, "Indian country" has the meaning given that term in 18 U.S.C.
 27 1151.

28 (b) Training sessions may be held outside the jurisdiction as long as no deliberations toward a
 29 decision are involved.

30 (c) A joint meeting of two or more governing bodies or of one or more governing bodies and the
 31 elected officials of one or more federally recognized Oregon Indian tribes shall be held within the
 32 geographic boundaries over which one of the participating public bodies or one of the Oregon Indian
 33 tribes has jurisdiction or at the nearest practical location.

34 (d) Meetings may be held in locations other than those described in this subsection in the event
 35 of an actual emergency necessitating immediate action.

36 (5)(a) It is discrimination on the basis of disability for a governing body of a public body to meet
 37 in a place inaccessible to persons with disabilities, or, upon request of a person who is deaf or hard
 38 of hearing, to fail to make a good faith effort to have an interpreter for persons who are deaf or
 39 hard of hearing provided at a regularly scheduled meeting. The sole remedy for discrimination on
 40 the basis of disability shall be as provided in ORS 192.680.

41 (b) The person requesting the interpreter shall give the governing body at least 48 hours' notice
 42 of the request for an interpreter, shall provide the name of the requester, sign language preference
 43 and any other relevant information the governing body may request.

44 (c) If a meeting is held upon less than 48 hours' notice, reasonable effort shall be made to have
 45 an interpreter present, but the requirement for an interpreter does not apply to emergency meetings.

1 (d) If certification of interpreters occurs under state or federal law, the Oregon Health Author-
 2 ity or other state or local agency shall try to refer only certified interpreters to governing bodies
 3 for purposes of this subsection.

4 (e) As used in this subsection, “good faith effort” includes, but is not limited to, contacting the
 5 department or other state or local agency that maintains a list of qualified interpreters and ar-
 6 ranging for the referral of one or more qualified interpreters to provide interpreter services.

7 **SECTION 13.** ORS 240.306 is amended to read:

8 240.306. (1) Recruiting, selecting and promoting employees shall be on the basis of their relative
 9 ability, knowledge, experience and skills, determined by open competition and consideration of
 10 qualified applicants, without regard to an individual’s race, color, religion, sex, sexual orientation,
 11 [*gender identity*,] national origin, marital status, age, disability, political affiliation or other nonjob
 12 related factors, with proper regard for an individual’s privacy. Nothing in this subsection shall be
 13 construed to enlarge or diminish the obligation of the state or the rights of employees concerning
 14 claims of employment discrimination as prescribed by applicable state and federal employment dis-
 15 crimination laws.

16 (2) The Oregon Department of Administrative Services shall establish procedures to provide for
 17 statewide open recruitment and selection for classifications that are common to state agencies. The
 18 procedures shall include adequate public notice, affirmative action to seek out underutilized mem-
 19 bers of protected minorities, and job related testing. The department may delegate to individual op-
 20 erating agencies the responsibility for recruitment and selection of classifications where appropriate.

21 (3) Competition for appropriate positions may be limited to facilitate employment of those with
 22 a substantial disability or who are economically disadvantaged, or for purposes of implementing a
 23 specified affirmative action program.

24 (4) Appointments to positions in state service shall be made on the basis of qualifications and
 25 merit by selection from eligible lists established by the department or a delegated operating agency.

26 (5)(a) Noncompetitive selection and appointment procedures may be used for unskilled or semi-
 27 skilled positions, or where job related ranking measures are not practical or appropriate.

28 (b) Noncompetitive selection and appointment or direct appointment also may be used by agency
 29 appointing authorities to fill positions that:

30 (A) Require special or unique skills such as expert professional level or executive positions; or

31 (B) Have critical timing requirements affecting recruitment.

32 (6) Minimum qualifications and performance requirements and duties of a classification may be
 33 appropriately modified to permit the appointment and promotion of trainees to positions normally
 34 filled at full proficiency level.

35 (7) The department or delegated agencies shall establish systems to provide opportunities for
 36 promotion through meritorious service, training, education and career development assignments.
 37 The department shall certify to the eligibility of persons selected for promotion or delegate that
 38 responsibility to operating agencies in appropriate situations. Provision shall be made to bring per-
 39 sons into state service through open competition at higher levels when the competition provides
 40 abilities not available among existing employees, enrich state service or contribute to improved
 41 employment opportunity for underrepresented groups.

42 **SECTION 14.** ORS 338.125 is amended to read:

43 338.125. (1) Student enrollment in a public charter school is voluntary.

44 (2)(a) All students who reside in the school district in which the public charter school is located
 45 are eligible for enrollment in the public charter school if space is available.

1 (b) Students who do not reside in the school district in which the public charter school is lo-
 2 cated are eligible for enrollment in the public charter school if space is available and subject to
 3 subsection (5) of this section.

4 (c) A public charter school may not limit student enrollment based on race, religion, sex, sexual
 5 orientation, [*gender identity*,] ethnicity, national origin, disability, the terms of an individualized ed-
 6 ucation program, income level, proficiency in the English language or athletic ability. A public
 7 charter school may implement a weighted lottery that favors historically underserved students as
 8 provided by subsection (3)(a) of this section.

9 (3)(a) Except as provided by paragraphs (b) and (c) of this subsection, if the number of applica-
 10 tions from students exceeds the capacity of a program, class, grade level or building, the public
 11 charter school shall select students through an equitable lottery selection process. For the purpose
 12 of ameliorating the impact of discrimination against historically underserved students, an equitable
 13 lottery selection process may include weights that favor historically underserved students. As used
 14 in this paragraph, “historically underserved students” are students who are at risk because of any
 15 combination of their race, sex, sexual orientation, [*gender identity*,] ethnicity, disability, income level,
 16 proficiency in the English language, socioeconomic status or geographic location.

17 (b)(A) A public charter school may give priority for admission to students who reside within the
 18 attendance boundaries that were in effect at the time a school district closed a nonchartered public
 19 school if:

20 (i) The public charter school began to operate not more than two years after the nonchartered
 21 public school was closed;

22 (ii) The school district that closed the nonchartered public school is the sponsor of the public
 23 charter school;

24 (iii) The public charter school is physically located within the attendance boundaries of the
 25 closed nonchartered public school; and

26 (iv) The school district board, through board action, approved the public charter school giving
 27 priority as described in this paragraph.

28 (B) Nothing in this paragraph requires an amendment to a charter. A school district board may
 29 take an action described in subparagraph (A)(iv) of this paragraph at any time during the term of
 30 a charter.

31 (c) After a public charter school has been in operation for one or more years, the public charter
 32 school may give priority for admission to students who:

33 (A) Were enrolled in the prior year in the public charter school;

34 (B) Were enrolled in a public preschool or prekindergarten program operated by the public
 35 charter school;

36 (C) Have siblings who are presently enrolled in the school and who were enrolled in the school
 37 in the prior year;

38 (D) Are at risk because the student has an economic or academic disadvantage that requires
 39 special services or assistance, including students who:

40 (i) Are from economically disadvantaged families;

41 (ii) Are identified as having special educational needs;

42 (iii) Are limited in proficiency in the English language;

43 (iv) Are at risk of dropping out of high school; or

44 (v) Do not meet minimum standards of academic proficiency; or

45 (E) If the public charter school is a party to a cooperative agreement described in ORS 338.080,

1 reside in the school district that is the sponsor of the public charter school or in a school district
 2 that is a party to the cooperative agreement.

3 (4) A student who wishes to enroll in a virtual public charter school does not need the approval
 4 of the school district where the student is a resident before the student enrolls in the virtual public
 5 charter school. If a student wishes to enroll in a virtual public charter school, the parent, legal
 6 guardian or person in parental relationship with the student must provide the following notices to
 7 the school district where the student is a resident:

8 (a) Intent to enroll the student in a virtual public charter school; and

9 (b) Enrollment of the student in a virtual public charter school.

10 (5)(a) Notwithstanding subsection (4) of this section and ORS 339.133, if more than three percent
 11 of the students who reside in a school district are enrolled in virtual public charter schools that are
 12 not sponsored by the school district, a student who is a resident of the school district must receive
 13 approval from the school district before enrolling in a virtual public charter school. A school district
 14 is not required to give approval if more than three percent of the students who reside in the school
 15 district are enrolled in virtual public charter schools that are not sponsored by the school district.
 16 A school district must provide notice of the decision to not give approval within 10 calendar days
 17 of receiving notice of intent for the student to enroll in a virtual public charter school.

18 (b) For the purpose of determining whether more than three percent of the students who reside
 19 in the school district are enrolled in virtual public charter schools that are not sponsored by the
 20 school district, the school district board shall:

21 (A) Include any students who:

22 (i) Reside in the school district, regardless of whether the students are considered residents of
 23 different school districts as provided by ORS 339.133 (5); and

24 (ii) Are enrolled in virtual public charter schools that are not sponsored by the school district.

25 (B) Calculate, at least twice each year, the school district's percentage of students attending
 26 virtual public charter schools that are not sponsored by the school district.

27 (c)(A) Except as provided by subparagraph (B) of this paragraph, students who reside in the
 28 school district, regardless of whether the students are considered residents of different school dis-
 29 tricts as provided by ORS 339.133 (5), must receive approval from the school district before enrolling
 30 in a virtual public charter school if the limit described in paragraph (a) of this subsection has been
 31 met.

32 (B) A student is not required to receive approval from the school district in which the student
 33 resides if the student:

34 (i) Previously lived in another school district;

35 (ii) While living in the other school district, was enrolled in a virtual public charter school; and

36 (iii) Has maintained continuous enrollment in the virtual public charter school since moving into
 37 the school district where the student currently resides.

38 (d) If the school district does not give approval under paragraph (a) of this subsection, the
 39 school district must provide to the parent, legal guardian or person in parental relationship with the
 40 student information about:

41 (A) The percentage of students in the resident district that attend virtual public charter schools
 42 that are not sponsored by the school district, based on the most recent calculation;

43 (B) The right to appeal the decision to the State Board of Education; and

44 (C) Other online options available to the student.

45 (e) If an appeal is made to the State Board of Education as described in paragraph (d) of this

1 subsection, the board must issue a decision within 14 days of the submission of the appeal.

2 (6) Within 10 days of a student's enrollment in a public charter school, the public charter school
 3 shall provide written notice of the student's enrollment to the school district in which the public
 4 charter school is located if the student does not reside in the school district where the public
 5 charter school is located.

6 (7) Within 10 days of receiving the notice described in subsection (6) of this section, the school
 7 district in which the public charter school is located shall provide to the student's parent, legal
 8 guardian or person in parental relationship written information about:

9 (a) The school district's responsibility to identify, locate and evaluate students enrolled in the
 10 public charter school to determine which students may be in need of special education and related
 11 services as provided by ORS 338.165; and

12 (b) The methods by which the school district may be contacted to answer questions or provide
 13 information related to special education and related services.

14 (8) When a student described in subsection (6) of this section withdraws from a public charter
 15 school for a reason other than graduation from high school, the school district in which the public
 16 charter school is located shall:

17 (a) Provide to the school district in which the student resides written notice that the student
 18 has withdrawn.

19 (b) Provide to the student's parent, legal guardian or person in parental relationship written
 20 information about:

21 (A) The responsibility of the school district in which the student resides to identify, locate and
 22 evaluate students who reside in the school district to determine which students may be in need of
 23 special education and related services as provided by ORS 338.165; and

24 (B) The methods by which the school district in which the student resides may be contacted to
 25 answer questions or provide information related to special education and related services.

26 (9)(a) If a student described in subsection (6) of this section enrolls in a public charter school
 27 and has an individualized education program, the school district in which the public charter school
 28 is located must implement the individualized education program and follow the terms of the indi-
 29 vidualized education program until a new individualized education program is developed.

30 (b) If a student described in subsection (6) of this section withdraws from a public charter school
 31 and has an individualized education program, the school district in which the student resides must
 32 implement the individualized education program and follow the terms of the individualized education
 33 program until a new individualized education program is developed.

34 (10) When a virtual public charter school enrolls a student or a student no longer is enrolled
 35 in a virtual public charter school, the virtual public charter school shall provide the written notices
 36 described in ORS 338.120 (1)(m) and (n) to the school district where the student is a resident.

37 (11) A public charter school may conduct fund-raising activities but may not require a student
 38 to participate in fund-raising activities as a condition of admission to the public charter school.

39 **SECTION 15.** ORS 339.127 is amended to read:

40 339.127. (1) A district school board that admits nonresident students by giving consent as de-
 41 scribed in ORS 339.133 (5)(a) may not consider race, religion, sex, sexual orientation, [*gender iden-*
 42 *tity,*] ethnicity, national origin, disability, health, whether a student has an individualized education
 43 program, the terms of an individualized education program, income level, residence, proficiency in
 44 the English language, athletic ability or academic records when:

45 (a) Determining whether to give consent; or

- 1 (b) Establishing any terms of consent.
- 2 (2) A district school board that is considering whether to admit a nonresident student by giving
- 3 consent may require only the following information prior to deciding whether to give consent:
- 4 (a) The name, contact information, date of birth and grade level of the student;
- 5 (b) Information about whether the school district may be prevented or otherwise limited from
- 6 providing consent as provided by ORS 339.115 (8);
- 7 (c) Information about whether the student may be given priority as provided by subsection (4)
- 8 of this section; and
- 9 (d) Information about which schools the student prefers to attend.
- 10 (3)(a) A district school board that is considering whether to admit a nonresident student by
- 11 giving consent may not:
- 12 (A) Request or require any person to provide or have provided any of the following information
- 13 related to a student prior to the district school board deciding whether to give consent to the stu-
- 14 dent:
- 15 (i) Information about the student's race, religion, sex, sexual orientation, [*gender identity*,]
- 16 ethnicity, national origin, disability, health, whether a student has an individualized education pro-
- 17 gram, the terms of an individualized education program, income level, residence, proficiency in the
- 18 English language or athletic ability; or
- 19 (ii) Academic records, including eligibility for or participation in a talented and gifted program
- 20 or special education and related services.
- 21 (B) Request or require the student to participate in an interview, to tour any of the schools or
- 22 facilities of the school district or to otherwise meet with any representatives of a school or a school
- 23 district prior to the district school board deciding whether to give consent to the student.
- 24 (C) Request any information used to supplement the information described in subsection (2) of
- 25 this section prior to deciding whether to give consent to the student.
- 26 (b) Nothing in this subsection prevents a student from voluntarily touring any of the schools or
- 27 facilities of a school district or from requesting or receiving any information from a school or the
- 28 school district.
- 29 (4)(a) A district school board that gives consent as described in ORS 339.133 (5)(a) may limit the
- 30 number of students to whom consent is given. The district school board must make the determi-
- 31 nation whether to limit the number of students to whom consent is given by an annual date estab-
- 32 lished by the board.
- 33 (b) If the number of students seeking consent exceeds any limitations imposed by the district
- 34 school board, the board must give consent to students based on an equitable lottery selection pro-
- 35 cess. The process may give priority to students who:
- 36 (A) Have siblings currently enrolled in a school of the same school district for which the student
- 37 seeks admission;
- 38 (B) Previously had received consent as provided by subsection (10) of this section because of a
- 39 change in legal residence; or
- 40 (C) Attended a public charter school located in the same district for which the student seeks
- 41 admission for at least three consecutive years, completed the highest grade offered by the public
- 42 charter school and did not enroll in and attend school in another district following completion of
- 43 the highest grade offered by the public charter school.
- 44 (c) A district school board may revise the maximum number of students to whom consent will
- 45 be given at a time other than the annual date established by the board if there are no pending ap-

1 plications for consent.

2 (5) A district school board that is requested to give consent to allow a resident student to be
 3 admitted by another school district as described in ORS 339.133 (5)(a) may not consider race, reli-
 4 gion, sex, sexual orientation, [*gender identity*,] ethnicity, national origin, disability, health, whether
 5 a student has an individualized education program, the terms of an individualized education pro-
 6 gram, income level, residence, proficiency in the English language, athletic ability or academic re-
 7 cords when determining whether to give consent.

8 (6) If a district school board decides to not give consent to a student, the board must provide
 9 a written explanation to the student.

10 (7)(a) For a nonresident student who receives consent to be admitted to a school district as de-
 11 scribed in ORS 339.133 (5)(a), a district school board may:

12 (A) Determine the length of time for which consent is given; and

13 (B) Revoke consent for failure to comply with minimum standards for behavior or attendance,
 14 but may not revoke consent for failure to meet standards for academics.

15 (b) Any limitations in length of time for consent, as allowed under paragraph (a) of this sub-
 16 section, must be applied consistently among all students to whom consent is given. The length of
 17 time for which consent is given shall not be affected by any changes in the legal residence of the
 18 student if the student wishes to continue to attend the schools of the school district.

19 (c) If consent is revoked as provided by paragraph (a) of this subsection, a student may not re-
 20 quest consent from the same school district that revoked the consent for the school year following
 21 the school year in which the consent was revoked.

