

A-Engrossed
House Bill 3819

Ordered by the House April 11
Including House Amendments dated April 11

Sponsored by Representative TRAN, Senator TAYLOR

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. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act lets the State Board of Massage Therapists post a sign on a massage facility that violates the laws or rules on massage facilities. The Act lets the board charge a bigger fine for some violations. (Flesch Readability Score: 64.5).

[Digest: The Act lets the State Board of Massage Therapists post a sign on a massage facility that violates the laws or rules on massage facilities. The Act lets the board charge a bigger fine for some violations. The Act also makes some crimes worse if a person commits the crime near a massage facility. (Flesch Readability Score: 66.3).]

Allows the State Board of Massage Therapists *[to issue a registration to practice reflexology to a qualified applicant. Prohibits the practice of reflexology without a registration. Prohibits employing or hiring or contracting with a person to practice reflexology if the person is not registered to practice reflexology. Allows the board]* to post a placard on the exterior of a massage facility found to have committed specified violations. Increases the civil penalty that the board may impose for violations from \$1,000 to \$5,000. Increases the punishment for **the second or subsequent violation of** operating a massage facility without a permit or practicing massage therapy without a license. Punishes by a maximum of five years' imprisonment, \$125,000 fine, or both.

[Provides that certain hearsay statements related to certain sex crimes are not inadmissible in evidence even though the declarant is available as a witness.]

[Increases the punishment for the crime of promoting prostitution if the crime is committed within a specified distance of a massage facility. Punishes by a maximum of 10 years' imprisonment, \$250,000 fine, or both. Increases the punishment for the crime of compelling prostitution if the crime is committed within a specified distance of a massage facility. Punishes by a maximum of 20 years' imprisonment, \$375,000 fine, or both.]

Includes a massage therapist in "public or private official" for purposes of mandatory reporting of abuse.

Becomes operative on January 1, 2026.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to the State Board of Massage Therapists; creating new provisions; amending ORS
3 419B.005, 687.011, 687.031, 687.081, 687.122, 687.250 and 687.991; and prescribing an effective
4 date.

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

6 **SECTION 1. Section 2 of this 2025 Act is added to and made a part of ORS 687.011 to**
7 **687.250.**

8 **SECTION 2. (1) The State Board of Massage Therapists may issue a temporary practice**
9 **permit to a person who:**

10 (a) **Applies to the board in a manner prescribed by the board;**

11 (b) **Holds a valid authorization to practice massage issued by another state or territory**
12 **of the United States or by a foreign country; and**

13 (c) **Pays the temporary practice permit fee required under ORS 687.071.**

14 (2) **A temporary practice permit issued under this section:**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (a) Allows the holder to practice massage for the purpose of:

2 (A) Presenting educational or clinical programs, lectures, seminars or workshops;

3 (B) Furnishing massage services during an emergency as part of a disaster relief team;

4 or

5 (C) Consulting with a massage therapist licensed in this state regarding massage prac-
6 tices or services.

7 (b) Is valid for not more than 180 days in a calendar year.

8 **SECTION 3.** ORS 687.011 is amended to read:

9 687.011. As used in ORS 687.011 to 687.250, 687.895 and 687.991:

10 [(1) "Board" means the State Board of Massage Therapists.]

11 [(2)] (1) "Certified class" means a class that is approved by the [board] **State Board of Massage**
12 **Therapists** and is offered:

13 (a) By a person or institution licensed as a career school under ORS 345.010 to 345.340;

14 (b) By a community college and approved by the Higher Education Coordinating Commission;

15 (c) By an accredited college or university; or

16 (d) In another state and licensed or approved by the appropriate agency in that state.

17 [(3)] (2) "Manual" means the use of the hands, feet or any other part of the body in the per-
18 formance of massage.

19 [(4)(a)] (3)(a) "Massage," "massage therapy" or "bodywork" means the use of pressure, friction,
20 stroking, tapping or kneading on the human body, or the use of vibration or stretching on the human
21 body by manual or mechanical means or gymnastics, with or without appliances such as vibrators,
22 infrared heat, sun lamps or external baths, and with or without lubricants such as salts, powders,
23 liquids or creams, for the purpose of, but not limited to, maintaining good health and establishing
24 and maintaining good physical condition.

