

House Bill 3819

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 **as introduced**. 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. 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 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 40.460,
3 167.012, 167.017, 419B.005, 687.011, 687.031, 687.059, 687.071, 687.081, 687.095, 687.121, 687.122,
4 687.123, 687.250 and 687.991; and prescribing an effective date.

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

6 **SECTION 1. Sections 2 and 3 of this 2025 Act are added to and made a part of ORS 687.011**
7 **to 682.250.**

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 allows the holder to practice**
15 **massage in this state for up to 180 days in a calendar year.**

16 **SECTION 3. (1) The State Board of Massage Therapists may issue a registration to**
17 **practice reflexology to a person who:**

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

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 (b) Pays the reflexology registration fee required under ORS 687.071; and

2 (c) Meets other requirements established by the board by rule.

3 (2) The board may require that an applicant for registration under this section provide
4 the applicant's fingerprints to the board for the purpose of conducting a state or nationwide
5 criminal records check under ORS 181A.195.

6 (3) The board may establish by rule requirements for renewal of a registration issued
7 under this section.

8 (4)(a) A person may not practice reflexology unless the person is registered under this
9 section.

10 (b) A massage facility may not employ or contract with a person to practice reflexology
11 at the facility unless the person is registered under this section.

12 **SECTION 4.** ORS 687.011 is amended to read:

13 687.011. As used in ORS 687.011 to 687.250, 687.895 and 687.991:

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

15 [(2)] (1) "Certified class" means a class that is approved by the [board] **State Board of Massage**
16 **Therapists** and is offered:

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

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

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

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

21 [(3)] (2) "Manual" means the use of the hands, feet or any other part of the body in the per-
22 formance of massage.

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

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

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

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

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

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

36 or

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

39 [(6)] (5) "Massage therapist" means a person licensed under ORS 687.011 to 687.250, 687.895 and
40 687.991 to practice massage.

41 [(7)] (6) "Practice of massage" means the performance of massage:

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

43 (b) For compensation.

44 [(8)] (7) "Preceptor" means a licensed massage therapist who contracts with an approved school
45 or program of massage to provide direct on-site clinical supervision of a student enrolled in a cer-

1 tified class.

2 **(8) “Reflexology” means, for compensation, the application of pressure with the thumbs**
 3 **to reflex points on the feet, hands and ears of a client for the purpose of bringing the client’s**
 4 **body into balance, thereby promoting the well-being of the client.**

5 (9) “Supervision” means:

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

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

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

12 (10) “Unprofessional or dishonorable conduct” means a behavior, practice or condition that is
 13 contrary to the ethical standards adopted by the board.

14 **SECTION 5.** ORS 687.031 is amended to read:

15 687.031. (1) ORS 687.011 to 687.250, 687.895 and 687.991 do not apply to:

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

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

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

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

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

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

25 (B) The student is not compensated.

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

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

31 (B) The student is not compensated.

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

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

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

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

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

44 [*i*] *Practitioners of reflexology who do not claim expressly or implicitly to be massage therapists*
 45 *and who limit their work to the practice of reflexology through the application of pressure with the*

1 *thumbs to reflex points on the feet, hands and ears for the purpose of bringing the body into balance,*
 2 *thereby promoting the well-being of clients.]*

3 [(j)] (i) Practitioners who:

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

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

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

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

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

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

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

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

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

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

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

27 **SECTION 6.** ORS 687.059 is amended to read:

28 687.059. (1) To be issued a permit to operate a massage facility in this state, an applicant
 29 *[must]* **shall:**

30 (a) Submit an application to the State Board of Massage Therapists in a form and manner pre-
 31 scribed by the board by rule;

32 (b) Comply with the health, safety and infection control requirements adopted by the board un-
 33 der ORS 687.121;

34 (c) Pay the fee required under ORS 687.071 [(1)(b)];

35 (d) If the applicant is a natural person, be at least 18 years of age; and

36 (e) If the applicant is not a natural person, comport with the laws of this state related to busi-
 37 ness formation, including making an appropriate filing with the Secretary of State.