22 (8) For a resident student who receives consent to be admitted to another school district as
 23 described in ORS 339.133 (5)(a), a district school board may not impose any limitations on the length
 24 of time for which consent is given to the student. The board may not require the student to receive
 25 consent more than one time to be admitted to the same school district, regardless of any time limi-
 26 tations imposed by the district school board under (7)(a)(A) of this section.

27 (9)(a) A school district that provides consent to nonresident students to attend the schools of
 28 the school district may not expend moneys received from the State School Fund or as Local Re-
 29 venues, as described in ORS 327.011, to advertise openings for nonresident students if the adver-
 30 tisements are:

31 (A) Located outside the boundaries of the school district, including advertisements that are
 32 made by signage or billboards; or

33 (B) Directed to nonresident students, including:

34 (i) Advertisements that are targeted to nonresident students through direct mail or online mar-
 35 keting;

36 (ii) Television or radio advertisements; or

37 (iii) Newspaper advertisements, unless the advertisement is in a newspaper that primarily serves
 38 the residents of the school district.

39 (b) Notwithstanding paragraph (a)(A) of this subsection, if a school is located outside the
 40 boundaries of the school district, the school district may advertise openings for nonresident students
 41 on the property of the school.

42 (c) Nothing in this subsection:

43 (A) Prohibits a school district from providing information or advertisements to nonresident stu-
 44 dents if the parents of the students request the information or advertisements.

45 (B) Prohibits a public charter school from advertising openings.

1 (10) Notwithstanding any other provision of this section, a district school board that is re-
 2 quested to give consent as described in ORS 339.133 (5)(a) must give consent to a student whose
 3 legal residence changes to a different school district:

4 (a) During the school year, to enable the student to complete the school year in the school dis-
 5 trict; or

6 (b) During the summer prior to the school year, to enable the student to complete the school
 7 year following the summer in the school district.

8 (11) Nothing in this section:

9 (a) Requires a district school board to admit students for whom priority may be given under
 10 subsection (4)(b) of this section if the board imposes limitations on the number of students admitted
 11 by consent.

12 (b) Prevents a district school board from denying admission to a nonresident student as provided
 13 by ORS 339.115 (8).

14 (c) Prevents a district school board from requesting information or giving consent to a student
 15 in the event of:

16 (A) An emergency to protect the health, safety or welfare of the student; or

17 (B) A hardship of the student, as determined based on rules adopted by the State Board of Ed-
 18 ucation.

19 (d) Prevents a district school board from establishing minimum standards for behavior and at-
 20 tendance that a student must maintain to remain enrolled in the schools of the school district.

21 **SECTION 16.** ORS 339.128 is amended to read:

22 339.128. (1) A district school board that admits nonresident students and charges nonresident
 23 students tuition may not consider race, religion, sex, sexual orientation, [*gender identity*,] ethnicity,
 24 national origin, disability, health, whether a student has an individualized education program, the
 25 terms of an individualized education program, income level, residence, proficiency in the English
 26 language, athletic ability or academic records when:

27 (a) Determining whether to accept a nonresident student; or

28 (b) Establishing the amount of tuition.

29 (2) A district school board that admits nonresident students and charges nonresident students
 30 tuition may require a student seeking to attend the schools of the school district to provide the
 31 following information:

32 (a) The name, contact information, date of birth and grade level of the student; and

33 (b) Information about whether the school district may be prevented or otherwise limited from
 34 admitting the student as provided by ORS 339.115 (8).

35 (3)(a) A district school board that admits nonresident students and charges nonresident students
 36 tuition may not:

37 (A) Request or require any person to provide or have provided any of the following information
 38 related to a student prior to the district school board deciding whether to admit the student:

39 (i) Information about the student's race, religion, sex, sexual orientation, [*gender identity*,]
 40 ethnicity, national origin, disability, health, whether a student has an individualized education pro-
 41 gram, the terms of an individualized education program, income level, residence, proficiency in the
 42 English language or athletic ability; or

43 (ii) Academic records, including eligibility for or participation in a talented and gifted program
 44 or special education and related services.

45 (B) Request or require the student to participate in an interview, to tour any of the schools or

1 facilities of the school district or to otherwise meet with any representatives of a school or a school
 2 district prior to the district school board deciding whether to admit the student.

3 (C) Request any information used to supplement the information described in subsection (2) of
 4 this section prior to deciding whether to admit the student.

5 (b) Nothing in this subsection prevents a student from voluntarily touring any of the schools or
 6 facilities of a school district or from requesting or receiving any information from a school or the
 7 school district.

8 (4) If a district school board decides to deny admission to a nonresident student and to charge
 9 the nonresident student tuition, the board must provide a written explanation to the student.

10 (5) Nothing in this section:

11 (a) Prevents a district school board from denying admission to a nonresident student as provided
 12 by ORS 339.115 (8).

13 (b) Prevents a district school board from requesting information or admitting a student in the
 14 event of an emergency to protect the health, safety or welfare of the student.

15 (c) Prevents a district school board from establishing minimum standards for behavior and at-
 16 tendance that a student must maintain to remain enrolled in the schools of the school district.

17 **SECTION 17.** ORS 339.329 is amended to read:

18 339.329. (1) As used in this section:

19 (a) “Cyberbullying” and “harassment, intimidation or bullying” have the meanings given those
 20 terms in ORS 339.351.

21 (b) “Local law enforcement contact” means a local law enforcement officer designated by the
 22 Department of State Police to be notified when the tip line receives a report of a threat to student
 23 safety or potential threat to student safety.

24 (c) “Personally identifiable information” means any information that would permit the identifi-
 25 cation of a person who reports information using the tip line, and is not limited to name, phone
 26 number, physical address, electronic mail address, race, gender, [*gender identity*,] sexual orientation,
 27 disability designation, religious affiliation, national origin, ethnicity, school of attendance, city,
 28 county or any geographic identifier included in information conveyed through the tip line, or infor-
 29 mation identifying the machine or device used by the person in making a report using the tip line.

30 (d) “Service provider” means a person designated by the department to be notified when the tip
 31 line receives a report of a threat to student safety or potential threat to student safety. “Service
 32 provider” includes:

33 (A) A provider of behavioral health care or mental health care;

34 (B) A provider of school-based health care;

35 (C) A licensed school counselor;

36 (D) A clinical social worker licensed under ORS 675.530; or

37 (E) A professional counselor or a marriage and family therapist licensed under ORS 675.715.

38 (e) “Student” means a student of:

39 (A) A school district, as defined in ORS 332.002;

40 (B) A community college, as defined in ORS 341.005;

41 (C) A private school that provides educational services to kindergarten through grade 12 stu-
 42 dents;

43 (D) A career school, as defined in ORS 345.010; or

44 (E) A public university listed under ORS 352.002.

45 (f) “Threat to student safety” includes, but is not limited to, a threat or instance of:

- 1 (A) Harassment, intimidation or bullying or cyberbullying;
 2 (B) Suicide or self-harm; and
 3 (C) Violence against others.
- 4 (g) "Tip line" means a statewide resource designed to accept information concerning threats to
 5 student safety or potential threats to student safety through methods of transmission including:
 6 (A) Telephone calls;
 7 (B) Text messages; and
 8 (C) Electronically through the Internet.
- 9 (2) The Department of State Police shall establish a statewide tip line for students and other
 10 members of the public to use to confidentially report information concerning threats to student
 11 safety or potential threats to student safety.
- 12 (3) In consultation with state and local government behavioral health care providers, the de-
 13 partment shall adopt rules necessary to establish and operate the tip line. The rules must include,
 14 but are not limited to:
- 15 (a) Provisions that protect the personally identifiable information of a person reporting infor-
 16 mation without compromising opportunities for follow-up contact from local law enforcement con-
 17 tacts or service providers to provide further information to or obtain further information from the
 18 person; and
- 19 (b) Written policies and procedures for:
- 20 (A) Logging reports received on the tip line;
 21 (B) Verifying the authenticity and validity of a reported threat to student safety or potential
 22 threat to student safety;
 23 (C) Relaying information concerning a threat to student safety or potential threat to student
 24 safety to local law enforcement contacts, service providers and appropriate education provider
 25 contacts;
 26 (D) Connecting the tip line with other hotlines that are available for reports of violence or for
 27 crisis prevention; and
 28 (E) Reporting for the purposes of tracking referrals to local law enforcement contacts and ser-
 29 vice providers resulting from information received on the tip line and tracking the outcome of any
 30 action taken in response to the referral.
- 31 (4) The contents of tips reported to the tip line may be disclosed only as allowed under ORS
 32 192.345 (41), except that:
- 33 (a) Personally identifiable information may be disclosed only as provided in this section; and
 34 (b) Personally identifiable information and other information reported through the tip line may
 35 be disclosed to the following persons for the purpose of follow-up contact to obtain or provide fur-
 36 ther information:
- 37 (A) Tip line staff;
 38 (B) A school district, education service district, community college, private school that provides
 39 educational services to kindergarten through grade 12 students, career school or public university;
 40 (C) A service provider; or
 41 (D) Law enforcement.
- 42 (5) Any person authorized to receive tip line information under subsection (4) of this section
 43 must use the information only for the purpose of making follow-up contact to obtain or provide
 44 further information. Any further information obtained through follow-up contact may be disclosed
 45 only to the persons described in subsection (4) of this section.

1 (6) Persons authorized to receive tip line information under subsection (4) of this section may
 2 not disclose to the public the outcomes or actions taken as a result of tip line information unless
 3 the disclosure is required by a statute other than this section.

4 (7) Notwithstanding subsections (4) to (6) of this section, the department may release aggregated
 5 or summary information for reporting purposes and may provide information obtained through the
 6 tip line for the purpose of educating the public about the tip line, but may not disclose personally
 7 identifiable information under this subsection.

8 (8) The department may seek and accept gifts, grants and donations from any source for the
 9 purpose of carrying out the department's duties under this section.

10 **SECTION 18.** ORS 339.351 is amended to read:

11 339.351. As used in ORS 339.351 to 339.364:

12 (1) "Cyberbullying" means the use of any electronic communication device to harass, intimidate
 13 or bully.

14 (2) "Harassment, intimidation or bullying" means any act that:

15 (a) Substantially interferes with a student's educational benefits, opportunities or performance;

16 (b) Takes place on or immediately adjacent to school grounds, at any school-sponsored activity,
 17 on school-provided transportation or at any official school bus stop;

18 (c) Has the effect of:

19 (A) Physically harming a student or damaging a student's property;

20 (B) Knowingly placing a student in reasonable fear of physical harm to the student or damage
 21 to the student's property; or

22 (C) Creating a hostile educational environment, including interfering with the psychological
 23 well-being of a student; and

24 (d) May be based on, but not be limited to, the protected class status of a person.

25 (3) "Protected class" means a group of persons distinguished, or perceived to be distinguished,
 26 by race, color, religion, sex, sexual orientation, [*gender identity*,] national origin, marital status,
 27 familial status, source of income or disability.

28 **SECTION 19.** ORS 352.274 is amended to read:

29 352.274. (1) Each public university listed in ORS 352.002 shall allow all students, faculty and
 30 staff to identify the person's sexual orientation [*and gender identity*] on any forms used to collect
 31 demographic data that includes gender, race or ethnicity.

32 (2) Each public university listed in ORS 352.002 shall make the demographic data collected un-
 33 der subsection (1) of this section available to the Higher Education Coordinating Commission in the
 34 format determined by the commission under subsection (3) of this section.

35 (3) The commission shall:

36 (a) By rule establish a common format and time frame for the collection and reporting of the
 37 demographic data specified in subsection (1) of this section;

38 (b) Evaluate the degree to which public universities are complying with the requirements set
 39 forth in subsections (1) and (2) of this section; and

40 (c) During each regular session of the Legislative Assembly, submit a report in the manner
 41 provided by ORS 192.245 to the committees related to higher education that:

42 (A) Sets forth the progress public universities have made toward implementing the requirements
 43 set forth in subsections (1) and (2) of this section; and

44 (B) Summarizes the demographic data collected by the commission under this section.

45 **SECTION 20.** ORS 418.648 is amended to read:

1 418.648. A foster parent has the right to:

2 (1) Be treated with dignity, respect and trust as a member of a team, including respect for the
3 family values and routines of the foster parent.

4 (2) Be included as a valued member of a team that provides care and planning for a foster child
5 placed in the home of the foster parent.

6 (3) Receive support services, as resources permit, from the Department of Human Services that
7 are designed to assist in the care of the foster child placed in the home of the foster parent.

8 (4) Be informed of any condition that relates solely to a foster child placed in the home of the
9 foster parent that may jeopardize the health or safety of the foster parent or other members of the
10 home or alter the manner in which foster care should be provided to the foster child. The informa-
11 tion shall include complete access to written reports, psychological evaluations and diagnoses that
12 relate solely to a foster child placed in the home of the foster parent provided that confidential in-
13 formation given to a foster parent must be kept confidential by the foster parent, except as neces-
14 sary to promote or to protect the health and welfare of the foster child and the community.

15 (5) Have input into a permanency plan for a foster child placed in the home of the foster parent.

16 (6) Receive assistance from the department in dealing with family loss and separation when the
17 foster child leaves the home of the foster parent.

18 (7) Be informed of all policies and procedures of the department that relate to the role of the
19 foster parent.

20 (8) Be informed of how to receive services and to have access to department personnel or ser-
21 vice providers 24 hours a day, seven days a week.

22 (9) Initiate an inactive referral status for a reasonable period of time, not to exceed 12 months,
23 to allow a foster parent relief from caring for foster children.

24 (10) Not be discriminated against on the basis of race, color, religion, sex, sexual orientation,
25 [*gender identity*,] national origin, age or disability.

26 (11) Be notified of the foster parent's right to limited participation in proceedings in the juvenile
27 court and provided with an explanation of that right.

28 **SECTION 21.** ORS 418.731 is amended to read:

29 418.731. (1) As used in this section and ORS 418.733:

30 (a) "Youth" means a person 5 through 24 years of age.

31 (b) "Youth suicide" means a completed or attempted suicide by a person 5 through 24 years of
32 age.

33 (2) There is established a Youth Suicide Intervention and Prevention Coordinator within that
34 part of the Oregon Health Authority that works with mental health and addiction issues. The coord-
35 inator shall:

36 (a) Facilitate the development of a statewide strategic Youth Suicide Intervention and Pre-
37 vention Plan to address youth suicide and youth self-inflicted injury, and develop strategies for
38 intervention with suicidal, depressed and at-risk youth;

39 (b) Improve outreach to special populations of youth that are at risk for suicide and self-inflicted
40 injury;

41 (c) Identify barriers to accessing intervention services for suicidal, depressed and at-risk youth;
42 and

43 (d) Provide technical assistance to state and local partners and coordinate interagency efforts
44 to establish youth suicide and youth self-inflicted injury prevention and intervention strategies.

45 (3) The coordinator shall review data and prepare an annual report to interim and regular

1 committees of the Legislative Assembly with subject matter jurisdiction over child welfare, mental
2 health and addiction issues, and to the Oregon Health Authority, regarding:

3 (a) The number of emergency room admissions for completed and attempted youth suicides and
4 incidents of youth self-inflicted injury;

5 (b) The manner and method of completed and attempted youth suicides and incidents of youth
6 self-inflicted injury;

7 (c) The counties in which the completed and attempted suicides and self-injury incidents oc-
8 curred;

9 (d) The number of middle schools and high schools with completed youth suicides among the
10 student body;

11 (e) The number of completed youth suicides where the youth had previously been admitted to
12 a hospital or emergency room for treatment of attempted youth suicide or self-inflicted injury or had
13 been the subject of a request for intervention services related to depression, suicidal ideation or
14 self-injury within the prior 12 months;

15 (f) Demographic information regarding youth who completed or attempted youth suicide or who
16 had self-injury incidents, including but not limited to:

17 (A) Age;

18 (B) Gender [*or gender identity*];

19 (C) Race;

20 (D) Primary spoken language;

21 (E) Sexual orientation;

22 (F) The existence of any physical, mental, intellectual or emotional disability; and

23 (G) Foster care status; and

24 (g) Recommendations for administrative and legislative changes to address service gaps in youth
25 suicide prevention, intervention and post-suicide activities, developed in consultation with the Youth
26 Suicide Intervention and Prevention Advisory Committee established in ORS 418.726.

27 **SECTION 22.** ORS 418.925 is amended to read:

28 418.925. As used in ORS 418.925 to 418.945, “refugee child” is a person under 18 years of age
29 who has entered the United States and is unwilling or unable to return to the person’s country be-
30 cause of persecution or a well-founded fear of persecution on account of race, religion, sex, sexual
31 orientation, [*gender identity*,] nationality, membership in a particular group or political opinion, or
32 whose parents entered the United States within the preceding 10 years and are or were unwilling
33 or unable to return to their country because of persecution or a well-founded fear of persecution
34 on account of race, religion, sex, sexual orientation, [*gender identity*,] nationality, membership in a
35 particular group or political opinion.