25 (b) "Massage," "massage therapy" and "bodywork" do not include the use of high-velocity,
26 short-amplitude manipulative thrusting procedures to the articulations of the spine or extremities.

27 [(5)(a)] (4)(a) "Massage facility" means a facility where a person engages in the practice of
28 massage.

29 (b) "Massage facility" does not include:

30 (A) A career school licensed under ORS 345.010 to 345.340;

31 (B) An accredited college or university or a community college operated under ORS chapter 341;

32 or

33 (C) A clinic or facility owned or operated by a person authorized to practice a profession by a
34 health professional regulatory board, as defined in ORS 676.160.

35 [(6)] (5) "Massage therapist" means a person licensed under ORS 687.011 to 687.250, 687.895 and
36 687.991 to practice massage.

37 [(7)] (6) "Practice of massage" means the performance of massage:

38 (a) For purposes other than sexual contact, as defined in ORS 167.002 (5); and

39 (b) For compensation.

40 [(8)] (7) "Preceptor" means a licensed massage therapist who contracts with an approved school
41 or program of massage to provide direct on-site clinical supervision of a student enrolled in a cer-
42 tified class.

43 [(9)] (8) "Supervision" means:

44 (a) The process of overseeing and directing the training of students enrolled in a certified class
45 as set forth in the rules of the board;

1 (b) The process of overseeing and directing a licensee, or a person that has a permit to operate
2 a massage facility, who is being disciplined by the board; or

3 (c) Voluntary consultation with, and education of, less experienced licensed massage therapists
4 or practitioners in related fields.

5 [(10)] (9) "Unprofessional or dishonorable conduct" means a behavior, practice or condition that
6 is contrary to the ethical standards adopted by the board.

7 **SECTION 4.** ORS 687.031 is amended to read:

8 687.031. (1) ORS 687.011 to 687.250, 687.895 and 687.991 do not apply to:

9 (a) Persons licensed under any other law of this state to do any acts included in the definition
10 of massage in ORS 687.011 or persons working under the direction of any such person.

11 (b) Trainers of any amateur, semiprofessional or professional athlete or athletic team.

12 (c) Massage practiced at the athletic department of any institution maintained by public funds
13 of the state or of any of its political subdivisions.

14 (d) Massage practiced at the athletic department of any school or college.

15 (e) Massage clinics operated as part of a certified class for the purpose of student training
16 supervised by an approved instructor or preceptor if:

17 (A) Any charge for the massage does not exceed the cost incurred in providing the massage; and

18 (B) The student is not compensated.

19 (f) Students enrolled in a certified class when practicing massage techniques in a nonclinical
20 setting, at or away from massage school premises or program sites, under the supervision of an ap-
21 proved instructor or preceptor, if:

22 (A) The student is clearly identified as a student to any member of the public receiving massage
23 services; and

24 (B) The student is not compensated.

25 (g) Nonresident practitioners holding a valid [*license, permit, certificate or registration*] **authori-**
26 **zation to practice massage** issued by any other state or territory of the United States or by a
27 foreign country and temporarily practicing massage in this state for a period not exceeding 30 days
28 for the purpose of:

29 (A) Presenting educational or clinical programs, lectures, seminars or workshops;

30 (B) Furnishing massage services during an emergency as part of a disaster response team; or

31 (C) Consulting with a massage therapist licensed in this state regarding massage practices or
32 services.

33 (h) Trained or licensed practitioners of psychotherapy or counseling modalities that use physical
34 techniques to access or support psychotherapeutic processes when practicing within the scope of a
35 license or if the practitioner has an express oral or written agreement that the sole intent in using
36 the physical techniques is to render the psychotherapy or counseling.