38 (2) A massage facility for which a person has been issued a permit under this section may pro-
 39 vide:

40 (a) Massage therapy only through the use of massage therapists licensed under ORS 687.051.

41 (b) **Reflexology only through the use of persons registered to practice reflexology under**
 42 **section 3 of this 2025 Act.**

43 (3) The board may authorize relocating a massage facility if:

44 (a) The permittee submits an application in a form and manner prescribed by the board by rule;

45 (b) The permittee pays the fee required under ORS 687.071 [(1)(h)]; and

1 (c) The permittee complies with any other applicable rule of the board.

2 (4) The board may authorize transferring a permit to operate a massage facility from one person
3 to another person if the person to whom the permit will be transferred:

4 (a) Submits an application in a form and manner prescribed by the board by rule;

5 (b) Pays the fee required under ORS 687.071 [(1)(i)];

6 (c) Makes all necessary changes to documents on file with the Secretary of State; and

7 (d) Complies with any other applicable rule of the board.

8 (5) The board may authorize transferring the name of a massage facility to another massage
9 facility if the permittee who operates the massage facility to which the name will be transferred:

10 (a) Submits an application in a form and manner prescribed by the board by rule;

11 (b) Pays the fee required under ORS 687.071 [(1)(j)];

12 (c) Makes all necessary changes to documents on file with the Secretary of State; and

13 (d) Complies with any other applicable rule of the board.

14 **SECTION 7.** ORS 687.071 is amended to read:

15 687.071. (1) The State Board of Massage Therapists shall impose fees for the following:

16 (a) Issuance or renewal of a massage therapist license.

17 (b) Issuance or renewal of a permit to operate a massage facility.

18 (c) Examinations and reexaminations.

19 (d) Inactive status.

20 (e) Delinquency in renewal of a license or of a permit to operate a massage facility.

21 (f) Temporary practice permit.

22 (g) Application for massage license examination.

23 (h) Relocation of a massage facility as described in ORS 687.059 [(3)].

24 (i) Transferring a permit to operate a massage facility from one person to another person as
25 described in ORS 687.059 [(4)].

26 (j) Transferring the name of a massage facility to another massage facility as described in ORS
27 687.059 [(5)].

28 **(k) Issuance or renewal of a reflexology registration.**

29 (2) If the effective period of an initial massage therapist license or permit to operate a massage
30 facility is to be less than 12 months by reason of the expiration date established by rule of the
31 board, the required license fee shall be prorated to represent one-half of the rate for a biennial pe-
32 riod.

33 (3) The board shall examine or reexamine an applicant for a massage therapist license who pays
34 a fee for each examination and who meets the requirements of ORS 687.051.

35 (4) All moneys received by the board shall be paid into the account created by the board under
36 ORS 182.470 and are continuously appropriated to the board for the administration and enforcement
37 of ORS 676.850, 687.011 to 687.250, 687.895 and 687.991.

38 **SECTION 8.** ORS 687.081 is amended to read:

39 687.081. (1) The State Board of Massage Therapists may discipline a person, deny, suspend, re-
40 voke or refuse to renew a license to practice massage, **a registration to practice reflexology** or
41 a permit to operate a massage facility and issue a reprimand to or censure or place on probation
42 a licensee, **registrant** or permittee, if the person:

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

45 (b) Has made a false representation or statement to the board in order to induce or prevent

1 action by the board.

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

5 **(B) Is registered under section 3 of this 2025 Act and has a physical or mental condition**
6 **that makes the registrant unable to safely conduct the practice of reflexology.**

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

10 **(B) Is registered under section 3 of this 2025 Act and is habitually intemperate in the use**
11 **of alcoholic beverages or is addicted to the use of habit-forming drugs or controlled sub-**
12 **stances.**

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

14 (f) Has been convicted of a crime that bears a demonstrable relationship to the practice of
15 massage, **practice of reflexology** or operation of a massage facility.

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

18 **(B) Whether registered to practice reflexology or applying for a registration to practice**
19 **reflexology, fails to meet a requirement established under section 3 of this 2025 Act or es-**
20 **ablished by the board by rule pursuant to section 3 of this 2025 Act.**

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

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

24 (j) Engages in unprofessional or dishonorable conduct.