36 **SECTION 23.** ORS 418.976 is amended to read:

37 418.976. As used in ORS 418.976 to 418.981, unless the context requires otherwise:

38 (1) “Agency of state government” has the meaning given that term in ORS 174.111.

39 (2) “Cultural competence” means accepting and respecting diversity and differences in a con-
40 tinuous process of self-assessment and reflection on one’s personal and organizational perceptions
41 of the dynamics of culture.

42 (3) “Cultural responsiveness” means the process by which people and systems respond respect-
43 fully and effectively to individuals of all cultures, languages, classes, races, ethnic backgrounds,
44 disabilities, religions, genders, [*gender identities*,] sexual orientations and other diversity factors in
45 a manner that recognizes, affirms and values the worth of individuals, families and communities, and

1 that protects and preserves the dignity of each.

2 (4) “Family” includes, with respect to a youth:

3 (a) A biological or legal parent;

4 (b) A sibling;

5 (c) An individual related by blood, marriage or adoption;

6 (d) A foster parent;

7 (e) A legal guardian;

8 (f) A caregiver;

9 (g) An individual with a significant social relationship with the youth;

10 (h) Any person who provides support to the youth that the youth identifies as important; and

11 (i) Any person identified by the youth as being family.

12 (5) “Participating state agency” means a state officer, board, commission, department, institu-
 13 tion, branch or agency of state government whose costs are paid wholly or in part from funds held
 14 in the State Treasury and who:

15 (a) Is identified by the System of Care Advisory Council as a provider of services and supports
 16 that are part of the state system of care; or

17 (b) Provides services or resources to the council.

18 (6) “Services and supports” means public, private and community resources that assist youth in
 19 the achievement of positive outcomes, including but not limited to education, child welfare, public
 20 health, primary care, pediatric care, juvenile justice, mental health treatment, substance use treat-
 21 ment and services for individuals with intellectual and developmental disabilities.

22 (7) “System of care” means a coordinated network of services and supports to youth that:

23 (a) Integrates care planning and management across multiple levels of care;

24 (b) Recognizes disability as a natural and healthy part of the human experience;

25 (c) Is culturally and linguistically competent;

26 (d) Is designed to build meaningful partnerships with families and youth in the delivery and
 27 management of services and the development of policy;

28 (e) Has a supportive policy and management infrastructure at the state and local levels; and

29 (f) Is community-based with relationships at the local level.

30 (8) “Youth” means an individual 25 years of age or younger who has, or is at increased risk of
 31 developing, chronic behavioral, emotional, physical or developmental conditions and is under the
 32 supervision of or engaged with two or more systems of care.

33 **SECTION 24.** ORS 430.550 is amended to read:

34 430.550. A person, otherwise eligible, may not be denied evaluation or treatment under ORS
 35 430.450 to 430.555 on account of the person’s race, religion, sex, sexual orientation, [*gender*
 36 *identity*,] nationality, age or ability to pay.

37 **SECTION 25.** ORS 443.739 is amended to read:

38 443.739. Residents of adult foster homes have the following rights. Providers shall guarantee
 39 these rights and help residents exercise them. The provider shall post a copy of the Residents’ Bill
 40 of Rights in the entry or other equally prominent place in the adult foster home. The Residents’ Bill
 41 of Rights states that each resident of an adult foster home has the right to:

42 (1) Be treated as an adult, with respect and dignity.

43 (2) Be informed of all resident rights and all house rules.

44 (3) Be encouraged and assisted to exercise legal rights, including the right to vote.

45 (4) Be informed of the resident’s medical condition and the right to consent to or refuse treat-

1 ment.

2 (5) Receive appropriate care and services, and prompt medical care as needed.

3 (6) A safe and secure environment.

4 (7) Be free from mental and physical abuse.

5 (8) Be free from chemical or physical restraints except as ordered by a physician or other
6 qualified practitioner.

7 (9) Complete privacy when receiving treatment or personal care.

8 (10) Associate and communicate privately with any person the resident chooses.

9 (11) Send and receive personal mail unopened.

10 (12) Participate in activities of social, religious and community groups.

11 (13) Have medical and personal information kept confidential.

12 (14) Keep and use a reasonable amount of personal clothing and belongings, and to have a rea-
13 sonable amount of private, secure storage space.

14 (15) Manage the resident's own money and financial affairs unless legally restricted.

15 (16) Be free from financial exploitation. The provider may not charge or ask for application fees
16 or nonrefundable deposits and may not solicit, accept or receive money or property from a resident
17 other than the amount agreed to for services.

18 (17) A written agreement regarding the services to be provided and the rate schedule to be
19 charged. The provider must give 30 days' written notice before any change in the rates or the
20 ownership of the home.

21 (18) Not to be transferred or moved out of the adult foster home without 30 days' advance
22 written notice and an opportunity for a hearing. A provider may transfer or discharge a resident
23 only for medical reasons including a medical emergency described in ORS 443.738 (11)(b), or for the
24 welfare of the resident or other residents, or for nonpayment.

25 (19) Be free of discrimination in regard to race, color, religion, sex, sexual orientation[, *gender*
26 *identity*] or national origin.

27 (20) Make suggestions and complaints without fear of retaliation.

28 **SECTION 26.** ORS 458.505 is amended to read:

29 458.505. (1) The community action agency network, established initially under the federal Eco-
30 nomic Opportunity Act of 1964, is the delivery system for federal antipoverty programs in Oregon,
31 including:

32 (a) The Community Services Block Grant;

33 (b) Low Income Home Energy Assistance Program; and

34 (c) The United States Department of Energy Weatherization Assistance Program.

35 (2) Funds for such programs shall be distributed to the community action agencies by the
36 Housing and Community Services Department with the advice of the Community Action Partnership
37 of Oregon.

38 (3) In areas not served by a community action agency, funds other than federal community ser-
39 vices funds may be distributed to and administered by organizations that are found by the Housing
40 and Community Services Department to serve the antipoverty purpose of the community action
41 agency network.

42 (4) In addition to complying with all applicable requirements of federal law, a community action
43 agency shall:

44 (a) Be an office, division or agency of the designating political subdivision or a not for profit
45 organization in compliance with ORS chapter 65.

1 (b) Have a community action board of at least nine but no more than 33 members, constituted
2 so that:

3 (A) One-third of the members of the board are elected public officials currently serving or their
4 designees. If the number of elected officials reasonably available and willing to serve is less than
5 one-third of the membership, membership of appointed public officials may be counted as meeting the
6 one-third requirement;

7 (B) At least one-third of the members are persons chosen through democratic selection proce-
8 dures adequate to assure that they are representatives of the poor in the area served; and

9 (C) The remainder of the members are officials or members of business, industry, labor, religious,
10 welfare, education or other major groups and interests in the community.

11 (c) If the agency is a private not for profit organization, be governed by the Community Action
12 Board. The board shall have all duties, responsibilities and powers normally associated with such
13 boards, including, but not limited to:

14 (A) Selection, appointment and dismissal of the executive director of the agency;

15 (B) Approval of all contracts, grant applications and budgets and operational policies of the
16 agency;

17 (C) Evaluation of programs; and

18 (D) Securing an annual audit of the agency.

19 (d) If the organization is an office, division or agency of a political subdivision, be administered
20 by the board that shall provide for the operation of the agency and be directly responsible to the
21 governing board of the political subdivision. The administering board at a minimum, shall:

22 (A) Review and approve program policy;

23 (B) Be involved in and consulted on the hiring and firing of the agency director;

24 (C) Monitor and evaluate program effectiveness;

25 (D) Ensure the effectiveness of community involvement in the planning process; and

26 (E) Assume all duties delegated to it by the governing board.

27 (e) Have a clearly defined, specified service area. Community action service areas may not
28 overlap.

29 (f) Have an accounting system that meets generally accepted accounting principles and be so
30 certified by an independent certified accountant.

31 (g) Provide assurances against the use of government funds for political activity by the com-
32 munity action agency.

33 (h) Provide assurances that no person shall, on the grounds of race, color, sex, sexual
34 orientation[, *gender identity*] or national origin be excluded from participation in, be denied the
35 benefits of or be subjected to discrimination under any program or activity funded in whole or in
36 part with funds made available through the community action program.

37 (i) Provide assurances the community action agency shall comply with any prohibition against
38 discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to an
39 otherwise qualified individual with disabilities as provided in section 504 of the Rehabilitation Act
40 of 1973.

41 (5) For the purposes of this section, the Oregon Human Development Corporation is eligible to
42 receive federal community service funds and low-income energy assistance funds.

43 (6) The Housing and Community Services Department shall:

44 (a) Administer federal antipoverty programs listed in subsection (1) of this section.

45 (b) In conjunction with the Oregon Housing Stability Council, culturally specific organizations,

1 the Community Action Partnership of Oregon and service providers, develop a collaborative role in
 2 advocating for, and addressing the needs of, all low income Oregonians.

3 (c) On a regular basis provide information to service providers on the activities and expen-
 4 ditures of the Housing and Community Services Department.

5 (d) As resources are available, provide resources for technical assistance, training and program
 6 assistance to Community Action Partnership of Oregon, service providers and other eligible entities.

7 (e) As resources are available, provide resources pursuant to ORS 409.750 for the training and
 8 technical assistance needs of service providers.

9 (f) Fully integrate the Oregon Human Development Corporation into the antipoverty delivery
 10 system, which must include a minimum level of services and funding for low income migrant and
 11 seasonal agricultural workers from the antipoverty programs administered by the agency.

12 (g) Limit its administrative budget in an effort to maximize the availability of antipoverty federal
 13 and state funds for expenditures by local service providers.

14 **SECTION 27.** ORS 646A.787 is amended to read:

15 646A.787. (1) A person that is subject to ORS 646A.770 to 646A.787 shall act in a fiduciary ca-
 16 pacity with respect to funds the person receives or holds for the benefit of another person.

17 (2) A person that sells a guaranteed asset protection waiver in connection with a retail sale of
 18 a motor vehicle may not:

19 (a) Charge more for the guaranteed asset protection waiver than five percent of the amount the
 20 borrower finances under a finance agreement; or

21 (b) Vary the benefits, terms, conditions or price of the guaranteed asset protection waiver on
 22 account of a borrower's race, sex, sexual orientation, [*gender identity*,] income or education.

23 **SECTION 28.** ORS 652.210 is amended to read:

24 652.210. As used in ORS 652.210 to 652.235, unless the context requires otherwise:

25 (1)(a) "Compensation" includes wages, salary, bonuses, benefits, fringe benefits and equity-based
 26 compensation.

27 (b) "Compensation" does not include vaccine incentives.

28 (2) "Employee" means any individual who, otherwise than as a copartner of the employer, as an
 29 independent contractor or as a participant in a work training program administered under the state
 30 or federal assistance laws, renders personal services wholly or partly in this state to an employer
 31 who pays or agrees to pay such individual at a fixed rate. However, when services are rendered only
 32 partly in this state, an individual is not an employee unless the contract of employment of the em-
 33 ployee has been entered into, or payments thereunder are ordinarily made or to be made, within this
 34 state.

35 (3)(a) "Employer" means any person employing one or more employees, including the State of
 36 Oregon or any political subdivision thereof or any county, city, district, authority, public corpo-
 37 ration or entity and any of their instrumentalities organized and existing under law or charter.

38 (b) "Employer" does not include the federal government.

39 (4) "Equal-pay analysis" means an evaluation process to assess and correct wage disparities
 40 among employees who perform work of comparable character.

41 [(5) "*Gender identity*" has the meaning given that term in ORS 174.100.]

42 [(6)] (5) "Protected class" means a group of persons distinguished by race, color, religion, sex,
 43 sexual orientation, [*gender identity*,] national origin, marital status, veteran status, disability or age.

44 [(7)] (6) "Public health emergency" means:

45 (a) A public health emergency declared under ORS 433.441.

1 (b) An emergency declared under ORS 401.165 if related to a public health emergency as defined
 2 in ORS 433.442.

3 [(8)] (7) “Rate” with reference to wages means:

4 (a) The basis of compensation for services by an employee for an employer; and

5 (b) Compensation based on the time spent in the performance of the services, on the number of
 6 operations accomplished or on the quantity produced or handled.

7 [(9)] (8) “Sexual orientation” has the meaning given that term in ORS 174.100.

8 [(10)] (9) “System” means a consistent and verifiable method in use at the time that a violation
 9 is alleged under ORS 652.220.

10 [(11)] (10) “Unpaid wages” means the difference between the wages actually paid to an employee
 11 and the wages required under ORS 652.220 to be paid to the employee.

12 [(12)] (11) “Vaccine incentives” means monetary or nonmonetary incentives, including but not
 13 limited to additional paid time off or protected time off from work provided by employers to em-
 14 ployees who have been immunized against infectious diseases for which a public health emergency
 15 has been declared.

16 [(13)] (12) “Veteran status” means an individual is a veteran as defined in ORS 408.225.

17 [(14)] (13) “Wages” means all compensation for performance of service by an employee for an
 18 employer, whether paid by the employer or another person, or paid in cash or any medium other
 19 than cash.

20 [(15)] (14) “Working conditions” includes work environment, hours, time of day, physical sur-
 21 roundings and potential hazards encountered by an employee.

22 [(16)] (15) “Work of comparable character” means work that requires substantially similar
 23 knowledge, skill, effort, responsibility and working conditions in the performance of work, regardless
 24 of job description or job title.

25 **SECTION 29.** ORS 653.547 is amended to read:

26 653.547. (1) As used in this section:

27 (a) “Domestic service” means services related to the care of persons in private homes or the
 28 maintenance of private homes or their premises.

29 (b)(A) “Domestic worker” means an individual who works in the home of another person for the
 30 purpose of caring for a child, doing housekeeping or providing other domestic service and who is
 31 not compensated with public funds for the work performed.

32 (B) “Domestic worker” does not include:

33 (i) A parent or spouse of the employer.

34 (ii) A child of the employer who is under 26 years of age.

35 (iii) Students who regularly attend elementary or secondary school during the day.

36 (iv) Children, other than children of the employer, who are under 14 years of age.

37 (v) Children under 18 years of age who provide babysitting services and persons who provide
 38 babysitting on a casual basis.

39 (vi) Persons who perform casual labor in private homes or the maintenance of private homes or
 40 their premises, including but not limited to yard work, washing windows and shoveling snow.

41 (vii) Individuals employed by organizations licensed as required by ORS 443.015 or 443.315.

42 (viii) Independent contractors.

43 (ix) Individuals performing companionship services exempt from the provisions of the Fair Labor
 44 Standards Act of 1938 (29 U.S.C. 201 et seq.).

45 (x) Persons who perform house sitting duties that do not involve domestic service.

1 (xi) Persons who provide domestic service in exchange for an in-kind good or service.

2 (c) "Employer" means a person that employs another person in this state.

3 (2) A person employing a domestic worker shall:

4 (a) Notwithstanding ORS 653.020, pay the domestic worker an overtime wage at a rate of one
5 and one-half times the worker's base rate for hours worked in excess of 40 hours in a workweek,
6 or in excess of 44 hours in a workweek if the domestic worker lives in the home of the employer.

7 (b) Provide the domestic worker at least 24 consecutive hours of rest each workweek. If the
8 domestic worker agrees to work on the anticipated day of rest, the employer shall pay the employee
9 the overtime rate specified in paragraph (a) of this subsection.

10 (c) If the domestic worker lives in the home of the employer, provide at least eight consecutive
11 hours of rest within each 24-hour period and provide a space with adequate conditions for uninter-
12 rupted sleep.

13 (d) If the domestic worker lives in the home of the employer, permit the domestic worker to cook
14 the worker's own food, subject to reasonable restrictions based on the religious or health needs of
15 the home's residents.

16 (e) If the domestic worker worked an average of at least 30 hours per week during the previous
17 year, provide the domestic worker with at least three paid personal leave days off.

18 (3) Notwithstanding subsection (2)(a) of this section, the Commissioner of the Bureau of Labor
19 and Industries shall adopt rules for the calculation of overtime wages for domestic workers during
20 periods of travel and medical emergencies.

21 (4) A person that employs a domestic worker may not:

22 (a) Request that the domestic worker allow the employer, on either a mandatory or voluntary
23 basis, to have possession of the worker's passport.

24 (b) Engage in unwelcome sexual advances, request sexual favors or engage in other verbal or
25 physical conduct of a sexual nature directed toward a domestic worker when:

26 (A) Submission to the conduct is made, either explicitly or implicitly, a term or condition of the
27 domestic worker's employment;

28 (B) Submission to or rejection of the conduct by the domestic worker is used as the basis for
29 employment decisions affecting the domestic worker; or

30 (C) The conduct has the purpose or effect of unreasonably interfering with the domestic
31 worker's work performance by creating an intimidating, hostile or offensive work environment.