37 (i) Practitioners of reflexology who do not claim expressly or implicitly to be massage therapists
38 and who limit their work to the practice of reflexology through the application of pressure with the
39 thumbs to reflex points on the feet, hands and ears for the purpose of bringing the body into balance,
40 thereby promoting the well-being of clients.

41 (j) Practitioners who:

42 (A) Do not claim expressly or implicitly to be massage therapists;

43 (B) Limit their work to one or more of the following practices:

44 (i) Using touch, words and directed movement to deepen awareness of existing patterns of
45 movement and suggest new possibilities of movement;

1 (ii) Using minimal touch over specific points on the body to facilitate balance in the nervous
2 system; or

3 (iii) Using touch to affect the energy systems or channels of energy of the body;

4 (C) Are certified by a professional organization or credentialing agency that:

5 (i) Requires a minimum level of training, demonstration of competence and adherence to an ap-
6 proved scope of practice and ethical standards; and

7 (ii) Maintains disciplinary procedures to ensure adherence to the requirements of the organiza-
8 tion or agency; and

9 (D) Provide contact information in the practitioner's place of business for any organization or
10 agency that has certified the practitioner.

11 (2) The State Board of Massage Therapists has the authority to verify that a practitioner
12 claiming to be exempt from application of ORS 687.011 to 687.250, 687.895 and 687.991 under sub-
13 section (1)(j) of this section is certified by a professional organization or credentialing agency as
14 required by subsection (1)(j)(C) of this section.

15 *[(3) A nonresident practitioner performing massage under subsection (1)(g) of this section must
16 obtain a temporary practice permit if practicing in this state for a total of more than 30 days in a
17 calendar year. Applications must be accompanied by the application fee provided for in ORS 687.071.
18 A temporary practice permit shall allow the nonresident practitioner to practice massage in this state
19 for a maximum of 180 days in a calendar year.]*

20 **SECTION 5.** ORS 687.081 is amended to read:

21 687.081. (1) The State Board of Massage Therapists may discipline a person, deny, suspend, re-
22 voke or refuse to renew a license to practice massage or a permit to operate a massage facility and
23 issue a reprimand to or censure or place on probation a licensee or permittee, if the person:

24 (a) Has violated a provision of ORS 687.011 to 687.250, 687.895 and 687.991 or any rule of the
25 board adopted under ORS 687.121.

26 (b) Has made a false representation or statement to the board in order to induce or prevent
27 action by the board.

28 (c) Is licensed under ORS 687.051 or holds a permit under ORS 687.059 and has a physical or
29 mental condition that makes the licensee or permittee unable to conduct safely the practice of
30 massage or operation of a massage facility.

31 (d) Is licensed under ORS 687.051 or holds a permit under ORS 687.059 and is habitually
32 intemperate in the use of alcoholic beverages or is addicted to the use of habit-forming drugs or
33 controlled substances.

34 (e) Has misrepresented to a patron services rendered.

35 (f) Has been convicted of a crime that bears a demonstrable relationship to the practice of
36 massage or operation of a massage facility.

37 (g) Whether licensed to practice massage or applying for a license to practice massage, fails to
38 meet a requirement under ORS 687.051.

39 (h) Whether permitted to operate a massage facility or applying for a permit to operate a mas-
40 sage facility, fails to meet a requirement under ORS 687.059.

41 (i) Violates a provision of ORS 167.002 to 167.027.

42 (j) Engages in unprofessional or dishonorable conduct.

43 (k) Has been the subject of disciplinary action as a massage therapist or operator of a massage
44 facility by another state or territory of the United States or by a foreign country and the board
45 determines that the cause of the disciplinary action would be a violation under ORS 687.011 to

1 687.250, 687.895 or 687.991 or the rules of the board if the cause of the disciplinary action had oc-
2 curred in this state.

3 (2) If the board places a licensee or permittee on probation pursuant to subsection (1) of this
4 section, the board may impose and at any time modify the following conditions of probation:

5 (a) Limitation on the scope of the practice of massage or the operation of a massage facility.

6 (b) Referral to the impaired health professional program established under ORS 676.190.