25 (k) Has been the subject of disciplinary action as a massage therapist, **person registered to**
26 **practice reflexology** or operator of a massage facility by another state or territory of the United
27 States or by a foreign country and the board determines that the cause of the disciplinary action
28 would be a violation under ORS 687.011 to 687.250, 687.895 or 687.991 or the rules of the board if
29 the cause of the disciplinary action had occurred in this state.

30 (2) If the board places a licensee, **registrant** or permittee on probation pursuant to subsection
31 (1) of this section, the board may impose and at any time modify the following conditions of pro-
32 bation:

33 (a) Limitation on the scope of the practice of massage **or reflexology** or the operation of a
34 massage facility.

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

36 (c) Individual or peer supervision.

37 (d) Any other condition that the board considers necessary for the protection of the public or
38 the rehabilitation of the licensee, **registrant** or permittee.

39 (3) If the board determines that the continued practice of massage by a licensee, **the continued**
40 **practice of reflexology by a person registered under section 3 of this 2025 Act** or the continued
41 operation of a massage facility by a permittee constitutes a serious danger to the public, the board
42 may impose an emergency suspension of the license [*or*], permit **or registration** without a hearing.
43 Simultaneous with the order of suspension, the board shall institute proceedings for a hearing as
44 provided under ORS 687.011 to 687.250, 687.895 and 687.991. The suspension shall continue unless
45 and until the licensee, **registrant** or permittee obtains injunctive relief from a court of competent

1 jurisdiction or the board determines that the suspension is no longer necessary for the protection
2 of the public.

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

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

8 (a) The person's past history in observing the provisions of ORS 687.011 to 687.250, 687.895 and
9 687.991 and the rules of the board;

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

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

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

14 (e) Any mitigating factors that the board may choose to consider.

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

17 (7)(a) The board shall adopt a code of ethical standards for massage therapists and shall take
18 appropriate measures to ensure that all applicants and massage therapists are aware of those stan-
19 dards.

20 **(b) The board shall adopt a code of ethical standards for persons registered to practice**
21 **reflexology under section 3 of this 2025 Act and shall take appropriate measures to ensure**
22 **that all applicants and registrants are aware of those standards.**

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

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

28 **SECTION 9.** ORS 687.095 is amended to read:

29 687.095. Unless state or federal laws relating to confidentiality or the protection of health in-
30 formation prohibit disclosure, a massage therapist **or a person registered to practice reflexology**
31 **under section 3 of this 2025 Act** who has reasonable cause to believe that a licensee of another
32 board has engaged in prohibited conduct as defined in ORS 676.150 shall report the prohibited con-
33 duct in the manner provided in ORS 676.150.

34 **SECTION 10.** ORS 687.121 is amended to read:

35 687.121. The State Board of Massage Therapists may adopt rules:

36 (1) Establishing reasonable standards concerning the sanitary and hygienic conditions of, and
37 public health and safety for, premises and facilities used by massage therapists **and persons regis-**
38 **tered to practice reflexology under section 3 of this 2025 Act.**

39 (2) Establishing health, safety and infection control requirements for massage facilities.

40 (3) Relating to the methods and procedures used in the practice of massage.

41 (4) Governing the examination and investigation of applicants for a license under ORS 687.051,
42 **a registration under section 3 of this 2025 Act** or a permit under ORS 687.059 and the issuance,
43 renewal, suspension and revocation of such licenses, **registrations** and permits.

44 (5) Setting standards for certifying classes under ORS 687.051.

45 (6) Requiring that a massage therapist **or person registered to practice reflexology under**

1 **section 3 of this 2025 Act** supply the board with the accurate, current address or addresses where
 2 the massage therapist **or person** engages in the practice of massage **or reflexology**.

3 (7) Requiring that a person who holds a permit to operate a massage facility supply the board
 4 with the accurate, current address where the massage facility is located.

5 (8) Fixing the educational, training and experience requirements for licensing by indorsement
 6 or reciprocity.