32 (c) Subject a domestic worker to harassment based on gender, race, religion, disability, sexual
33 orientation[, *gender identity*] or national origin if the harassment has the purpose or effect of un-
34 reasonably interfering with the worker's work performance by creating an intimidating, hostile or
35 offensive work environment.

36 (d) Retaliate or in any way discriminate against an individual with respect to hire or tenure or
37 any other term or condition of employment because the individual has inquired about the provisions
38 of this section and ORS 653.549 or has reported a violation to, or filed a complaint with, the Bureau
39 of Labor and Industries alleging a violation of this section.

40 **SECTION 30.** ORS 658.427 is amended to read:

41 658.427. (1) The Commissioner of the Bureau of Labor and Industries shall establish, by rule,
42 procedures for the licensing of property services contractors.

43 (2) Rules adopted under this section must require that a property services contractor provide
44 the following information to the commissioner:

45 (a) The total number of employees employed by the property services contractor who perform

1 janitorial services.

2 (b) The physical address of the work location or locations at which janitorial services are pro-
 3 vided by an employee of the property services contractor.

4 (c) Demographic data that is voluntarily provided by employees relating to race, sex, sexual
 5 orientation, [*gender identity*,] national origin, marital status and age.

6 **SECTION 31.** ORS 659.850 is amended to read:

7 659.850. (1) As used in this section:

8 (a)(A) “Discrimination” means any act that unreasonably differentiates treatment, intended or
 9 unintended, or any act that is fair in form but discriminatory in operation, either of which is based
 10 on race, color, religion, sex, sexual orientation, [*gender identity*,] national origin, marital status, age
 11 or disability.

12 (B) “Discrimination” does not include enforcement of an otherwise valid dress code or policy,
 13 as long as the code or policy:

14 (i) Provides, on a case-by-case basis, for reasonable accommodation of an individual based on the
 15 health and safety needs of the individual; and

16 (ii) Does not have a disproportionate adverse impact on members of a protected class to a
 17 greater extent than the policy impacts persons generally.

18 (b) “Race” includes physical characteristics that are historically associated with race, including
 19 but not limited to natural hair, hair texture, hair type and protective hairstyles as defined in ORS
 20 659A.001.

21 (2) A person may not be subjected to discrimination in any public elementary, secondary or
 22 community college education program or service, school or interschool activity or in any higher
 23 education program or service, school or interschool activity where the program, service, school or
 24 activity is financed in whole or in part by moneys appropriated by the Legislative Assembly.

25 (3) The State Board of Education and the Higher Education Coordinating Commission shall es-
 26 tablish rules necessary to ensure compliance with subsection (2) of this section in the manner re-
 27 quired by ORS chapter 183.

28 **SECTION 32.** ORS 659A.003 is amended to read:

29 659A.003. The purpose of this chapter is to encourage the fullest utilization of the available
 30 workforce by removing arbitrary standards of race, color, religion, sex, sexual orientation, [*gender*
 31 *identity*,] national origin, marital status, age or disability as a barrier to employment of the inhab-
 32 itants of this state, and to ensure the human dignity of all people within this state and protect their
 33 health, safety and morals from the consequences of intergroup hostility, tensions and practices of
 34 unlawful discrimination of any kind based on race, color, religion, sex, sexual orientation, [*gender*
 35 *identity*,] national origin, marital status, age, disability or familial status. To accomplish this purpose,
 36 the Legislative Assembly intends by this chapter to provide:

37 (1) A program of public education calculated to eliminate attitudes upon which practices of un-
 38 lawful discrimination because of race, color, religion, sex, sexual orientation, [*gender identity*,] na-
 39 tional origin, marital status, age, disability or familial status are based.

40 (2) An adequate remedy for persons aggrieved by certain acts of unlawful discrimination because
 41 of race, color, religion, sex, sexual orientation, [*gender identity*,] national origin, marital status, dis-
 42 ability or familial status, or unreasonable acts of discrimination in employment based upon age.

43 (3) An adequate administrative machinery for the orderly resolution of complaints of unlawful
 44 discrimination through a procedure involving investigation, conference, conciliation and persuasion,
 45 to encourage the use in good faith of the machinery by all parties to a complaint of unlawful dis-

1 crimination and to discourage unilateral action that makes moot the outcome of final administrative
2 or judicial determination on the merits of the complaint.

3 **SECTION 33.** ORS 659A.403 is amended to read:

4 659A.403. (1) Except as provided in subsection (2) of this section, all persons within the juris-
5 diction of this state are entitled to the full and equal accommodations, advantages, facilities and
6 privileges of any place of public accommodation, without any distinction, discrimination or re-
7 striction on account of race, color, religion, sex, sexual orientation, [*gender identity*,] national origin,
8 marital status or age if the individual is of age, as described in this section, or older.

9 (2) Subsection (1) of this section does not prohibit:

10 (a) The enforcement of laws governing the consumption of alcoholic beverages by minors and
11 the frequenting by minors of places of public accommodation where alcoholic beverages are served;

12 (b) The enforcement of laws governing the use of marijuana items, as defined in ORS 475C.009,
13 by persons under 21 years of age and the frequenting by persons under 21 years of age of places
14 of public accommodation where marijuana items are sold; or

15 (c) The offering of special rates or services to persons 50 years of age or older.

16 (3) It is an unlawful practice for any person to deny full and equal accommodations, advantages,
17 facilities and privileges of any place of public accommodation in violation of this section.

18 **SECTION 34.** ORS 659A.406 is amended to read:

19 659A.406. Except as otherwise authorized by ORS 659A.403, it is an unlawful practice for any
20 person to aid or abet any place of public accommodation, as defined in ORS 659A.400, or any em-
21 ployee or person acting on behalf of the place of public accommodation to make any distinction,
22 discrimination or restriction on account of race, color, religion, sex, sexual orientation, [*gender*
23 *identity*,] national origin, marital status or age if the individual is 18 years of age or older.

24 **SECTION 35.** ORS 659A.409 is amended to read:

25 659A.409. Except as provided by laws governing the consumption of alcoholic beverages by mi-
26 nors, the use of marijuana items, as defined in ORS 475C.009, by persons under 21 years of age, the
27 frequenting by minors of places of public accommodation where alcoholic beverages are served and
28 the frequenting by persons under 21 years of age of places of public accommodation where
29 marijuana items are sold, and except for special rates or services offered to persons 50 years of age
30 or older, it is an unlawful practice for any person acting on behalf of any place of public accom-
31 modation as defined in ORS 659A.400 to publish, circulate, issue or display, or cause to be published,
32 circulated, issued or displayed, any communication, notice, advertisement or sign of any kind to the
33 effect that any of the accommodations, advantages, facilities, services or privileges of the place of
34 public accommodation will be refused, withheld from or denied to, or that any discrimination will
35 be made against, any person on account of race, color, religion, sex, sexual orientation, [*gender*
36 *identity*,] national origin, marital status or age if the individual is of age, as described in this section,
37 or older.

38 **SECTION 36.** ORS 659A.421 is amended to read:

39 659A.421. (1) As used in this section:

40 (a) "Dwelling" means:

41 (A) A building or structure, or portion of a building or structure, that is occupied, or designed
42 or intended for occupancy, as a residence by one or more families; or

43 (B) Vacant land offered for sale or lease for the construction or location of a building or
44 structure, or portion of a building or structure, that is occupied, or designed or intended for occu-
45 pancy, as a residence by one or more families.

1 (b) "Purchaser" includes an occupant, prospective occupant, renter, prospective renter, lessee,
2 prospective lessee, buyer or prospective buyer.

3 (c) "Real property" includes a dwelling.

4 (d)(A) "Source of income" includes federal rent subsidy payments under 42 U.S.C. 1437f and any
5 other local, state or federal housing assistance.

6 (B) "Source of income" does not include income derived from a specific occupation or income
7 derived in an illegal manner.

8 (2) A person may not, because of the race, color, religion, sex, sexual orientation, [*gender iden-*
9 *tity*,] national origin, marital status, familial status or source of income of any person:

10 (a) Refuse to sell, lease or rent any real property to a purchaser. This paragraph does not pre-
11 vent a person from refusing to lease or rent real property to a prospective renter or prospective
12 lessee:

13 (A) Based upon the past conduct of a prospective renter or prospective lessee provided the re-
14 fusal to lease or rent based on past conduct is consistent with local, state and federal law, including
15 but not limited to fair housing laws; or

16 (B) Based upon the prospective renter's or prospective lessee's inability to pay rent, taking into
17 account the value of the prospective renter's or prospective lessee's local, state and federal housing
18 assistance, provided the refusal to lease or rent based on inability to pay rent is consistent with
19 local, state and federal law, including but not limited to fair housing laws.

20 (b) Expel a purchaser from any real property.

21 (c) Make any distinction, discrimination or restriction against a purchaser in the price, terms,
22 conditions or privileges relating to the sale, rental, lease or occupancy of real property or in the
23 furnishing of any facilities or services in connection therewith.

24 (d) Attempt to discourage the sale, rental or lease of any real property to a purchaser.

25 (e) Publish, circulate, issue or display, or cause to be published, circulated, issued or displayed,
26 any communication, notice, advertisement or sign of any kind relating to the sale, rental or leasing
27 of real property that indicates any preference, limitation, specification or unlawful discrimination
28 based on race, color, religion, sex, sexual orientation, [*gender identity*,] national origin, marital sta-
29 tus, familial status or source of income.

30 (f) Assist, induce, incite or coerce another person to commit an act or engage in a practice that
31 violates this section.

32 (g) Coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of,
33 or on account of the person having exercised or enjoyed or having aided or encouraged any other
34 person in the exercise or enjoyment of, any right granted or protected by this section.

35 (h) Deny access to, or membership or participation in, any multiple listing service, real estate
36 brokers' organization or other service, organization or facility relating to the business of selling or
37 renting dwellings, or discriminate against any person in the terms or conditions of the access,
38 membership or participation.

39 (i) Represent to a person that a dwelling is not available for inspection, sale or rental when the
40 dwelling in fact is available for inspection, sale or rental.

41 (j) Otherwise make unavailable or deny a dwelling to a person.

42 (3)(a) A person whose business includes engaging in residential real estate related transactions
43 may not discriminate against any person in making a transaction available, or in the terms or con-
44 ditions of the transaction, because of race, color, religion, sex, sexual orientation, [*gender identity*,]
45 national origin, marital status, familial status or source of income.

1 (b) As used in this subsection, “residential real estate related transaction” means any of the
 2 following:

3 (A) The making or purchasing of loans or providing other financial assistance:

- 4 (i) For purchasing, constructing, improving, repairing or maintaining a dwelling; or
- 5 (ii) Secured by residential real estate; or

6 (B) The selling, brokering or appraising of residential real property.

7 (4) A real estate licensee may not accept or retain a listing of real property for sale, lease or
 8 rental with an understanding that a purchaser may be discriminated against with respect to the sale,
 9 rental or lease thereof because of race, color, religion, sex, sexual orientation, [*gender identity*,] na-
 10 tional origin, marital status, familial status or source of income.

11 (5) A person may not, for profit, induce or attempt to induce any other person to sell or rent
 12 any dwelling by representations regarding the entry or prospective entry into the neighborhood of
 13 a person or persons of a particular race, color, religion, sex, sexual orientation, [*gender identity*,]
 14 national origin, marital status, familial status or source of income.

15 (6) This section does not apply with respect to sex distinction, discrimination or restriction if
 16 the real property involved is such that the application of this section would necessarily result in
 17 common use of bath or bedroom facilities by unrelated persons of opposite sex.

18 (7)(a) This section does not apply to familial status distinction, discrimination or restriction with
 19 respect to housing for older persons.

20 (b) As used in this subsection, “housing for older persons” means housing:

21 (A) Provided under any state or federal program that is specifically designed and operated to
 22 assist elderly persons, as defined by the state or federal program;

23 (B) Intended for, and solely occupied by, persons 62 years of age or older; or

24 (C) Intended and operated for occupancy by at least one person 55 years of age or older per
 25 unit. Housing qualifies as housing for older persons under this subparagraph if:

26 (i) At least 80 percent of the dwellings are occupied by at least one person 55 years of age or
 27 older per unit; and

28 (ii) Policies and procedures that demonstrate an intent by the owner or manager to provide
 29 housing for persons 55 years of age or older are published and adhered to.

30 (c) Housing does not fail to meet the requirements for housing for older persons if:

31 (A) Persons residing in the housing as of September 13, 1988, do not meet the requirements of
 32 paragraph (b)(B) or (C) of this subsection. However, new occupants of the housing shall meet the
 33 age requirements of paragraph (b)(B) or (C) of this subsection; or

34 (B) The housing includes unoccupied units that are reserved for occupancy by persons who meet
 35 the age requirements of paragraph (b)(B) or (C) of this subsection.

36 (d) Nothing in this section limits the applicability of any reasonable local, state or federal re-
 37 strictions regarding the maximum number of occupants permitted to occupy a dwelling.

38 (8) The provisions of subsection (2)(a) to (d) and (f) of this section that prohibit actions based
 39 upon sex, sexual orientation[, *gender identity*] or familial status do not apply to the renting of space
 40 within a single-family residence if the owner actually maintains and occupies the residence as the
 41 owner’s primary residence and all occupants share some common space within the residence.

42 (9) Any violation of this section is an unlawful practice.

43 **SECTION 37.** ORS 659A.425 is amended to read:

44 659A.425. (1) As used in this section:

45 (a) “Facially neutral housing policy” means a guideline, practice, rule or screening or admission

1 criterion, regarding a real property transaction, that applies equally to all persons.

2 (b) "Protected class" means a group of persons distinguished by race, color, religion, sex, sexual
3 orientation, [*gender identity*,] national origin, marital status, familial status, source of income or
4 disability.

5 (c) "Real property transaction" means an act described in ORS 659A.145 or 659A.421 involving
6 the renting or leasing of residential real property subject to ORS chapter 90.

7 (2) A court or the Commissioner of the Bureau of Labor and Industries may find a person to
8 have violated ORS 659A.145 or 659A.421 if:

9 (a) The person applies a facially neutral housing policy to a member of a protected class in a
10 real property transaction involving a residential tenancy subject to ORS chapter 90; and

11 (b) Application of the policy adversely impacts members of the protected class to a greater ex-
12 tent than the policy impacts persons generally.

13 (3) In determining under subsection (2) of this section whether a violation has occurred and, if
14 a violation has occurred, what relief should be granted, a court or the commissioner shall consider:

15 (a) The significance of the adverse impact on the protected class;

16 (b) The importance and necessity of any business purpose for the facially neutral housing policy;
17 and

18 (c) The availability of less discriminatory alternatives for achieving the business purpose for the
19 facially neutral housing policy.

20 **SECTION 38.** ORS 659A.805 is amended to read:

21 659A.805. (1) In accordance with any applicable provision of ORS chapter 183, the Commissioner
22 of the Bureau of Labor and Industries may adopt reasonable rules:

23 (a) Establishing what acts and communications constitute a notice, sign or advertisement that
24 public accommodation or real property will be refused, withheld from, or denied to any person or
25 that the person will be unlawfully discriminated against because of race, color, religion, sex, sexual
26 orientation, [*gender identity*,] national origin, marital status, disability or:

27 (A) With respect to public accommodation, age.

28 (B) With respect to real property transactions, familial status or source of income.

29 (b) Establishing what inquiries in connection with employment and prospective employment ex-
30 press a limitation, specification or unlawful discrimination as to race, color, religion, sex, sexual
31 orientation, [*gender identity*,] national origin, marital status, age or disability.

32 (c) Establishing what inquiries in connection with employment and prospective employment so-
33 liciting information as to race, color, religion, sex, sexual orientation, [*gender identity*,] national or-
34 igin, marital status, age or disability are based on bona fide occupational qualifications.

35 (d) For internal operation and practice and procedure before the commissioner under this
36 chapter.

37 (e) Covering any other matter required to carry out the purposes of this chapter.

38 (2) In adopting rules under this section the commissioner shall consider the following factors,
39 among others:

40 (a) The relevance of information requested to job performance in connection with which it is
41 requested.

42 (b) Available reasonable alternative ways of obtaining requested information without soliciting
43 responses as to race, color, religion, sex, sexual orientation, [*gender identity*,] national origin, marital
44 status, age, disability, source of income or, with respect to real property transactions, familial sta-
45 tus.

1 (c) Whether a statement or inquiry soliciting information as to race, color, religion, sex, sexual
 2 orientation, [*gender identity*,] national origin, marital status, age, disability, source of income or,
 3 with respect to real property transactions, familial status, communicates an idea independent of an
 4 intention to limit, specify or unlawfully discriminate as to race, color, religion, sex, sexual orien-
 5 tation, [*gender identity*,] national origin, marital status, age, disability, source of income or, with
 6 respect to real property transactions, familial status.