7 (c) Individual or peer supervision.

8 (d) Any other condition that the board considers necessary for the protection of the public or
9 the rehabilitation of the licensee or permittee.

10 (3) If the board determines that the continued practice of massage by a licensee or the continued
11 operation of a massage facility by a permittee constitutes a serious danger to the public, the board
12 may impose an emergency suspension of the license or permit without a hearing. Simultaneous with
13 the order of suspension, the board shall institute proceedings for a hearing as provided under ORS
14 687.011 to 687.250, 687.895 and 687.991. The suspension shall continue unless and until the licensee
15 or permittee obtains injunctive relief from a court of competent jurisdiction or the board determines
16 that the suspension is no longer necessary for the protection of the public.

17 (4) In addition to or instead of the discipline described in subsection (1) of this section, the board
18 may impose a civil penalty under ORS 687.250. Civil penalties under this subsection shall be imposed
19 pursuant to ORS 183.745.

20 (5) Prior to imposing a sanction authorized under this section, the board shall consider, but is
21 not limited to considering, the following factors:

22 (a) The person's past history in observing the provisions of ORS 687.011 to 687.250, 687.895 and
23 687.991 and the rules of the board;

24 (b) The effect of the violation on public safety and welfare;

25 (c) The degree to which the action subject to sanction violates professional ethics and standards
26 of practice;

27 (d) The economic and financial condition of the person subject to sanction; and

28 (e) Any mitigating **or aggravating** factors that the board may choose to consider.

29 (6) In addition to the sanctions authorized by this section, the board may assess against a person
30 the reasonable costs of a disciplinary action taken against the person.

31 (7) The board shall adopt a code of ethical standards for massage therapists and shall take ap-
32 propriate measures to ensure that all applicants and massage therapists are aware of those stan-
33 dards.

34 (8) Upon receipt of a complaint under ORS 687.011 to 687.250, 687.895 and 687.991, the board
35 shall conduct an investigation as described under ORS 676.165.

36 (9) Information that the board obtains as part of an investigation into the conduct of a person
37 or as part of a contested case proceeding, consent order or stipulated agreement involving the
38 conduct of a person is confidential as provided under ORS 676.175.

39 **SECTION 6.** ORS 687.122 is amended to read:

40 687.122. (1) Upon the complaint of any [*citizen*] **resident** of this state, or upon its own motion,
41 the State Board of Massage Therapists may investigate any alleged violation of ORS 687.011 to
42 687.250, 687.895 and 687.991.

43 (2) In the conduct of investigations, the board may:

44 (a) Take evidence;

45 (b) Take the depositions of witnesses, including the person charged, in the manner provided by

1 law in civil cases;

2 (c) Compel the appearance of witnesses, including the person charged, before the board in per-
3 son the same as in civil cases;

4 (d) Require answers to interrogatories; and

5 (e) Compel the production of books, papers, accounts, documents and testimony pertaining to the
6 matter under investigation.

7 (3) In exercising its authority under subsection (2) of this section, the board may issue subpoenas
8 over the signature of the board chairperson and the seal of the board in the name of the State of
9 Oregon.

10 (4) If a person fails to comply with a subpoena issued under this section, the judge of the circuit
11 court shall compel obedience by proceedings for contempt as in the case of disobedience of the re-
12 quirements of a subpoena issued from the court.

13 **SECTION 7.** ORS 687.250 is amended to read:

14 687.250. (1) The State Board of Massage Therapists shall report to the proper district attorney
15 all cases that in the judgment of the board warrant criminal prosecution under ORS 687.991.

16 (2) The board may, in its own name, assess a civil penalty against a person who violates a pro-
17 vision of ORS 687.011 to 687.250, 687.895 and 687.991. The board may assess the civil penalty instead
18 of or in addition to disciplinary action under ORS 687.081, an injunction issued under ORS 687.021
19 or criminal prosecution by the district attorney under this section. The amount of the civil penalty
20 may not exceed [~~\$1,000~~] **\$5,000** for any single violation.