7 (9) Establishing requirements for issuance and retention of an inactive massage therapist license
 8 or permit to operate a massage facility.

9 **(10) Regulating the practice of reflexology.**

10 ~~[(10)]~~ (11) Regarding any other matter that the board reasonably considers necessary and proper
 11 for the administration and enforcement of ORS 687.011 to 687.250, 687.895 and 687.991.

12 **SECTION 11.** ORS 687.122 is amended to read:

13 687.122. (1) Upon the complaint of any ~~[citizen]~~ **resident** of this state, or upon its own motion,
 14 the State Board of Massage Therapists may investigate any alleged violation of ORS 687.011 to
 15 687.250, 687.895 and 687.991.

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

17 (a) Take evidence;

18 (b) Take the depositions of witnesses, including the person charged, in the manner provided by
 19 law in civil cases;

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

22 (d) Require answers to interrogatories; and

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

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

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

31 **SECTION 12.** ORS 687.123 is amended to read:

32 687.123. Upon complaint about a massage facility ~~[or]~~, the premises on which a massage thera-
 33 pist practices massage **or a massage facility or premises at which a person registered under**
 34 **section 3 of this 2025 Act practices reflexology**, the State Board of Massage Therapists or its
 35 authorized representative may inspect the massage facility or premises in order to determine
 36 whether the massage facility or premises meet the standards set by order of the board under ORS
 37 687.121 (1) ~~[or]~~, (2) **or (10)**.

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

39 687.250. (1) The State Board of Massage Therapists shall report to the proper district attorney
 40 all cases that in the judgment of the board warrant criminal prosecution under ORS 687.991.

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

1 (3) Except as the board may otherwise provide under ORS 182.462 (1)(e), moneys collected
 2 through the assessment of civil penalties by the board under [*this subsection or ORS*] **subsection**
 3 **(2) of this section or ORS 687.061 or 687.081** shall be deposited into the account created by the
 4 board pursuant to ORS 182.470 and are continuously appropriated to the board for carrying out the
 5 provisions of ORS 687.011 to 687.250, 687.895 and 687.991.

6 (4) **Upon a determination by the board that a massage facility is in violation of ORS**
 7 **687.021 and employs or contracts with persons to practice massage who are not licensed un-**
 8 **der ORS 687.011 to 687.250, 687.895 and 687.991, or to practice reflexology who are not regis-**
 9 **tered under section 3 of this 2025 Act, in addition to any other disciplinary action, the board**
 10 **may post on the exterior of the premises a placard that states the massage facility is in vi-**
 11 **olation of ORS 687.021 and that contains any other information required by the board.**

12 **SECTION 14.** ORS 687.991 is amended to read:

13 687.991. (1) Violation of ORS 687.021 or of any rule adopted under ORS 687.121 is a [*Class A*
 14 *misdemeanor*] **Class C felony.**

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

16 **SECTION 15.** ORS 40.460 is amended to read:

17 40.460. The following are not excluded by ORS 40.455, even though the declarant is available
 18 as a witness:

19 (1) (Reserved.)

20 (2) A statement relating to a startling event or condition made while the declarant was under
 21 the stress of excitement caused by the event or condition.

22 (3) A statement of the declarant's then existing state of mind, emotion, sensation or physical
 23 condition, such as intent, plan, motive, design, mental feeling, pain or bodily health, but not includ-
 24 ing a statement of memory or belief to prove the fact remembered or believed unless it relates to
 25 the execution, revocation, identification, or terms of the declarant's will.

26 (4) Statements made for purposes of medical diagnosis or treatment and describing medical his-
 27 tory, or past or present symptoms, pain or sensations, or the inception or general character of the
 28 cause or external source thereof insofar as reasonably pertinent to diagnosis or treatment.

29 (5) A memorandum or record concerning a matter about which a witness once had knowledge
 30 but now has insufficient recollection to enable the witness to testify fully and accurately, shown to
 31 have been made or adopted by the witness when the matter was fresh in the memory of the witness
 32 and to reflect that knowledge correctly. If admitted, the memorandum or record may be read into
 33 evidence but may not itself be received as an exhibit unless offered by an adverse party.