7 (d) Whether the independent idea communicated is relevant to a legitimate objective of the kind
 8 of transaction that it contemplates.

9 (e) The ease with which the independent idea relating to a legitimate objective of the kind of
 10 transaction contemplated could be communicated without connoting an intention to unlawfully dis-
 11 criminate as to race, color, religion, sex, sexual orientation, [*gender identity*,] national origin, marital
 12 status, age, disability, source of income or, with respect to real property transactions, familial sta-
 13 tus.

14 **SECTION 39.** ORS 659A.815 is amended to read:

15 659A.815. (1) The Commissioner of the Bureau of Labor and Industries shall create such advisory
 16 agencies and intergroup-relations councils as the commissioner believes necessary to aid in
 17 effectuating the purposes of this chapter. The commissioner may empower advisory agencies and
 18 councils:

19 (a) To study the problems of discrimination in all or specific fields of human relationships or in
 20 specific instances of discrimination because of race, color, religion, sex, sexual orientation, [*gender*
 21 *identity*,] national origin, marital status, age, disability, familial status or source of income.

22 (b) To foster, through community effort or otherwise, goodwill, cooperation and conciliation
 23 among the groups and elements of the population of the state.

24 (c) To make recommendations to the commissioner for the development of policies and proce-
 25 dures in general and in specific instances, and for programs of formal and informal education.

26 (2) The advisory agencies and councils shall be composed of representative citizens, serving
 27 without pay, but with reimbursement for actual and necessary expenses in accordance with laws and
 28 regulations governing state officers.

29 (3) The commissioner may make provision for technical and clerical assistance to the advisory
 30 agencies and councils and for the expenses of the assistance.

31 **SECTION 40.** ORS 659A.885, as amended by section 58, chapter 700, Oregon Laws 2019, section
 32 46, chapter 367, Oregon Laws 2021, section 9, chapter 99, Oregon Laws 2022, and section 49, chapter
 33 9, Oregon Laws 2023, is amended to read:

34 659A.885. (1) Any person claiming to be aggrieved by an unlawful practice specified in sub-
 35 section (2) of this section may file a civil action in circuit court. In any action under this subsection,
 36 the court may order injunctive relief and any other equitable relief that may be appropriate, in-
 37 cluding but not limited to reinstatement or the hiring of employees with or without back pay. A
 38 court may order back pay in an action under this subsection only for the two-year period imme-
 39 diately preceding the filing of a complaint under ORS 659A.820 with the Commissioner of the Bureau
 40 of Labor and Industries, or if a complaint was not filed before the action was commenced, the two-
 41 year period immediately preceding the filing of the action. In any action under this subsection, the
 42 court may allow the prevailing party costs and reasonable attorney fees at trial and on appeal. Ex-
 43 cept as provided in subsection (3) of this section:

44 (a) The judge shall determine the facts in an action under this subsection; and

45 (b) Upon any appeal of a judgment in an action under this subsection, the appellate court shall

1 review the judgment pursuant to the standard established by ORS 19.415 (3).

2 (2) An action may be brought under subsection (1) of this section alleging a violation of:

3 (a) ORS 10.090, 10.092, 25.337, 25.424, 171.120, 243.323, 408.230, 408.237 (2), 468B.519, 475C.285,
 4 476.574, 652.020, 652.220, 652.355, 653.060, 653.263, 653.265, 653.547, 653.549, 653.601 to 653.661,
 5 657B.060, 657B.070, 659.852, 659A.030, 659A.040, 659A.043, 659A.046, 659A.063, 659A.069, 659A.082,
 6 659A.088, 659A.103 to 659A.145, 659A.147, 659A.150 to 659A.186, 659A.194, 659A.199, 659A.203,
 7 659A.218, 659A.228, 659A.230, 659A.233, 659A.236, 659A.250 to 659A.262, 659A.277, 659A.290,
 8 659A.300, 659A.306, 659A.309, 659A.315, 659A.318, 659A.320, 659A.343, 659A.355, 659A.357, 659A.370
 9 or 659A.421; or

10 (b) ORS 653.470, except an action may not be brought for a claim relating to ORS 653.450.

11 (3) In any action under subsection (1) of this section alleging a violation of ORS 25.337, 25.424,
 12 243.323, 652.220, 652.355, 653.547, 653.549, 657B.060, 657B.070, 659.852, 659A.030, 659A.040, 659A.043,
 13 659A.046, 659A.069, 659A.082, 659A.103 to 659A.145, 659A.199, 659A.203, 659A.228, 659A.230,
 14 659A.250 to 659A.262, 659A.290, 659A.318, 659A.343, 659A.355, 659A.357, 659A.370 or 659A.421:

15 (a) The court may award, in addition to the relief authorized under subsection (1) of this section,
 16 compensatory damages or \$200, whichever is greater, and punitive damages;

17 (b) At the request of any party, the action shall be tried to a jury;

18 (c) Upon appeal of any judgment finding a violation, the appellate court shall review the judg-
 19 ment pursuant to the standard established by ORS 19.415 (1); and

20 (d) Any attorney fee agreement shall be subject to approval by the court.

21 (4) Notwithstanding ORS 31.730, in an action under subsection (1) of this section alleging a vi-
 22 olation of ORS 652.220, the court may award punitive damages if:

23 (a) It is proved by clear and convincing evidence that an employer has engaged in fraud, acted
 24 with malice or acted with willful and wanton misconduct; or

25 (b) An employer was previously adjudicated in a proceeding under this section or under ORS
 26 659A.850 for a violation of ORS 652.220.

27 (5) In any action under subsection (1) of this section alleging a violation of ORS 653.060 or
 28 659A.147, the court may award, in addition to the relief authorized under subsection (1) of this sec-
 29 tion, compensatory damages or \$200, whichever is greater.

30 (6) In any action under subsection (1) of this section alleging a violation of ORS 171.120, 476.574
 31 or 659A.218, the court may award, in addition to the relief authorized under subsection (1) of this
 32 section, compensatory damages or \$250, whichever is greater.

33 (7) In any action under subsection (1) of this section alleging a violation of ORS 10.090 or 10.092,
 34 the court may award, in addition to the relief authorized under subsection (1) of this section, a civil
 35 penalty in the amount of \$720.

36 (8) Any individual against whom any distinction, discrimination or restriction on account of
 37 race, color, religion, sex, sexual orientation, [*gender identity*,] national origin, marital status or age,
 38 if the individual is 18 years of age or older, has been made by any place of public accommodation,
 39 as defined in ORS 659A.400, by any employee or person acting on behalf of the place or by any
 40 person aiding or abetting the place or person in violation of ORS 659A.406 may bring an action
 41 against the operator or manager of the place, the employee or person acting on behalf of the place
 42 or the aider or abettor of the place or person. Notwithstanding subsection (1) of this section, in an
 43 action under this subsection:

44 (a) The court may award, in addition to the relief authorized under subsection (1) of this section,
 45 compensatory and punitive damages;

1 (b) The operator or manager of the place of public accommodation, the employee or person
 2 acting on behalf of the place, and any aider or abettor shall be jointly and severally liable for all
 3 damages awarded in the action;

4 (c) At the request of any party, the action shall be tried to a jury;

5 (d) The court shall award reasonable attorney fees to a prevailing plaintiff;

6 (e) The court may award reasonable attorney fees and expert witness fees incurred by a de-
 7 fendant who prevails only if the court determines that the plaintiff had no objectively reasonable
 8 basis for asserting a claim or no reasonable basis for appealing an adverse decision of a trial court;
 9 and

10 (f) Upon any appeal of a judgment under this subsection, the appellate court shall review the
 11 judgment pursuant to the standard established by ORS 19.415 (1).

12 (9) When the commissioner or the Attorney General has reasonable cause to believe that a
 13 person or group of persons is engaged in a pattern or practice of resistance to the rights protected
 14 by ORS 659A.145 or 659A.421 or federal housing law, or that a group of persons has been denied
 15 any of the rights protected by ORS 659A.145 or 659A.421 or federal housing law, the commissioner
 16 or the Attorney General may file a civil action on behalf of the aggrieved persons in the same
 17 manner as a person or group of persons may file a civil action under this section. In a civil action
 18 filed under this subsection, the court may assess against the respondent, in addition to the relief
 19 authorized under subsections (1) and (3) of this section, a civil penalty:

20 (a) In an amount not exceeding \$50,000 for a first violation; and

21 (b) In an amount not exceeding \$100,000 for any subsequent violation.

22 (10) In any action under subsection (1) of this section alleging a violation of ORS 659A.145 or
 23 659A.421 or alleging discrimination under federal housing law, when the commissioner is pursuing
 24 the action on behalf of an aggrieved complainant, the court shall award reasonable attorney fees to
 25 the commissioner if the commissioner prevails in the action. The court may award reasonable at-
 26 torney fees and expert witness fees incurred by a defendant that prevails in the action if the court
 27 determines that the commissioner had no objectively reasonable basis for asserting the claim or for
 28 appealing an adverse decision of the trial court.

29 (11) In an action under subsection (1) or (9) of this section alleging a violation of ORS 659A.145
 30 or 659A.421 or discrimination under federal housing law:

31 (a) "Aggrieved person" includes a person who believes that the person:

32 (A) Has been injured by an unlawful practice or discriminatory housing practice; or

33 (B) Will be injured by an unlawful practice or discriminatory housing practice that is about to
 34 occur.

35 (b) An aggrieved person in regard to issues to be determined in an action may intervene as of
 36 right in the action. The Attorney General may intervene in the action if the Attorney General cer-
 37 tifies that the case is of general public importance. The court may allow an intervenor prevailing
 38 party costs and reasonable attorney fees at trial and on appeal.

39 **SECTION 41.** ORS 659A.006 is amended to read:

40 659A.006. (1) It is declared to be the public policy of Oregon that practices of unlawful dis-
 41 crimination against any of its inhabitants because of race, color, religion, sex, sexual orientation,
 42 [*gender identity*,] national origin, marital status, age, disability or familial status are a matter of
 43 state concern and that this discrimination not only threatens the rights and privileges of its inhab-
 44 itants but menaces the institutions and foundation of a free democratic state.

45 (2) The opportunity to obtain employment or housing or to use and enjoy places of public ac-

1 commodation without unlawful discrimination because of race, color, religion, sex, sexual orien-
 2 tation, [*gender identity*,] national origin, marital status, age or disability hereby is recognized as and
 3 declared to be a civil right.

4 (3) It is not an unlawful practice for a bona fide church or other religious institution to take
 5 any action with respect to housing or the use of facilities based on a bona fide religious belief about
 6 sexual orientation [*or gender identity*] as long as the housing or the use of facilities is closely con-
 7 nected with or related to the primary purposes of the church or institution and is not connected
 8 with a commercial or business activity that has no necessary relationship to the church or institu-
 9 tion.

10 (4) It is not an unlawful employment practice for a bona fide church or other religious institu-
 11 tion, including but not limited to a school, hospital or church camp, to prefer an employee, or an
 12 applicant for employment, of one religious sect or persuasion over another if:

13 (a) The religious sect or persuasion to which the employee or applicant belongs is the same as
 14 that of the church or institution;

15 (b) In the opinion of the church or institution, the preference will best serve the purposes of the
 16 church or institution; and

17 (c) The employment involved is closely connected with or related to the primary purposes of the
 18 church or institution and is not connected with a commercial or business activity that has no nec-
 19 essary relationship to the church or institution.

20 (5) It is not an unlawful employment practice for a bona fide church or other religious institu-
 21 tion to take any employment action based on a bona fide religious belief about sexual orientation
 22 [*or gender identity*]:

23 (a) In employment positions directly related to the operation of a church or other place of
 24 worship, such as clergy, religious instructors and support staff;

25 (b) In employment positions in a nonprofit religious school, nonprofit religious camp, nonprofit
 26 religious day care center, nonprofit religious thrift store, nonprofit religious bookstore, nonprofit
 27 religious radio station or nonprofit religious shelter; or

28 (c) In other employment positions that involve religious activities, as long as the employment
 29 involved is closely connected with or related to the primary purposes of the church or institution
 30 and is not connected with a commercial or business activity that has no necessary relationship to
 31 the church or institution.

32 **SECTION 42.** ORS 659A.030 is amended to read:

33 659A.030. (1) It is an unlawful employment practice:

34 (a) For an employer, because of an individual's race, color, religion, sex, sexual orientation,
 35 [*gender identity*,] national origin, marital status or age if the individual is 18 years of age or older,
 36 or because of the race, color, religion, sex, sexual orientation, [*gender identity*,] national origin,
 37 marital status or age of any other person with whom the individual associates, or because of an
 38 individual's juvenile record that has been expunged pursuant to ORS 419A.260 to 419A.271, to refuse
 39 to hire or employ the individual or to bar or discharge the individual from employment. However,
 40 discrimination is not an unlawful employment practice if the discrimination results from a bona fide
 41 occupational qualification reasonably necessary to the normal operation of the employer's business.

42 (b) For an employer, because of an individual's race, color, religion, sex, sexual orientation,
 43 [*gender identity*,] national origin, marital status or age if the individual is 18 years of age or older,
 44 or because of the race, color, religion, sex, sexual orientation, [*gender identity*,] national origin,
 45 marital status or age of any other person with whom the individual associates, or because of an

1 individual's juvenile record that has been expunged pursuant to ORS 419A.260 to 419A.271, to dis-
 2 criminate against the individual in compensation or in terms, conditions or privileges of employment.

3 (c) For a labor organization, because of an individual's race, color, religion, sex, sexual orien-
 4 tation, [*gender identity*,] national origin, marital status or age if the individual is 18 years of age or
 5 older, or because of an individual's juvenile record that has been expunged pursuant to ORS
 6 419A.260 to 419A.271, to exclude or to expel from its membership the individual or to discriminate
 7 in any way against the individual or any other person.

8 (d) For any employer or employment agency to print or circulate or cause to be printed or cir-
 9 culated any statement, advertisement or publication, or to use any form of application for employ-
 10 ment or to make any inquiry in connection with prospective employment that expresses directly or
 11 indirectly any limitation, specification or discrimination as to an individual's race, color, religion,
 12 sex, sexual orientation, [*gender identity*,] national origin, marital status or age if the individual is
 13 18 years of age or older, or on the basis of an expunged juvenile record, or any intent to make any
 14 such limitation, specification or discrimination, unless based upon a bona fide occupational quali-
 15 fication. Identification of prospective employees according to race, color, religion, sex, sexual ori-
 16 entation, [*gender identity*,] national origin, marital status or age does not violate this section unless
 17 the Commissioner of the Bureau of Labor and Industries, after a hearing conducted pursuant to ORS
 18 659A.805, determines that the designation expresses an intent to limit, specify or discriminate on the
 19 basis of race, color, religion, sex, sexual orientation, [*gender identity*,] national origin, marital status
 20 or age.

21 (e) For an employment agency, because of an individual's race, color, religion, sex, sexual ori-
 22 entation, [*gender identity*,] national origin, marital status or age if the individual is 18 years of age
 23 or older, or because of the race, color, religion, sex, sexual orientation, [*gender identity*,] national
 24 origin, marital status or age of any other person with whom the individual associates, or because
 25 of an individual's juvenile record that has been expunged pursuant to ORS 419A.260 to 419A.271, to
 26 classify or refer for employment, or to fail or refuse to refer for employment, or otherwise to dis-
 27 criminate against the individual. However, it is not an unlawful employment practice for an em-
 28 ployment agency to classify or refer for employment an individual when the classification or referral
 29 results from a bona fide occupational qualification reasonably necessary to the normal operation of
 30 the employer's business.

31 (f) For any person to discharge, expel or otherwise discriminate against any other person be-
 32 cause that other person has opposed any unlawful practice, or because that other person has filed
 33 a complaint, testified or assisted in any proceeding under this chapter or has attempted to do so.

34 (g) For any person, whether an employer or an employee, to aid, abet, incite, compel or coerce
 35 the doing of any of the acts forbidden under this chapter or to attempt to do so.

36 (2) The provisions of this section apply to an apprentice under ORS 660.002 to 660.210, but the
 37 selection of an apprentice on the basis of the ability to complete the required apprenticeship train-
 38 ing before attaining the age of 70 years is not an unlawful employment practice. The commissioner
 39 shall administer this section with respect to apprentices under ORS 660.002 to 660.210 equally with
 40 regard to all employees and labor organizations.

41 (3) The compulsory retirement of employees required by law at any age is not an unlawful em-
 42 ployment practice if lawful under federal law.

43 (4)(a) It is not an unlawful employment practice for an employer or labor organization to provide
 44 or make financial provision for child care services of a custodial or other nature to its employees
 45 or members who are responsible for a minor child.

1 (b) As used in this subsection, “responsible for a minor child” means having custody or legal
 2 guardianship of a minor child or acting in loco parentis to the child.