21 (3) Except as the board may otherwise provide under ORS 182.462 (1)(e), moneys collected
22 through the assessment of civil penalties by the board under [*this subsection*] **subsection (2) of this**
23 **section** or ORS 687.081 shall be deposited into the account created by the board pursuant to ORS
24 182.470 and are continuously appropriated to the board for carrying out the provisions of ORS
25 687.011 to 687.250, 687.895 and 687.991.

26 (4) **Upon a determination by the board that a massage facility is in violation of ORS**
27 **687.021 and employs or contracts with persons to practice massage who are not licensed un-**
28 **der ORS 687.011 to 687.250, 687.895 and 687.991, in addition to any other disciplinary action,**
29 **the board may post on the exterior of the premises a placard that states the massage facility**
30 **is in violation of ORS 687.021 and that contains any other information required by the board.**
31 **In addition to any other civil penalty or disciplinary action allowed under ORS 687.011 to**
32 **687.250, 687.895 and 687.991, the board may assess a civil penalty against a massage facility**
33 **described in this subsection that removes a placard posted by the board in an amount not**
34 **to exceed \$100 per day during which the placard is removed.**

35 **SECTION 8.** ORS 687.991 is amended to read:

36 687.991. (1)(a) **Except as provided in paragraph (b) of this subsection,** violation of ORS
37 687.021 or of any rule adopted under ORS 687.121 is a Class A misdemeanor.

38 (b) **Violation of ORS 687.021 or of any rule adopted under ORS 687.121 is a Class C felony**
39 **if, at the time of the offense, the person has a prior conviction for violating ORS 687.021 or**
40 **any rule adopted under ORS 687.121.**

41 (2) Violation of ORS 687.410 is a Class A misdemeanor.

42 **SECTION 9.** ORS 419B.005, as amended by section 64, chapter 73, Oregon Laws 2024, is
43 amended to read:

44 419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

45 (1)(a) "Abuse" means:

1 (A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child that
2 has been caused by other than accidental means, including any injury that appears to be at variance
3 with the explanation given of the injury.

4 (B) Any mental injury to a child, which shall include only cruel or unconscionable acts or
5 statements made, or threatened to be made, to a child if the acts, statements or threats result in
6 severe harm to the child's psychological, cognitive, emotional or social well-being and functioning.

7 (C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual pene-
8 tration and incest, as those acts are described in ORS chapter 163.

9 (D) Sexual abuse, as described in ORS chapter 163.

10 (E) Sexual exploitation, including but not limited to:

11 (i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any
12 other conduct that allows, employs, authorizes, permits, induces or encourages a child to engage in
13 the performing for people to observe or the photographing, filming, tape recording or other exhibi-
14 tion that, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or de-
15 scribed in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not
16 including any conduct that is part of any investigation conducted pursuant to ORS 419B.020 or that
17 is designed to serve educational or other legitimate purposes; and

18 (ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution as described in
19 ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase sex with a minor as
20 described in ORS 163.413 or to engage in commercial sexual solicitation as described in ORS 167.008.

21 (F) Negligent treatment or maltreatment of a child, including but not limited to the failure to
22 provide adequate food, clothing, shelter or medical care that is likely to endanger the health or
23 welfare of the child.

24 (G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm
25 to the child's health or welfare.

26 (H) Buying or selling a person under 18 years of age as described in ORS 163.537.

27 (I) Permitting a person under 18 years of age to enter or remain in or upon premises where
28 methamphetamines are being manufactured.

29 (J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, or to the unlawful
30 manufacturing of a cannabinoid extract, as defined in ORS 475C.009, that subjects a child to a sub-
31 stantial risk of harm to the child's health or safety.

32 (K) The restraint or seclusion of a child in violation of ORS 339.285, 339.288, 339.291, 339.303
33 or 339.308.

34 (L) The infliction of corporal punishment on a child in violation of ORS 339.250 (9).

35 (b) "Abuse" does not include reasonable discipline unless the discipline results in one of the
36 conditions described in paragraph (a) of this subsection.