34 (6) A memorandum, report, record, or data compilation, in any form, of acts, events, conditions,
 35 opinions, or diagnoses, made at or near the time by, or from information transmitted by, a person
 36 with knowledge, if kept in the course of a regularly conducted business activity, and if it was the
 37 regular practice of that business activity to make the memorandum, report, record, or data compi-
 38 lation, all as shown by the testimony of the custodian or other qualified witness, unless the source
 39 of information or the method of circumstances of preparation indicate lack of trustworthiness. The
 40 term "business" as used in this subsection includes business, institution, association, profession, oc-
 41 cupation, and calling of every kind, whether or not conducted for profit.

42 (7) Evidence that a matter is not included in the memoranda, reports, records, or data compila-
 43 tions, and in any form, kept in accordance with the provisions of subsection (6) of this section, to
 44 prove the nonoccurrence or nonexistence of the matter, if the matter was of a kind of which a
 45 memorandum, report, record, or data compilation was regularly made and preserved, unless the

1 sources of information or other circumstances indicate lack of trustworthiness.

2 (8) Records, reports, statements or data compilations, in any form, of public offices or agencies,
3 including federally recognized American Indian tribal governments, setting forth:

4 (a) The activities of the office or agency;

5 (b) Matters observed pursuant to duty imposed by law as to which matters there was a duty to
6 report, excluding, in criminal cases, matters observed by police officers and other law enforcement
7 personnel;

8 (c) In civil actions and proceedings and against the government in criminal cases, factual
9 findings, resulting from an investigation made pursuant to authority granted by law, unless the
10 sources of information or other circumstances indicate lack of trustworthiness; or

11 (d) In civil actions and criminal proceedings, a sheriff's return of service.

12 (9) Records or data compilations, in any form, of births, fetal deaths, deaths or marriages, if the
13 report thereof was made to a public office, including a federally recognized American Indian tribal
14 government, pursuant to requirements of law.

15 (10) To prove the absence of a record, report, statement or data compilation, in any form, or the
16 nonoccurrence or nonexistence of a matter of which a record, report, statement or data compilation,
17 in any form, was regularly made and preserved by a public office or agency, including a federally
18 recognized American Indian tribal government, evidence in the form of a certification in accordance
19 with ORS 40.510, or testimony, that diligent search failed to disclose the record, report, statement
20 or data compilation, or entry.

21 (11) Statements of births, marriages, divorces, deaths, legitimacy, ancestry, relationship by blood
22 or marriage, or other similar facts of personal or family history, contained in a regularly kept record
23 of a religious organization.

24 (12) A statement of fact contained in a certificate that the maker performed a marriage or other
25 ceremony or administered a sacrament, made by a member of the clergy, a public official, an official
26 of a federally recognized American Indian tribal government or any other person authorized by the
27 rules or practices of a religious organization or by law to perform the act certified, and purporting
28 to have been issued at the time of the act or within a reasonable time thereafter.

29 (13) Statements of facts concerning personal or family history contained in family bibles,
30 genealogies, charts, engravings on rings, inscriptions on family portraits, engravings on urns, crypts,
31 or tombstones, or the like.

32 (14) The record of a document purporting to establish or affect an interest in property, as proof
33 of content of the original recorded document and its execution and delivery by each person by whom
34 it purports to have been executed, if the record is a record of a public office, including a federally
35 recognized American Indian tribal government, and an applicable statute authorizes the recording
36 of documents of that kind in that office.

37 (15) A statement contained in a document purporting to establish or affect an interest in prop-
38 erty if the matter stated was relevant to the purpose of the document, unless dealings with the
39 property since the document was made have been inconsistent with the truth of the statement or
40 the purport of the document.

41 (16) Statements in a document in existence 20 years or more the authenticity of which is es-
42 tablished.

43 (17) Market quotations, tabulations, lists, directories, or other published compilations, generally
44 used and relied upon by the public or by persons in particular occupations.