3 (5) This section does not prohibit an employer from enforcing an otherwise valid dress code or
 4 policy, as long as the employer provides, on a case-by-case basis, for reasonable accommodation of
 5 an individual based on the health and safety needs of the individual and the dress code or policy
 6 does not have a disproportionate adverse impact on members of a protected class to a greater extent
 7 than the policy impacts persons generally.

8 **SECTION 43.** ORS 660.139 is amended to read:

9 660.139. (1) Unless the State Apprenticeship and Training Council determines there is an adverse
 10 impact on apprenticeship opportunities based on an individual’s race, sex, sexual orientation[, *gender*
 11 *identity*] or ethnic group, an applicant who is otherwise eligible for selection as an apprentice under
 12 the selection method used by the local joint committee may, with the consent of the applicant, be
 13 indentured to a family business or the applicant’s current employer without regard to whether an-
 14 other employer would otherwise be entitled to indenture the apprentice under the selection method
 15 used by the local joint committee.

16 (2) As used in this section:

17 (a) “Current employer” means the employer with whom the applicant has been a full-time, reg-
 18 ular employee for at least six months before the applicant is selected into the apprenticeship pro-
 19 gram.

20 (b) “Family business” means a business owned in whole or in part by a parent or grandparent
 21 of the applicant.

22 **SECTION 44.** ORS 744.382 is amended to read:

23 744.382. (1) A licensee may not pay or offer to pay a finder’s fee, commission or other compen-
 24 sation to a person described in this subsection, in connection with a policy insuring the life of an
 25 individual with a terminal illness or condition. The prohibition under this subsection applies with
 26 respect to payments or offers of payment to:

27 (a) The physician, naturopathic physician, attorney or accountant of the policyholder, of the
 28 certificate holder or of the insured individual when the individual is other than the policyholder or
 29 certificate holder.

30 (b) Any person other than a physician, naturopathic physician, attorney or accountant described
 31 in paragraph (a) of this subsection, who provides medical, legal or financial planning services to the
 32 policyholder, to the certificate holder or to the insured individual when the individual is other than
 33 the policyholder or certificate holder.

34 (c) Any person other than one described in paragraph (a) or (b) of this subsection who acts as
 35 an agent of the policyholder, certificate holder or insured individual.

36 (2) A licensee may not solicit an investor who could influence the treatment of the illness or
 37 condition of the individual whose life would be the subject of a life settlement contract.

38 (3) All information solicited or obtained from a policyholder or certificate holder by a licensee
 39 is subject to ORS 746.600 to 746.690. For purposes of this subsection, a licensee is considered an
 40 insurance-support organization within the meaning of ORS 746.600.

41 (4) A licensee may not discriminate in the making of a life settlement contract on the basis of
 42 race, religion, creed, sex, sexual orientation, [*gender identity*,] national origin, marital status, age,
 43 familial status or occupation or discriminate between persons who have dependents and persons who
 44 do not have dependents.

45 **SECTION 45.** ORS 166.155 is amended to read:

1 166.155. (1) A person commits a bias crime in the second degree if the person:

2 (a) Tamper or interferes with property, having no right to do so nor reasonable ground to be-
 3 lieve that the person has such right, with the intent to cause substantial inconvenience to another
 4 person because of the person's perception of the other person's race, color, religion, [*gender*
 5 *identity*,] sexual orientation, disability or national origin;

6 (b) Intentionally subjects another person to offensive physical contact because of the person's
 7 perception of the other person's race, color, religion, [*gender identity*,] sexual orientation, disability
 8 or national origin; or

9 (c) Intentionally, because of the person's perception of race, color, religion, [*gender identity*,]
 10 sexual orientation, disability or national origin of another person or of a member of the other
 11 person's family, subjects the other person to alarm by threatening:

12 (A) To inflict serious physical injury upon or to commit a felony affecting the other person, or
 13 a member of the other person's family; or

14 (B) To cause substantial damage to the property of the other person or of a member of the other
 15 person's family.

16 (2) A bias crime in the second degree is a Class A misdemeanor.

17 (3) As used in this section and ORS 166.165[:],

18 [(a) "*Gender identity*" means an individual's gender-related identity, appearance, expression or be-
 19 havior, regardless of whether the identity, appearance, expression or behavior differs from that associ-
 20 ated with the gender assigned to the individual at birth.]

21 [(b)] "property" means any tangible personal property or real property.

22 **SECTION 46.** ORS 166.165 is amended to read:

23 166.165. (1) A person commits a bias crime in the first degree if the person:

24 (a) Intentionally, knowingly or recklessly causes physical injury to another person because of
 25 the person's perception of the other person's race, color, religion, [*gender identity*,] sexual orien-
 26 tation, disability or national origin;

27 (b) With criminal negligence causes physical injury to another person by means of a deadly
 28 weapon because of the person's perception of the other person's race, color, religion, [*gender iden-*
 29 *tity*,] sexual orientation, disability or national origin; or

30 (c) Intentionally, because of the person's perception of another person's race, color, religion,
 31 [*gender identity*,] sexual orientation, disability or national origin, places another person in fear of
 32 imminent serious physical injury.

33 (2) A bias crime in the first degree is a Class C felony.

34 **SECTION 47.** ORS 181A.225 is amended to read:

35 181A.225. (1) All law enforcement agencies shall report to the Department of State Police sta-
 36 tistics concerning crimes:

37 (a) As directed by the department, for purposes of the Uniform Crime Reporting System of the
 38 Federal Bureau of Investigation.

39 (b) As otherwise directed by the Governor concerning general criminal categories of criminal
 40 activities but not individual criminal records.

41 (c) Motivated by prejudice based on the perceived race, color, religion, national origin, sexual
 42 orientation[,] or disability [*or gender identity*] of the victim.

43 (d) And other incidents arising out of domestic disturbances under ORS 133.055 (2) and 133.310
 44 (3).

45 (2) The department shall prepare:

1 (a) Quarterly and annual reports for the use of agencies reporting under subsection (1) of this
 2 section, and others having an interest therein;

3 (b) An annual public report of the statistics on the incidence of crime motivated by prejudice
 4 based on the perceived race, color, religion, national origin, sexual orientation[,] **or** disability [*or*
 5 *gender identity*] of the victim;

6 (c) Quarterly and annual reports of the statistics on the incidence of crimes and incidents of
 7 domestic disturbances; and

8 (d) Special reports as directed by the Governor.

9 (3)(a) The department shall report to the Oregon Criminal Justice Commission, continually and
 10 at least quarterly, all primary data collected pursuant to subsection (1) of this section.

11 (b) The data reported to, and maintained by, the commission under this subsection:

12 (A) Shall be used only for statistical purposes and not for any other purpose.

13 (B) Is exempt from public disclosure if the data directly identifies any individual involved in a
 14 bias crime.

15 **SECTION 48.** ORS 181A.681 is amended to read:

16 181A.681. (1) As used in this section, "misconduct" means:

17 (a) Unjustified or excessive force that is objectively unreasonable under the circumstances or
 18 in violation of the use of force policy for the law enforcement unit employing the offending officer;

19 (b) Sexual harassment or sexual misconduct;

20 (c) Discrimination against a person based on race, color, religion, sex, sexual orientation,
 21 [*gender identity*,] national origin, disability or age; or

22 (d) A crime.

23 (2) Without regard to rank or assignment, a police officer or reserve officer shall intervene to
 24 prevent or stop another police officer or reserve officer engaged in any act the intervening officer
 25 knows or reasonably should know is misconduct, unless the intervening officer cannot intervene
 26 safely.

27 (3)(a) A police officer or reserve officer who witnesses another police officer or reserve officer
 28 engaging in misconduct or a violation of the minimum standards for physical, emotional, intellectual
 29 and moral fitness for public safety personnel established under ORS 181A.410 shall report the mis-
 30 conduct or violation as soon as practicable, but no later than 72 hours after witnessing the mis-
 31 conduct or violation, to:

32 (A) A direct supervisor of the reporting officer;

33 (B) A person in the reporting officer's chain of command; or

34 (C) The Department of Public Safety Standards and Training.

35 (b) If the person to whom a police officer reports misconduct or a violation under this subsection
 36 does not have the authority to direct an investigation into the alleged misconduct or violation, the
 37 person shall forward the report of misconduct or violation to a person who has the authority to di-
 38 rect an investigation into the alleged misconduct or violation as soon as practicable, but no later
 39 than 72 hours after receiving the report.

40 (c) A law enforcement unit that receives a report of misconduct or violation under this sub-
 41 section shall complete an investigation of the misconduct or violation within three months after the
 42 date of the report unless circumstances prevent the investigation from being completed. The law
 43 enforcement unit shall notify the Department of Public Safety Standards and Training when an in-
 44 vestigation results in a finding that sustains a report of misconduct, but need not notify the de-
 45 partment when an investigation results only in a finding that sustains a report of a violation of the

1 minimum standards for physical, emotional, intellectual and moral fitness for public safety personnel
 2 established under ORS 181A.410.

3 (4) Failure to intervene or report as required by subsections (2) and (3) of this section is grounds
 4 for disciplinary action against a police officer or reserve officer by the law enforcement unit em-
 5 ploying the officer or for the Department of Public Safety Standards and Training to suspend or
 6 revoke the officer’s certification as provided in ORS 181A.630, 181A.640 and 181A.650.

7 (5) An employer may not discharge, demote, suspend or in any manner discriminate or retaliate
 8 against a police officer or reserve officer with regard to promotion, compensation or other terms,
 9 conditions or privileges of employment for the reason that the officer intervened or reported as re-
 10 quired by subsections (2) and (3) of this section. Violation of this subsection is an unlawful employ-
 11 ment practice as provided in ORS 659A.199.

12 (6) The Department of Public Safety Standards and Training shall report at least annually to
 13 an appropriate committee of the Legislative Assembly on any rules adopted by the department im-
 14 plementing this section.

15 **SECTION 49.** ORS 161.215 is amended to read:

16 161.215. (1) Notwithstanding ORS 161.209, a person is not justified in using physical force upon
 17 another person if:

18 (a) With intent to cause physical injury or death to another person, the person provokes the use
 19 of unlawful physical force by that person.

20 (b) The person is the initial aggressor, except that the use of physical force upon another person
 21 under such circumstances is justifiable if the person withdraws from the encounter and effectively
 22 communicates to the other person the intent to do so, but the latter nevertheless continues or
 23 threatens to continue the use of unlawful physical force.

24 (c) The physical force involved is the product of a combat by agreement not specifically au-
 25 thorized by law.

26 (d) The person would not have used physical force but for the discovery of the other person’s
 27 actual or perceived gender, gender identity, gender expression or sexual orientation.

28 (2) As used in this section, “gender identity” *[has the meaning given that term in ORS 166.155]*
 29 **means an individual’s gender-related identity, appearance, expression or behavior, regardless**
 30 **of whether the identity, appearance, expression or behavior differs from that associated with**
 31 **the gender assigned to the individual at birth.**

32 **SECTION 50.** ORS 163.135 is amended to read:

33 163.135. (1) It is an affirmative defense to murder in the second degree for purposes of ORS
 34 163.115 (1)(a) that the homicide was committed under the influence of extreme emotional disturbance
 35 if the disturbance is not the result of the person’s own intentional, knowing, reckless or criminally
 36 negligent act and if there is a reasonable explanation for the disturbance. The reasonableness of the
 37 explanation for the disturbance must be determined from the standpoint of an ordinary person in the
 38 actor’s situation under the circumstances that the actor reasonably believed them to be. Extreme
 39 emotional disturbance does not constitute a defense to a prosecution for, or preclude a conviction
 40 of, manslaughter in the first degree or any other crime.

41 (2)(a) The defendant may not introduce in the defendant’s case in chief expert testimony re-
 42 garding extreme emotional disturbance under this section unless the defendant gives notice of the
 43 defendant’s intent to do so.

44 (b) The notice required must be in writing and must be filed at the time the defendant pleads
 45 not guilty. The defendant may file the notice at any time after the defendant pleads but before trial

1 if the court determines that there was just cause for failure to file the notice at the time of the
 2 defendant’s plea.

3 (c) If the defendant fails to file notice, the defendant may not introduce evidence for the purpose
 4 of proving extreme emotional disturbance under ORS 163.115 unless the court, in its discretion, de-
 5 termines that there was just cause for failure to file notice.

6 (3) After the defendant files notice as provided in subsection (2) of this section, the state may
 7 have at least one psychiatrist or licensed psychologist of its selection examine the defendant in the
 8 same manner and subject to the same provisions as provided in ORS 161.315.

9 (4) The discovery of, knowledge about or potential disclosure of the victim’s actual or perceived
 10 gender, gender identity, gender expression or sexual orientation, including but not limited to cir-
 11 cumstances in which the victim made a romantic or sexual advance that was unwanted but did not
 12 involve force toward the defendant, does not constitute a reasonable explanation for an extreme
 13 emotional disturbance under this section.

14 (5) As used in this section, “gender identity” *[has the meaning given that term in ORS 166.155]*
 15 **means an individual’s gender-related identity, appearance, expression or behavior, regardless**
 16 **of whether the identity, appearance, expression or behavior differs from that associated with**
 17 **the gender assigned to the individual at birth.**

18 **SECTION 51.** ORS 137.672 is amended to read:

19 137.672. The Oregon Criminal Justice Commission, in the rules of the commission concerning
 20 sentencing departure factors, shall include gender identity *[as defined in ORS 166.155]* as a charac-
 21 teristic of the victim constituting an aggravating factor when the characteristic was the motivation,
 22 entirely or in part, for the commission of the crime. **As used in this section, “gender identity”**
 23 **means an individual’s gender-related identity, appearance, expression or behavior, regardless**
 24 **of whether the identity, appearance, expression or behavior differs from that associated with**
 25 **the gender assigned to the individual at birth.**

26 **SECTION 52.** ORS 137.678 is amended to read:

27 137.678. (1) As used in this section:

28 (a) “Bias crime” means the commission, attempted commission or alleged commission of an of-
 29 fense described in ORS 166.155 or 166.165.

30 (b) “Bias incident” means a person’s hostile expression of animus toward another person, relat-
 31 ing to the other person’s perceived race, color, religion, *[gender identity,]* sexual orientation, disa-
 32 bility or national origin, of which criminal investigation or prosecution is impossible or
 33 inappropriate. “Bias incident” does not include any incident in which probable cause of the com-
 34 mission of a crime is established by the investigating law enforcement officer.

35 (2) The Oregon Criminal Justice Commission shall review all data pertaining to bias crimes and
 36 bias incidents submitted to the commission:

- 37 (a) By district attorneys under ORS 137.676;
- 38 (b) By the Department of State Police under ORS 181A.225; and
- 39 (c) By the Department of Justice under ORS 147.380.

40 (3) The commission shall select one or more statistical analysis methodologies, determined to
 41 be consistent with current best practices, with which to analyze the data described in subsection (2)
 42 of this section.

43 (4) No later than July 1, 2020, and at least annually thereafter, the commission shall report the
 44 results of the data analysis to the Governor, the Legislative Assembly, the Attorney General, the
 45 Oregon District Attorneys Association, the Department of State Police and the Department of Public

1 Safety Standards and Training.

2 (5) Except as provided in subsection (7) of this section, the data described in subsection (2) of
 3 this section shall be made publicly accessible to the fullest extent possible under state and federal
 4 law.

5 (6) The commission may use the data described in subsection (2) of this section only for statis-
 6 tical purposes and not for any other purpose.

7 (7) Any data described in subsection (2) of this section that reveals the identity of any individual
 8 is exempt from public disclosure.

9 (8) The commission may adopt rules to carry out the provisions of this section.

10 **SECTION 53.** ORS 147.380 is amended to read:

11 147.380. (1) As used in this section:

12 (a) “Bias crime” means the commission, attempted commission or alleged commission of an of-
 13 fense described in ORS 166.155 or 166.165.

14 (b) “Bias incident” means a person’s hostile expression of animus toward another person, relat-
 15 ing to the other person’s perceived race, color, religion, [*gender identity*,] sexual orientation, disa-
 16 bility or national origin, of which criminal investigation or prosecution is impossible or
 17 inappropriate. “Bias incident” does not include any incident in which probable cause of the com-
 18 mission of a crime is established by the investigating law enforcement officer.

19 (c) “Hate crimes hotline” means the telephone hotline established by the Department of Justice
 20 under subsection (3) of this section.

21 (d) “Local victims’ services” means services provided to a victim of a bias crime or bias incident,
 22 including but not limited to safety planning, trauma management and data reporting, by an entity
 23 located in the same geographic area as the law enforcement agency that responds to the bias crime
 24 or bias incident.

25 (2)(a) A law enforcement agency that responds to a report of a bias incident shall refer the
 26 victim of the bias incident to qualifying local victims’ services.

27 (b) The Department of Justice shall by rule designate qualifying local victims’ services.