37 (2) "Child" means an unmarried person who:

38 (a) Is under 18 years of age; or

39 (b) Is a child in care, as defined in ORS 418.257.

40 (3) "Higher education institution" means:

41 (a) A community college as defined in ORS 341.005;

42 (b) A public university listed in ORS 352.002;

43 (c) The Oregon Health and Science University; and

44 (d) A private institution of higher education located in Oregon.

45 (4)(a) "Investigation" means a detailed inquiry into or assessment of the safety of a child alleged

- 1 to have experienced abuse.
- 2 (b) "Investigation" does not include screening activities conducted upon the receipt of a report.
- 3 (5) "Law enforcement agency" means:
- 4 (a) A city or municipal police department.
- 5 (b) A county sheriff's office.
- 6 (c) The Oregon State Police.
- 7 (d) A police department established by a university under ORS 352.121 or 353.125.
- 8 (e) A county juvenile department.
- 9 (6) "Public or private official" means:
- 10 (a) Physician or physician associate licensed under ORS chapter 677 or naturopathic physician,
- 11 including any intern or resident.
- 12 (b) Dentist.
- 13 (c) School employee, including an employee of a higher education institution.
- 14 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide
- 15 or employee of an in-home health service.
- 16 (e) Employee of the Department of Human Services, Oregon Health Authority, Department of
- 17 Early Learning and Care, Department of Education, Youth Development Division, the Oregon Youth
- 18 Authority, a local health department, a community mental health program, a community develop-
- 19 mental disabilities program, a county juvenile department, a child-caring agency as that term is de-
- 20 fined in ORS 418.205 or an alcohol and drug treatment program.
- 21 (f) Peace officer.
- 22 (g) Psychologist.
- 23 (h) Member of the clergy.
- 24 (i) Regulated social worker.
- 25 (j) Optometrist.
- 26 (k) Chiropractor.
- 27 (L) Certified provider of foster care, or an employee thereof.
- 28 (m) Attorney.
- 29 (n) Licensed professional counselor.
- 30 (o) Licensed marriage and family therapist.
- 31 (p) Firefighter or emergency medical services provider.
- 32 (q) Court appointed special advocate, as defined in ORS 419A.004.
- 33 (r) Child care provider registered or certified under ORS 329A.250 to 329A.450.
- 34 (s) Elected official of a branch of government of this state or a state agency, board, commission
- 35 or department of a branch of government of this state or of a city, county or other political subdi-
- 36 vision in this state.
- 37 (t) Physical, speech or occupational therapist.
- 38 (u) Audiologist.
- 39 (v) Speech-language pathologist.
- 40 (w) Employee of the Teacher Standards and Practices Commission directly involved in investi-
- 41 gations or discipline by the commission.
- 42 (x) Pharmacist.
- 43 (y) Operator of a preschool recorded program under ORS 329A.255.
- 44 (z) Operator of a school-age recorded program under ORS 329A.255.
- 45 (aa) Employee of a private agency or organization facilitating the provision of respite services,

1 as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS
2 109.056.

3 (bb) Employee of a public or private organization providing child-related services or activities:

4 (A) Including but not limited to an employee of a:

5 (i) Youth group or center;

6 (ii) Scout group or camp;

7 (iii) Summer or day camp;

8 (iv) Survival camp; or

9 (v) Group, center or camp that is operated under the guidance, supervision or auspices of a re-
10 ligious, public or private educational system or a community service organization; and

11 (B) Excluding an employee of a qualified victim services program as defined in ORS 147.600 that
12 provides confidential, direct services to victims of domestic violence, sexual assault, stalking or hu-
13 man trafficking.

14 (cc) Coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete,
15 if compensated and if the athlete is a child.

16 (dd) Personal support worker, as defined in ORS 410.600.

17 (ee) Home care worker, as defined in ORS 410.600.

18 (ff) Animal control officer, as defined in ORS 609.500.

19 (gg) Member of a school district board, an education service district board or a public charter
20 school governing body.