45 (18) (Reserved.)

1 (18a)(a) A complaint of sexual misconduct, complaint of abuse as defined in ORS 107.705 or
2 419B.005, complaint of abuse of an elderly person, as those terms are defined in ORS 124.050, or a
3 complaint relating to a violation of ORS 163.205 or 164.015 in which a person 65 years of age or
4 older is the victim, made by the witness after the commission of the alleged misconduct or abuse
5 at issue. Except as provided in paragraph (b) of this subsection, such evidence must be confined to
6 the fact that the complaint was made.

7 (b) A statement made by a person concerning an act of abuse as defined in ORS 107.705 or
8 419B.005, a statement made by a person concerning an act of abuse of an elderly person, as those
9 terms are defined in ORS 124.050, or a statement made by a person concerning a violation of ORS
10 163.205 or 164.015 in which a person 65 years of age or older is the victim, is not excluded by ORS
11 40.455 if the declarant either testifies at the proceeding and is subject to cross-examination, or is
12 unavailable as a witness but was chronologically or mentally under 12 years of age when the
13 statement was made or was 65 years of age or older when the statement was made. However, if a
14 declarant is unavailable, the statement may be admitted in evidence only if the proponent estab-
15 lishes that the time, content and circumstances of the statement provide indicia of reliability, and
16 in a criminal trial or juvenile delinquency proceeding that there is corroborative evidence of the
17 act of abuse and of the alleged perpetrator's opportunity to participate in the conduct and that the
18 statement possesses indicia of reliability as is constitutionally required to be admitted. No statement
19 may be admitted under this paragraph unless the proponent of the statement makes known to the
20 adverse party the proponent's intention to offer the statement and the particulars of the statement
21 no later than 15 days before trial, except for good cause shown. For purposes of this paragraph, in
22 addition to those situations described in ORS 40.465 (1), the declarant shall be considered "unavail-
23 able" if the declarant has a substantial lack of memory of the subject matter of the statement, is
24 presently incompetent to testify, is unable to communicate about the abuse or sexual conduct be-
25 cause of fear or other similar reason or is substantially likely, as established by expert testimony,
26 to suffer lasting severe emotional trauma from testifying. Unless otherwise agreed by the parties,
27 the court shall examine the declarant in chambers and on the record or outside the presence of the
28 jury and on the record. The examination shall be conducted immediately prior to the commencement
29 of the trial in the presence of the attorney and the legal guardian or other suitable person as des-
30 ignated by the court. If the declarant is found to be unavailable, the court shall then determine the
31 admissibility of the evidence. The determinations shall be appealable under ORS 138.045 (1)(d). The
32 purpose of the examination shall be to aid the court in making its findings regarding the availability
33 of the declarant as a witness and the reliability of the statement of the declarant. In determining
34 whether a statement possesses indicia of reliability under this paragraph, the court may consider,
35 but is not limited to, the following factors:

36 (A) The personal knowledge of the declarant of the event;

37 (B) The age and maturity of the declarant or extent of disability if the declarant is a person
38 with a developmental disability;

39 (C) Certainty that the statement was made, including the credibility of the person testifying
40 about the statement and any motive the person may have to falsify or distort the statement;

41 (D) Any apparent motive the declarant may have to falsify or distort the event, including bias,
42 corruption or coercion;

43 (E) The timing of the statement of the declarant;

44 (F) Whether more than one person heard the statement;

45 (G) Whether the declarant was suffering pain or distress when making the statement;

1 (H) Whether the declarant's young age or disability makes it unlikely that the declarant fabri-
 2 cated a statement that represents a graphic, detailed account beyond the knowledge and experience
 3 of the declarant;

4 (I) Whether the statement has internal consistency or coherence and uses terminology appro-
 5 priate to the declarant's age or to the extent of the declarant's disability if the declarant is a person
 6 with a developmental disability;

7 (J) Whether the statement is spontaneous or directly responsive to questions; and

8 (K) Whether the statement was elicited by leading questions.

9 (c) This subsection applies to all civil, criminal and juvenile proceedings.