28 (c) If qualifying local victims’ services are unavailable, the law enforcement agency shall refer
 29 the victim of the bias incident to the hate crimes hotline.

30 (3) The Department of Justice shall establish a staffed hate crimes telephone hotline dedicated
 31 to assisting the victims of bias crimes and bias incidents.

32 (4) There is created in the Department of Justice the position of Hate Crimes Response Coord-
 33 inator. The Hate Crimes Response Coordinator shall:

34 (a) Respond to all reports of bias crimes and bias incidents made to the hate crimes hotline.

35 (b) Provide assistance to victims of bias crimes and bias incidents that is culturally competent
 36 and designed to reduce the effects of trauma, prevent further trauma and reach a diverse commu-
 37 nity.

38 (c) Assist with safety planning for victims of bias crimes and bias incidents.

39 (d) Coordinate with local nongovernmental organizations and service providers in assisting vic-
 40 tims of bias crimes and bias incidents.

41 (e) Develop training for nongovernmental organizations and service providers to standardize
 42 methods for assisting victims of bias crimes and bias incidents.

43 (5)(a) The Department of Justice shall:

44 (A) In coordination with the Oregon Criminal Justice Commission, develop a standardized intake
 45 process for all reports of bias crimes and bias incidents made to the department.

1 (B) Collect all data possible concerning the character, location and impacted protected class of
 2 any bias crime or bias incident reported to the department.

3 (C) Report to the commission continually and at least quarterly all data collected pursuant to
 4 this subsection.

5 (b) The data reported to the commission under this subsection may not contain information that
 6 might reveal the identity of any individual.

7 (6) Any data collected by the Department of Justice under this section that might reveal the
 8 identity of any individual is exempt from public disclosure.

9 (7) The Department of Justice may adopt rules to carry out the provisions of this section.

10 **SECTION 54.** ORS 181A.640 is amended to read:

11 181A.640. (1) The Department of Public Safety Standards and Training may deny the application
 12 for training, or deny, suspend or revoke the certification, of any public safety officer or instructor,
 13 except a youth correction officer or fire service professional, after written notice and hearing con-
 14 sistent with the provisions of ORS 181A.630, based upon a finding that:

15 (a) The public safety officer or instructor falsified any information submitted on the application
 16 for certification or on any documents submitted to the Board on Public Safety Standards and
 17 Training or the department.

18 (b) The public safety officer or instructor has been convicted of a crime or violation in this state
 19 or any other jurisdiction.

20 (c) The public safety officer or instructor does not meet the applicable minimum standards,
 21 minimum training or the terms and conditions established under ORS 181A.410 (1)(a) to (d).

22 (d) The public safety officer failed to comply with ORS 181A.790 (3)(b).

23 (2) The department shall deny the application for training or deny, suspend or revoke the cer-
 24 tification of a police officer, after written notice and hearing consistent with the provisions of ORS
 25 181A.630, based upon a finding that:

26 (a) The officer has a conviction for any offense designated under the law of the jurisdiction
 27 where the conviction occurred as being punishable as a felony or as a crime for which a maximum
 28 term of imprisonment of more than one year may be imposed;

29 (b) The officer has a conviction in any jurisdiction for any offense involving the unlawful use,
 30 possession, delivery or manufacture of a controlled substance, narcotic or dangerous drug, except
 31 for offenses involving the use or possession of marijuana;

32 (c) The officer has a conviction in any jurisdiction for any offense involving domestic violence,
 33 as defined in ORS 135.230;

34 (d) The officer has a conviction in any jurisdiction for any offense involving abuse, as defined
 35 in ORS 107.705, of a child who is under 18 years of age and is a natural child, adopted child,
 36 stepchild, a child under the guardianship of, or a child who regularly resides or formerly resided in
 37 the same household as, the officer;

38 (e) The officer is a sex offender as defined in ORS 163A.005; or

39 (f) The officer has been discharged for cause from employment as a police officer as a result of
 40 intentional conduct performed under the color of office to:

41 (A) Obtain false confessions;

42 (B) Make false arrests;

43 (C) Create or use falsified evidence, including false testimony, or to destroy evidence to create
 44 a false impression;

45 (D) Compel a person to abstain from doing, or to do, any act that the person has a legal right

1 to do or abstain from doing;

2 (E) Deprive, or attempt to deprive, another person or persons of their legal rights;

3 (F) Gain advantage for a public or private safety agency or for personal gain;

4 (G) Use force that was determined to be excessive or without justification;

5 (H) Engage in the abuse of lawful authority; or

6 (I) Engage in policing indicative of bias or discriminatory intent against an individual based on
7 the individual's real or perceived age, race, ethnicity, color, national origin, language, sex, [*gender*
8 *identity*,] sexual orientation, political affiliation, religion, homelessness or disability.

9 (3) The department shall deny, suspend or revoke the certification of a fire service professional,
10 after written notice and hearing consistent with the provisions of ORS 181A.630, based upon a
11 finding that the fire service professional has been convicted in this state of a crime listed in ORS
12 137.700 or in any other jurisdiction of a crime that, if committed in this state, would constitute a
13 crime listed in ORS 137.700.

14 (4) The department may deny, suspend or revoke the certification of any fire service professional
15 after written notice and hearing consistent with the provisions of ORS 181A.630, based upon a
16 finding:

17 (a) That the fire service professional falsified any information submitted on the application for
18 certification or on any documents submitted to the board or the department; or

19 (b) Consistent with ORS 670.280, that the fire service professional is not fit to receive or hold
20 the certification as a result of conviction of a crime in this state, or in any other jurisdiction, other
21 than a crime described in subsection (3) of this section.

22 (5) The department shall deny, suspend or revoke the certification of any public safety officer
23 or instructor, except a youth correction officer, after written notice and hearing consistent with the
24 provisions of ORS 181A.630, based upon a finding that the public safety officer or instructor has
25 been discharged for cause from employment as a public safety officer.

26 (6) The department, in consultation with the board, shall adopt rules specifying those crimes and
27 violations for which a conviction requires the denial, suspension or revocation of the certification
28 of a public safety officer or instructor.

29 (7) Notwithstanding the lapse, suspension, revocation or surrender of the certification of a pub-
30 lic safety officer or instructor, the department may:

31 (a) Proceed with any investigation of, or any action or disciplinary proceedings against, the
32 public safety officer or instructor; or

33 (b) Revise or render void an order suspending or revoking the certification.

34 (8) The department shall deny, suspend or revoke the accreditation of a training or educational
35 program or any course, subject, facility or instruction thereof if the program, course, subject, facility
36 or instruction is not in compliance with rules adopted or conditions prescribed under ORS 181A.410
37 (1)(g) or 181A.590 (3).

38 (9) When the department completes an investigation relating to a person's qualifications for
39 employment, training or certification under this section, the department shall issue a report.

40 (10) In cases involving a proposed denial of training or certification of a public safety officer
41 or instructor by the department, the department has jurisdiction to proceed with any action against
42 the public safety officer or instructor notwithstanding a subsequent change in the employment status
43 of the officer or instructor, if:

44 (a) The department has issued a notice of intent to deny training or certification; and

45 (b) The officer or instructor has requested a hearing.

SECTION 55. ORS 243.812 is amended to read:

243.812. (1) The Commission on Statewide Law Enforcement Standards of Conduct and Discipline is established for the purpose of adopting rules that prescribe uniform:

(a) Standards of conduct, including guidelines and procedures, to which law enforcement officers shall adhere; and

(b) Disciplinary standards and procedures, including a range of disciplinary actions that may include consideration of aggravating or mitigating circumstances, by which a law enforcement agency, a civilian or community oversight board, agency or review body, and an arbitrator who serves in an arbitration proceeding described under ORS 243.706 (3) shall make determinations regarding alleged misconduct by a law enforcement officer, and shall make recommendations for and impose disciplinary action in response to such determinations.

(2) The commission consists of 15 members as follows:

(a) The Director of the Department of Public Safety Standards and Training or a designee from the department.

(b) The Attorney General or a designee from the Attorney General's office.

(c) The President of the Senate shall appoint one nonvoting member, acting in an advisory capacity only, from among members of the Senate.

(d) The Speaker of the House of Representatives shall appoint one nonvoting member, acting in an advisory capacity only, from among members of the House of Representatives.

(e) The Attorney General shall appoint 11 members of the commission consistent with the following:

(A) Two members who are chief law enforcement officers.

(B) Two members who represent labor organizations who represent law enforcement officers.

(C) Two members who represent historically marginalized groups or community-based organizations that represent communities impacted by policing.

(D) One member who represents a federally recognized Indian tribe or association of tribes within this state.

(E) Two members who are representatives of local government to represent the interests of cities and counties.

(F) One member who represents public defender organizations established under ORS chapter 151 or the Oregon Criminal Defense Lawyers Association.

(G) One member who represents the interests of prosecutors in this state.

(3) At a minimum, the uniform standards described under subsection (1) of this section must address standards of conduct and discipline regarding:

(a) Unjustified or excessive use of physical or deadly force;

(b) Sexual harassment;

(c) Sexual assault;

(d) Assault;

(e) Conduct that is motivated by or based on a real or perceived factor of an individual's race, ethnicity, national origin, sex, *[gender identity]*, sexual orientation, religion or homelessness;

(f) Moral character; and

(g) The use of drugs or alcohol while on duty.

(4) The commission shall review the standards described under subsection (1) of this section at least once every two years.

(5) The meetings of the commission shall be open to the public in accordance with state law.

1 Records of the commission shall be open and available to the public in accordance with state law.

2 (6) The commission shall establish and implement an open hearing process for public input and
 3 deliberation before the commission adopts rules that establish the standards described under sub-
 4 section (1) of this section, including:

- 5 (a) Public notice pursuant to ORS chapter 183;
- 6 (b) Public outreach to solicit broad public participation; and
- 7 (c) Public hearings to receive public comment.

8 (7) A majority of the voting members of the commission constitutes a quorum for the transaction
 9 of business.

10 (8) Official action by the commission requires the approval of a majority of the voting members
 11 of the commission.

12 (9) The term of a member appointed under subsection (2)(e) of this section shall be two years.
 13 If there is a vacancy on the commission for any reason, the Attorney General shall appoint a person
 14 to the unexpired term.

15 (10) The Attorney General or a designee from the Attorney General’s office shall serve as the
 16 chairperson of the commission who shall preside over meetings and execute the duties determined
 17 by the commission to be necessary.

18 (11) The commission may hire an executive director and support staff, and may enter into an
 19 interagency or intergovernmental agreement to have another state agency or governmental agency
 20 provide support staff.

21 (12) The commission may adopt rules necessary for the operation of the commission.

22 (13) A member of the commission who is not a member of the Legislative Assembly is entitled
 23 to compensation and expenses as provided in ORS 292.495.

24 (14) The commission shall prepare and submit an annual report in the manner provided by ORS
 25 192.245 to the House Committee on Judiciary or an interim committee of the Legislative Assembly
 26 related to the judiciary no later than September 1 of each year. The commission shall include in
 27 its annual report information regarding the progress of each law enforcement agency and civilian
 28 or community oversight board, agency or review body, towards implementing and applying the uni-
 29 form standards and the commission’s recommendations on updates to the standards, as are consid-
 30 ered necessary.

31 (15) As used in this section:

32 (a) “Assault” has the meaning given that term in ORS 163.115.

33 (b) “Civilian or community oversight board, agency or review body” means a board, an agency
 34 or a body:

35 (A) Designated by a municipality or a law enforcement agency in performing duties related to
 36 investigating allegations of officer misconduct or reviewing police policies and practices; or

37 (B) Created to oversee disciplinary matters concerning law enforcement officers pursuant to a
 38 city charter or ordinance for which a measure that included the question of whether to establish the
 39 board, agency or body was referred to and approved by the people of the city at an election held
 40 on or after July 1, 2020.

41 (c) “Law enforcement agency” means an entity that employs law enforcement officers.

42 (d) “Law enforcement officer” means corrections officers, parole and probation officers, police
 43 officers, certified reserve officers and reserve officers, as those terms are defined in ORS 181A.355.

44 (e) “Sexual assault” has the meaning given that term in ORS 243.317.

45 **SECTION 56.** ORS 339.347 is amended to read:

1 339.347. (1) As used in this section:

2 (a)(A) “Bias incident” means a person’s hostile expression of animus toward another person,
 3 relating to the other person’s perceived race, color, religion, [*gender identity*,] sexual orientation,
 4 disability or national origin, of which criminal investigation or prosecution is impossible or inap-
 5 propriate.

6 (B) “Bias incident” may include derogatory language or behavior.

7 (b) “Education program” means any program, service, school or activity sponsored by an edu-
 8 cation provider.

9 (c) “Education provider” means:

10 (A) A school district;

11 (B) A public charter school;

12 (C) The Oregon School for the Deaf;

13 (D) An education service district;

14 (E) An educational program under the Youth Corrections Education Program or the Juvenile
 15 Detention Education Program, as those terms are defined in ORS 326.695;

16 (F) An approved recovery school, as defined in ORS 336.680; or

17 (G) A program that receives moneys pursuant to ORS 343.243.

18 (d) “School property” means any property under the control of an education provider.

19 (e) “Symbol of hate” means nooses, symbols of neo-Nazi ideology or the battle flag of the
 20 Confederacy.

21 (2)(a) To comply with the prohibition on discrimination required by ORS 659.850, an education
 22 provider must prohibit the display of symbols of hate on school property or in an education program.

23 (b) The prohibition required by this subsection does not apply to displays that align with and
 24 are used in conjunction with state standards of education for public schools.

25 (3) To comply with the prohibition on discrimination required by ORS 659.850, each education
 26 provider must adopt a policy to address bias incidents and displays of symbols of hate. The policy
 27 must:

28 (a) Affirm that all students are entitled to a high quality educational experience free from dis-
 29 crimination or harassment based on perceived race, color, religion, [*gender identity*,] sexual orien-
 30 tation, disability or national origin.

31 (b) Affirm that all employees of education providers are entitled to work in an environment that
 32 is free from discrimination or harassment based on perceived race, color, religion, [*gender identity*,]
 33 sexual orientation, disability or national origin.

34 (c) Affirm that all visitors of an education provider are entitled to participate in a school or
 35 educational environment that is free from discrimination or harassment based on perceived race,
 36 color, religion, [*gender identity*,] sexual orientation, disability or national origin.

37 (d) Prohibit the display of symbols of hate on school property or in an education program.

38 (e) Establish procedures for addressing bias incidents and displays of symbols of hate. The pro-
 39 cedures must:

40 (A) Apply broadly to include persons directly targeted by an act, as well as the community of
 41 students as a whole who are likely to be impacted by the act.

42 (B) Require the education provider to prioritize the safety and well-being of all persons impacted
 43 by the act.

44 (C) Require the education provider to recognize the experience of all persons impacted by the
 45 act, acknowledge the impact, commit to taking immediate action and commit to preventing further

1 harm against those persons impacted.

2 (D) Include educational components that:

3 (i) Address the history and impact of bias and hate;

4 (ii) Advance the safety and healing of those impacted by bias and hate; and

5 (iii) Promote accountability and transformation for people who cause harm as well as transfor-
6 mation of the conditions that perpetuated the harm.

7 (E) Include communication protocols that provide all persons impacted by the act with infor-
8 mation relating to the investigation and outcome of the investigation, including:

9 (i) Notice that an investigation has been initiated;

10 (ii) Notice when an investigation has been completed;

11 (iii) The findings of the investigation and the final determination based on those findings;

12 (iv) Actions taken to remedy a person's behavior and prevent reoccurrence; and

13 (v) When applicable, the legal citation of any law prohibiting the disclosure of any of the in-
14 formation described in this subparagraph and an explanation of how that law applies to the current
15 situation.

16 (F) Direct the education provider to consider whether the act implicates other civil rights laws
17 and, if so, to respond accordingly. The nature of the act must determine:

18 (i) The process used to respond to the act;

19 (ii) The rights and protections available to the person impacted by the act; and

20 (iii) The right to appeal to the Department of Education or to the United States Department of
21 Education.

22 (G) Require the education provider to develop and implement instructional materials to make
23 this policy and related practices, including reporting procedures, educational processes and possible
24 consequences, known to all employees and students of the education provider.

25 (4) Any education provider that violates this section or a policy adopted under this section shall
26 be:

27 (a) Considered to be in noncompliance with the provisions of ORS 659.850;

28 (b) Subject to the sanctions for noncompliance of ORS 659.850 under ORS 659.855; and

29 (c) Subject to the enforcement provisions of ORS 659.850 by ORS 659.860.

30 **SECTION 57.** ORS 279A.112 is amended to read:

31 279A.112. (1) As used in this section:

32 (a) "Discrimination" means conduct that has the purpose or effect of creating employment con-
33 ditions for an individual that are intimidating, hostile or offensive or that evince animosity, resent-
34 ment, anger, prejudice or ill will in others primarily because of the individual's identification with
35 or membership in a protected class.