21 (hh) Individual who is paid by a public body, in accordance with ORS 430.215, to provide a ser-
22 vice identified in an individualized service plan of a child with a developmental disability.

23 (ii) Referral agent, as defined in ORS 418.351.

24 (jj) Parole and probation officer, as defined in ORS 181A.355.

25 (kk) Behavior analyst or assistant behavior analyst licensed under ORS 676.810 or behavior
26 analysis interventionist registered by the Health Licensing Office under ORS 676.815.

27 **(LL) Massage therapist, as defined in ORS 687.011.**

28 **SECTION 10.** ORS 419B.005, as amended by section 6, chapter 581, Oregon Laws 2023, and
29 section 65, chapter 73, Oregon Laws 2024, is amended to read:

30 419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

31 (1)(a) "Abuse" means:

32 (A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child that
33 has been caused by other than accidental means, including any injury that appears to be at variance
34 with the explanation given of the injury.

35 (B) Any mental injury to a child, which shall include only cruel or unconscionable acts or
36 statements made, or threatened to be made, to a child if the acts, statements or threats result in
37 severe harm to the child's psychological, cognitive, emotional or social well-being and functioning.

38 (C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual pene-
39 tration and incest, as those acts are described in ORS chapter 163.

40 (D) Sexual abuse, as described in ORS chapter 163.

41 (E) Sexual exploitation, including but not limited to:

42 (i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any
43 other conduct that allows, employs, authorizes, permits, induces or encourages a child to engage in
44 the performing for people to observe or the photographing, filming, tape recording or other exhibi-
45 tion that, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or de-

1 scribed in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not
2 including any conduct that is part of any investigation conducted pursuant to ORS 419B.020 or that
3 is designed to serve educational or other legitimate purposes; and

4 (ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution as described in
5 ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase sex with a minor as
6 described in ORS 163.413 or to engage in commercial sexual solicitation as described in ORS 167.008.

7 (F) Negligent treatment or maltreatment of a child, including but not limited to the failure to
8 provide adequate food, clothing, shelter or medical care that is likely to endanger the health or
9 welfare of the child.

10 (G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm
11 to the child's health or welfare.

12 (H) Buying or selling a person under 18 years of age as described in ORS 163.537.

13 (I) Permitting a person under 18 years of age to enter or remain in or upon premises where
14 methamphetamines are being manufactured.

15 (J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, or to the unlawful
16 manufacturing of a cannabinoid extract, as defined in ORS 475C.009, that subjects a child to a sub-
17 stantial risk of harm to the child's health or safety.

18 (K) The infliction of corporal punishment on a child in violation of ORS 339.250 (9).

19 (b) "Abuse" does not include reasonable discipline unless the discipline results in one of the
20 conditions described in paragraph (a) of this subsection.

21 (2) "Child" means an unmarried person who:

22 (a) Is under 18 years of age; or

23 (b) Is a child in care, as defined in ORS 418.257.

24 (3) "Higher education institution" means:

25 (a) A community college as defined in ORS 341.005;

26 (b) A public university listed in ORS 352.002;

27 (c) The Oregon Health and Science University; and

28 (d) A private institution of higher education located in Oregon.

29 (4)(a) "Investigation" means a detailed inquiry into or assessment of the safety of a child alleged
30 to have experienced abuse.

31 (b) "Investigation" does not include screening activities conducted upon the receipt of a report.

32 (5) "Law enforcement agency" means:

33 (a) A city or municipal police department.

34 (b) A county sheriff's office.

35 (c) The Oregon State Police.

36 (d) A police department established by a university under ORS 352.121 or 353.125.

37 (e) A county juvenile department.

38 (6) "Public or private official" means:

39 (a) Physician or physician associate licensed under ORS chapter 677 or naturopathic physician,
40 including any intern or resident.

41 (b) Dentist.

42 (c) School employee, including an employee of a higher education institution.

43 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide
44 or employee of an in-home health service.