10 (d) This subsection applies to a child declarant, a declarant who is an elderly person as defined
 11 in ORS 124.050 or an adult declarant with a developmental disability. For the purposes of this sub-
 12 section, "developmental disability" means any disability attributable to mental retardation, autism,
 13 cerebral palsy, epilepsy or other disabling neurological condition that requires training or support
 14 similar to that required by persons with mental retardation, if either of the following apply:

15 (A) The disability originates before the person attains 22 years of age, or if the disability is at-
 16 tributable to mental retardation the condition is manifested before the person attains 18 years of
 17 age, the disability can be expected to continue indefinitely, and the disability constitutes a sub-
 18 stantial handicap to the ability of the person to function in society.

19 (B) The disability results in a significant subaverage general intellectual functioning with con-
 20 current deficits in adaptive behavior that are manifested during the developmental period.

21 (19) Reputation among members of a person's family by blood, adoption or marriage, or among
 22 a person's associates, or in the community, concerning a person's birth, adoption, marriage, divorce,
 23 death, legitimacy, relationship by blood or adoption or marriage, ancestry, or other similar fact of
 24 a person's personal or family history.

25 (20) Reputation in a community, arising before the controversy, as to boundaries of or customs
 26 affecting lands in the community, and reputation as to events of general history important to the
 27 community or state or nation in which located.

28 (21) Reputation of a person's character among associates of the person or in the community.

29 (22) Evidence of a final judgment, entered after a trial or upon a plea of guilty, but not upon a
 30 plea of no contest, adjudging a person guilty of a crime other than a traffic offense, to prove any
 31 fact essential to sustain the judgment, but not including, when offered by the government in a
 32 criminal prosecution for purposes other than impeachment, judgments against persons other than the
 33 accused. The pendency of an appeal may be shown but does not affect admissibility.

34 (23) Judgments as proof of matters of personal, family or general history, or boundaries, essen-
 35 tial to the judgment, if the same would be provable by evidence of reputation.

36 (24) Notwithstanding the limits contained in subsection (18a) of this section, in any proceeding
 37 in which a child under 12 years of age at the time of trial, or a person with a developmental disa-
 38 bility as described in subsection (18a)(d) of this section, may be called as a witness to testify con-
 39 cerning an act of abuse, as defined in ORS 419B.005, or sexual conduct performed with or on the
 40 child or person with a developmental disability by another, the testimony of the child or person with
 41 a developmental disability taken by contemporaneous examination and cross-examination in another
 42 place under the supervision of the trial judge and communicated to the courtroom by closed-circuit
 43 television or other audiovisual means. Testimony will be allowed as provided in this subsection only
 44 if the court finds that there is a substantial likelihood, established by expert testimony, that the
 45 child or person with a developmental disability will suffer severe emotional or psychological harm

1 if required to testify in open court. If the court makes such a finding, the court, on motion of a
 2 party, the child, the person with a developmental disability or the court in a civil proceeding, or on
 3 motion of the district attorney, the child or the person with a developmental disability in a criminal
 4 or juvenile proceeding, may order that the testimony of the child or the person with a developmental
 5 disability be taken as described in this subsection. Only the judge, the attorneys for the parties, the
 6 parties, individuals necessary to operate the equipment and any individual the court finds would
 7 contribute to the welfare and well-being of the child or person with a developmental disability may
 8 be present during the testimony of the child or person with a developmental disability.

9 (25)(a) Any document containing data prepared or recorded by the Oregon State Police pursuant
 10 to ORS 813.160 (1)(b)(C) or (E), or pursuant to ORS 475.235 (4), if the document is produced by data
 11 retrieval from the Law Enforcement Data System or other computer system maintained and operated
 12 by the Oregon State Police, and the person retrieving the data attests that the information was re-
 13 trieved directly from the system and that the document accurately reflects the data retrieved.

14 (b) Any document containing data prepared or recorded by the Oregon State Police that is
 15 produced by data retrieval from the Law Enforcement Data System or other computer system
 16 maintained and operated by the Oregon State Police and that is electronically transmitted through
 17 public or private computer networks under an electronic signature adopted by the Oregon State
 18 Police if the person receiving the data attests that the document accurately reflects the data re-
 19 ceived.