36 (b) "Protected class" means a group of people that state or federal law protects from employ-
37 ment discrimination including, but not limited to, a group in which membership depends on an as-
38 scribed association or identification, or an individual's voluntary association or identification with
39 other individuals, on the basis of one or more of these characteristics:

40 (A) Race, color or ethnicity;

41 (B) National origin;

42 (C) Sex;

43 (D) Gender[, *including actual or perceived gender identity*];

44 (E) Sexual orientation;

45 (F) Disability;

1 (G) Age;

2 (H) Marital status; or

3 (I) Religion.

4 (c) “Sexual assault” means any unwanted sexual contact, as defined in ORS 163.305.

5 (d) “Sexual harassment” means:

6 (A) A request or demand for sexual favors in an implicit or explicit exchange for an

7 employment-related benefit or as a means of avoiding an employment-related detriment; or

8 (B) Unwelcome conduct of a sexual nature that has the purpose or effect of interfering with a

9 person’s ability to perform job duties or that creates an intimidating, offensive or hostile work en-

10 vironment.

11 (2)(a) Except as provided in subsection (4) of this section, a state contracting agency may not

12 enter into a public contract with an anticipated contract price of \$150,000 or more with a prospec-

13 tive contractor that does not certify in a signed writing that the prospective contractor has a policy

14 and practice of preventing sexual harassment, sexual assault and discrimination against employees

15 who are members of a protected class.

16 (b) A prospective contractor may not certify under paragraph (a) of this subsection that the

17 prospective contractor has a policy and practice of preventing sexual harassment, sexual assault or

18 discrimination against employees who are members of a protected class unless the policy and prac-

19 tice includes, at a minimum:

20 (A) A written notice to each employee that clearly prohibits and specifies disciplinary measures

21 for conduct that constitutes sexual harassment, sexual assault or discrimination against a member

22 of a protected class.

23 (B) A clear process that:

24 (i) Enables an employee that experiences or witnesses conduct that constitutes sexual

25 harassment, sexual assault or discrimination against a member of a protected class to report and

26 stop the conduct; and

27 (ii) Guides the prospective contractor in responding to a report under sub-subparagraph (i) of

28 this subparagraph, resolving the issues identified in the report and disciplining employees who en-

29 gage in prohibited conduct.

30 (C) A regular written procedure for submitting a report under subparagraph (B)(i) of this para-

31 graph that identifies the specific individuals to whom an employee may submit the report and the

32 individuals who have responsibility for resolving issues identified in the report.

33 (D) A practice of treating as confidential, to the extent permitted by law, any report that an

34 employee makes under subparagraph (B)(i) of this paragraph.

35 (E) A prohibition against retaliating against an employee who experiences or witnesses, and

36 reports, conduct that constitutes sexual harassment, sexual assault or discrimination against a

37 member of a protected class.

38 (F) A prohibition against discrimination in providing benefits to an employee or a dependent of

39 the employee based on the employee’s membership in a protected class or the membership of the

40 employee’s dependent in a protected class.

41 *[(G) A prohibition on denying benefits to an employee or a dependent of the employee based solely*

42 *on the employee’s gender identity or the gender identity of the employee’s dependent, if the prospective*

43 *contractor provides health insurance or health care benefits.]*

44 (c) A prospective contractor may provide the written notice described in paragraph (b)(A) of this

45 subsection by means of a printed or electronic employee handbook. The Oregon Department of Ad-

1 ministrative Services may develop and make available on the department’s website an electronic
 2 template to guide prospective contractors in meeting the notice requirements set forth in paragraph
 3 (b)(A) of this subsection and may provide other guidance to prospective contractors in meeting the
 4 requirements set forth in paragraph (b) of this subsection.

5 (3) Every public contract described in subsection (2)(a) of this section that a state contracting
 6 agency awards must require as a material term of the public contract that a contractor certify that
 7 the contractor has a policy and practice that meets the requirements described in subsection (2) of
 8 this section and will maintain the policy and practice in force during the entire term of the public
 9 contract.

10 (4) A state contracting agency may enter into a public contract described in subsection (2)(a)
 11 of this section with a prospective contractor that has not provided the certification described in
 12 subsection (2) of this section if:

13 (a) The state contracting agency conducted the procurement under ORS 279B.075, 279B.080 or
 14 279B.085; or

15 (b) Only one prospective contractor submitted a bid or proposal in response to the state con-
 16 tracting agency’s solicitation.

17 **SECTION 58.** ORS 659.875 is amended to read:

18 659.875. (1) An individual may not, on the basis of actual or perceived race, color, national ori-
 19 gin, sex, sexual orientation, [*gender identity*,] age or disability, be excluded from participation in, be
 20 denied the benefits of or otherwise be subjected to discrimination by any health benefit plan issued
 21 or delivered in this state, in the receipt of medical assistance as defined in ORS 414.025 or in the
 22 coverage of or payment for the services, drugs, devices, products and procedures described in ORS
 23 743A.067.

24 (2) Violation of this section is an unlawful practice under ORS 659A.403.

25 (3) Nothing in this section shall be construed to invalidate or limit the rights, remedies, proce-
 26 dures or legal standards available to individuals under ORS 659A.820 or 659A.885 or to supersede
 27 state or local laws that provide additional protections against discrimination on any basis described
 28 in subsection (1) of this section.

29 **SECTION 59.** ORS 350.335, as amended by section 1, chapter 46, Oregon Laws 2024, is amended
 30 to read:

31 350.335. As used in ORS 350.335 to 350.346:

32 (1) “Certified advocate” and “qualified victim services program” have the meanings given those
 33 terms in ORS 40.264.

34 (2) “Institution of higher education” has the meaning given that term in ORS 350.330.

35 (3) “Reporting party” means a student or employee at an institution of higher education who
 36 reports having experienced an incident of sexual misconduct to the institution.

37 (4) “Sexual misconduct” means an incident of sexual harassment, sexual violence, intimate
 38 partner violence, domestic violence, sexual exploitation, stalking, harassment or violence based on
 39 sexual orientation [*or gender identity or expression*], or other gender-based harassment or violence.

40 (5) “Student” means an individual who:

41 (a) Is enrolled in a credit-bearing program at an institution of higher education, whether part-
 42 time or full-time; or

43 (b) Who has taken a leave of absence within the past two academic years or withdrawn from
 44 the institution of higher education after reporting an incident of sexual misconduct to the Title IX
 45 coordinator at the institution.

1 (6) “Trauma-informed response” means a response involving an understanding of the complexi-
 2 ties of intimate partner violence, domestic violence, sexual assault and stalking through training
 3 centered on the neurobiological impact of trauma, the influence of societal myths and stereotypes
 4 surrounding the causes and impacts of sexual assault and related trauma and knowledge of how to
 5 conduct an effective investigation.

6 **SECTION 60.** ORS 441.112 is amended to read:

7 441.112. (1) A care facility and the staff of the facility may not take any of the following actions
 8 based in whole or in part on a resident’s actual or perceived sexual orientation, [*gender identity*,]
 9 gender expression or human immunodeficiency virus status:

10 (a) Deny admission to a care facility, transfer or refuse to transfer a resident within a facility
 11 or to another facility or discharge or evict a resident from a facility;

12 (b) Deny a request by a resident to choose the resident’s roommate, when a resident is sharing
 13 a room;

14 [*(c) If rooms are assigned by gender, assign, reassign or refuse to assign a room to a transgender*
 15 *or other LGBTQIA2S+ resident other than in accordance with the resident’s gender identity, unless*
 16 *at the request of the resident or if required by federal law;*]

17 [*(d) Prohibit a resident from using, or harass a resident who seeks to use or does use, a restroom*
 18 *that is available to other individuals of the same gender identity as the resident, regardless of whether*
 19 *the resident is making a gender transition, has taken or is taking hormones, has undergone gender*
 20 *affirmation surgery or presents as gender nonconforming;*]

21 [*(e) Repeatedly and willfully refuse to use a resident’s chosen name or pronouns after being rea-*
 22 *sonably informed of the resident’s chosen name or pronouns;*]

23 [*(f)*] (c) Deny a resident the right to wear or be dressed in clothing, accessories or cosmetics,
 24 or to engage in grooming practices, that are permitted to any other resident;

25 [*(g)*] (d) Restrict a resident’s right to associate with other residents or with visitors, including
 26 the resident’s right to consensual sexual relations or to display physical affection, unless the re-
 27 striction is uniformly applied to all residents in a nondiscriminatory manner;

28 [*(h)*] (e) Deny or restrict medical or nonmedical care that is appropriate to a resident’s organs
 29 and bodily needs, or provide medical or nonmedical care that, to a similarly situated, reasonable
 30 person, unduly demeans the resident’s dignity or causes avoidable discomfort;

31 [*(i) Fail to accept a resident’s verbal or written attestation of the resident’s gender identity or re-*
 32 *quire a resident to provide proof of the resident’s gender identity using any form of identification;*]

33 [*(j)*] (f) Fail to take reasonable actions, within the care facility’s control, to prevent discrimi-
 34 nation or harassment when the facility knows or should have known about the discrimination or
 35 harassment; or

36 [*(k)*] (g) Refuse or willfully fail to provide any service, care or reasonable accommodation to a
 37 resident or an applicant for services or care.

38 (2) A care facility shall include in its current nondiscrimination policy and in its written mate-
 39 rials providing notice of resident rights pursuant to ORS 441.605, and in all places and on all ma-
 40 terials where that policy or those written materials are posted, the following notice:

41 _____
 42
 43 (Name of care facility) does not discriminate and does not permit discrimination, including but
 44 not limited to bullying, abuse or harassment, based on an individual’s actual or perceived sexual
 45 orientation, [*gender identity*,] gender expression or human immunodeficiency virus status, or based

1 on an individual’s association with another individual on account of the other individual’s actual or
 2 perceived sexual orientation, [*gender identity*,] gender expression or human immunodeficiency virus
 3 status. If you believe you have experienced this kind of discrimination, you may file a complaint with
 4 the Department of Human Services at _____ (provide current contact information).

5 _____
 6
 7 **SECTION 61.** ORS 441.116 is amended to read:

8 441.116. (1) A care facility shall ensure that the administrators and staff employed by the facility
 9 receive training, as part of the facility’s preservices or continuing education required by law, con-
 10 cerning:

11 (a) Caring for LGBTQIA2S+ residents and residents living with human immunodeficiency virus;
 12 and

13 (b) Preventing discrimination based on a resident’s sexual orientation, [*gender identity*,] gender
 14 expression or human immunodeficiency virus status.

15 (2) At a minimum, the training required by subsection (1) of this section must include:

16 (a) The defined terms commonly associated with LGBTQIA2S+ individuals and human
 17 immunodeficiency virus status;

18 (b) Best practices for communicating with or about LGBTQIA2S+ residents and residents living
 19 with human immunodeficiency virus, including the use of an individual’s chosen name and pronouns;

20 (c) A description of the health and social challenges historically experienced by LGBTQIA2S+
 21 residents and residents living with human immunodeficiency virus, including discrimination when
 22 seeking or receiving care at care facilities and the demonstrated physical and mental health effects
 23 within the LGBTQIA2S+ community associated with such discrimination; and

24 (d) Strategies to create a safe and affirming environment for LGBTQIA2S+ residents and resi-
 25 dents living with human immunodeficiency virus, including suggested changes to care facility poli-
 26 cies and procedures, forms, signage, communication between residents and their families, activities,
 27 in-house services and staff training.

28 (3) The Department of Human Services shall establish by rule a process for a care facility to
 29 request approval of the training provided by the facility under this section. The department shall
 30 approve a training no later than 90 days after the date of request if:

31 (a) The care facility submits:

32 (A) A statement of the qualifications and training experience of the individual or entity provid-
 33 ing the training;

34 (B) The proposed methodology for providing the training either online or in person;

35 (C) An outline of the training; and

36 (D) Copies of the materials to be used in the training;

37 (b) The training meets the requirements of subsections (1) and (2) of this section; and

38 (c) The individual or entity providing the training demonstrates a commitment to advancing
 39 quality care for LGBTQIA2S+ residents and residents living with human immunodeficiency virus in
 40 this state.

41 (4) A care facility shall designate two employees, one who represents management at the facility
 42 and one who represents direct care staff at the facility, to receive the training described in sub-
 43 sections (1) and (2) of this section within 12 months of being designated and every two years there-
 44 after. The designated employees shall serve as points of contact for the facility regarding compliance
 45 with ORS 441.111 to 441.119 and 441.993 and shall develop a general training plan for the facility.

1 In the event a designated employee ceases to be employed by the facility, the facility shall designate
 2 another employee, who is representative of the employee group represented by the former designee
 3 and who shall complete the training required by subsections (1) and (2) of this section, to serve as
 4 a point of contact for the facility regarding compliance with ORS 441.111 to 441.119 and 441.993 and
 5 to have joint responsibility for the facility’s training plan.

6 (5) Within 12 months of hiring and every two years thereafter, a care facility shall provide to
 7 administrators and staff employed by the facility the training described in subsections (1) and (2) of
 8 this section. Training provided subsequent to the initial training of an administrator or staff person
 9 employed by the facility must include, at a minimum, refresher courses on the topics described in
 10 subsection (2)(b) and (d) of this section.

11 (6) A care facility shall retain records documenting the completion of the training required by
 12 subsections (1) and (2) of this section by each administrator and staff member at the facility. The
 13 records shall be made available, upon request, to the Department of Human Services and the office
 14 of the Long Term Care Ombudsman.

15 (7) A care facility is responsible for the cost of providing the training required by this section
 16 to each administrator and staff person employed by the facility.

17 **SECTION 62.** ORS 659A.142 is amended to read:

18 659A.142. (1) As used in this section:

- 19 (a) “Health care facility” has the meaning given that term in ORS 442.015.
- 20 (b) “Health professional regulatory board” has the meaning given that term in ORS 676.160.
- 21 (c) “Medical resources” includes but is not limited to:
 - 22 (A) Medical devices or equipment.
 - 23 (B) Prescription drugs.
 - 24 (C) Laboratory testing.
- 25 (d) “Provider” means:
 - 26 (A) An individual licensed or certified by a health professional regulatory board.
 - 27 (B) A health care facility.
- 28 (e) “State government” has the meaning given that term in ORS 174.111.

29 (2) It is an unlawful employment practice for an employment agency to fail or refuse to refer for
 30 employment, or otherwise discriminate against, any individual because that individual has a disa-
 31 bility, or to classify or refer for employment any individual because that individual has a disability.

32 (3) It is an unlawful employment practice for a labor organization, because an individual has a
 33 disability, to exclude or to expel from its membership such individual or to discriminate in any way
 34 against such individual.

35 (4) It is an unlawful practice for any place of public accommodation, resort or amusement as
 36 defined in ORS 659A.400, or any person acting on behalf of such place, to make any distinction,
 37 discrimination or restriction because a customer or patron is an individual with a disability.

38 (5)(a) It is an unlawful practice for state government to exclude an individual from participation
 39 in or deny an individual the benefits of the services, programs or activities of state government or
 40 to make any distinction, discrimination or restriction because the individual has a disability.

41 (b) Paragraph (a) of this subsection is intended to ensure equal access to available services,
 42 programs and activities of state government.

43 (c) Paragraph (a) of this subsection is not intended to:

- 44 (A) Create an independent entitlement to any service, program or activity of state government;

45 or

1 (B) Require state government to take any action that state government can demonstrate would
2 result in a fundamental alteration in the nature of a service, program or activity of state govern-
3 ment or would result in undue financial or administrative burdens on state government.

4 (6)(a) It is an unlawful practice for a provider or any person acting on behalf of a provider to
5 discriminate by doing any of the following based on the patient's race, color, national origin, sex,
6 sexual orientation, [*gender identity*,] age or disability:

7 (A) Deny medical treatment to the patient that is likely to benefit the patient based on an in-
8 dividualized assessment of the patient using objective medical evidence; or

9 (B) Limit or restrict in any manner the allocation of medical resources to the patient.

10 (b) In determining whether medical treatment is likely to benefit a patient under paragraph
11 (a)(A) of this subsection, a provider shall consult with the patient and others legally authorized to
12 act on behalf of the patient, if available.

13 (c) This subsection does not:

14 (A) Restrict the authority of a patient, or an individual legally authorized to act on behalf of a
15 patient, to consent to or decline medical treatment;

16 (B) Require the provision of medical treatment that is prohibited by state or federal law; or

17 (C) Restrict a provider, after completing the individualized assessment described in paragraph
18 (a)(A) of this subsection and the consultation described in paragraph (b) of this subsection, from
19 providing objective information to the patient about the risks and benefits of treatment.

20 (7) Receipt or alleged receipt of treatment for a mental disorder does not constitute evidence
21 of an individual's inability to acquire, rent or maintain property.

22