45 (e) Employee of the Department of Human Services, Oregon Health Authority, Department of

1 Early Learning and Care, Department of Education, Youth Development Division, the Oregon Youth
2 Authority, a local health department, a community mental health program, a community develop-
3 mental disabilities program, a county juvenile department, a child-caring agency as that term is de-
4 fined in ORS 418.205 or an alcohol and drug treatment program.

5 (f) Peace officer.

6 (g) Psychologist.

7 (h) Member of the clergy.

8 (i) Regulated social worker.

9 (j) Optometrist.

10 (k) Chiropractor.

11 (L) Certified provider of foster care, or an employee thereof.

12 (m) Attorney.

13 (n) Licensed professional counselor.

14 (o) Licensed marriage and family therapist.

15 (p) Firefighter or emergency medical services provider.

16 (q) Court appointed special advocate, as defined in ORS 419A.004.

17 (r) Child care provider registered or certified under ORS 329A.250 to 329A.450.

18 (s) Elected official of a branch of government of this state or a state agency, board, commission
19 or department of a branch of government of this state or of a city, county or other political subdi-
20 vision in this state.

21 (t) Physical, speech or occupational therapist.

22 (u) Audiologist.

23 (v) Speech-language pathologist.

24 (w) Employee of the Teacher Standards and Practices Commission directly involved in investi-
25 gations or discipline by the commission.

26 (x) Pharmacist.

27 (y) Operator of a preschool recorded program under ORS 329A.255.

28 (z) Operator of a school-age recorded program under ORS 329A.255.

29 (aa) Employee of a private agency or organization facilitating the provision of respite services,
30 as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS
31 109.056.

32 (bb) Employee of a public or private organization providing child-related services or activities:

33 (A) Including but not limited to an employee of a:

34 (i) Youth group or center;

35 (ii) Scout group or camp;

36 (iii) Summer or day camp;

37 (iv) Survival camp; or

38 (v) Group, center or camp that is operated under the guidance, supervision or auspices of a re-
39 ligious, public or private educational system or a community service organization; and

40 (B) Excluding an employee of a qualified victim services program as defined in ORS 147.600 that
41 provides confidential, direct services to victims of domestic violence, sexual assault, stalking or hu-
42 man trafficking.

43 (cc) Coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete,
44 if compensated and if the athlete is a child.

45 (dd) Personal support worker, as defined in ORS 410.600.

1 (ee) Home care worker, as defined in ORS 410.600.

2 (ff) Animal control officer, as defined in ORS 609.500.

3 (gg) Member of a school district board, an education service district board or a public charter
4 school governing body.

5 (hh) Individual who is paid by a public body, in accordance with ORS 430.215, to provide a ser-
6 vice identified in an individualized service plan of a child with a developmental disability.

7 (ii) Referral agent, as defined in ORS 418.351.

8 (jj) Parole and probation officer, as defined in ORS 181A.355.

9 (kk) Behavior analyst or assistant behavior analyst licensed under ORS 676.810 or behavior
10 analysis interventionist registered by the Health Licensing Office under ORS 676.815.

11 **(LL) Massage therapist, as defined in ORS 687.011.**

12 **SECTION 11. (1) Section 2 of this 2025 Act and the amendments to ORS 419B.005, 687.011,**
13 **687.031, 687.081, 687.122, 687.250 and 687.991 by sections 3 to 10 of this 2025 Act become oper-**
14 **ative on January 1, 2026.**

15 **(2) The State Board of Massage Therapists may take any action before the operative date**
16 **specified in subsection (1) of this section that is necessary to enable the board to exercise,**
17 **on and after the operative date specified in subsection (1) of this section, all of the duties,**
18 **functions and powers conferred on the board by section 2 of this 2025 Act and the amend-**
19 **ments to ORS 419B.005, 687.011, 687.031, 687.081, 687.122, 687.250 and 687.991 by sections 3 to**
20 **10 of this 2025 Act.**

21 **SECTION 12. This 2025 Act takes effect on the 91st day after the date on which the 2025**
22 **regular session of the Eighty-third Legislative Assembly adjourns sine die.**

23