20 (c) Notwithstanding any statute or rule to the contrary, in any criminal case in which docu-
 21 ments are introduced under the provisions of this subsection, the defendant may subpoena the ana-
 22 lyst, as defined in ORS 475.235 (6), or other person that generated or keeps the original document
 23 for the purpose of testifying at the preliminary hearing and trial of the issue. Except as provided
 24 in ORS 44.550 to 44.566, no charge shall be made to the defendant for the appearance of the analyst
 25 or other person.

26 (26)(a) A statement that purports to narrate, describe, report or explain an incident of domestic
 27 violence, as defined in ORS 135.230, made by a victim of the domestic violence within 24 hours after
 28 the incident occurred, if the statement:

29 (A) Was recorded, either electronically or in writing, or was made to a peace officer as defined
 30 in ORS 161.015, corrections officer, youth correction officer, parole and probation officer, emergency
 31 medical services provider or firefighter; and

32 (B) Has sufficient indicia of reliability.

33 (b) In determining whether a statement has sufficient indicia of reliability under paragraph (a)
 34 of this subsection, the court shall consider all circumstances surrounding the statement. The court
 35 may consider, but is not limited to, the following factors in determining whether a statement has
 36 sufficient indicia of reliability:

37 (A) The personal knowledge of the declarant.

38 (B) Whether the statement is corroborated by evidence other than statements that are subject
 39 to admission only pursuant to this subsection.

40 (C) The timing of the statement.

41 (D) Whether the statement was elicited by leading questions.

42 (E) Subsequent statements made by the declarant. Recantation by a declarant is not sufficient
 43 reason for denying admission of a statement under this subsection in the absence of other factors
 44 indicating unreliability.

45 **(27)(a) A statement made by the victim of the crime or attempted crime that purports**

1 to narrate, describe, report or explain a crime of, or an attempt to commit the crime of
 2 trafficking in persons under ORS 163.266 or purchasing sex with a minor under ORS 163.413
 3 if the crime or attempted crime was committed within 200 feet of a massage facility, as that
 4 term is defined in ORS 687.011, that is in violation of ORS 687.021 and engaging in practices
 5 described in ORS 687.250 (4), is promoting prostitution under ORS 167.012 (2)(b) or is com-
 6 pelling prostitution under ORS 167.017 (2)(b), if the statement:

7 (A) Was recorded, either electronically or in writing, or was made to a peace officer as
 8 defined in ORS 161.015, corrections officer, youth correction officer, parole and probation
 9 officer, emergency medical services provider or firefighter; and

10 (B) Has sufficient indicia of reliability.

11 (b) In determining whether a statement has sufficient indicia of reliability under para-
 12 graph (a) of this subsection, the court shall consider all circumstances surrounding the
 13 statement. The court may consider, but is not limited to, the following factors in determining
 14 whether a statement has sufficient indicia of reliability:

15 (A) The personal knowledge of the declarant.

16 (B) Whether the statement is corroborated by evidence other than statements that are
 17 subject to admission only pursuant to this subsection.

18 (C) The timing of the statement.

19 (D) Whether the statement was elicited by leading questions.

20 (E) Subsequent statements made by the declarant. Recantation by the declarant is not
 21 sufficient reason for denying admission of a statement under this subsection in the absence
 22 of other factors indicating unreliability.

23 [(27)] (28) A report prepared by a forensic scientist that contains the results of a presumptive
 24 test conducted by the forensic scientist as described in ORS 475.235, if the forensic scientist attests
 25 that the report accurately reflects the results of the presumptive test.

26 [(28)(a)] (29)(a) A statement not specifically covered by any of the foregoing exceptions but
 27 having equivalent circumstantial guarantees of trustworthiness, if the court determines that:

28 (A) The statement is relevant;

29 (B) The statement is more probative on the point for which it is offered than any other evidence
 30 that the proponent can procure through reasonable efforts; and

31 (C) The general purposes of the Oregon Evidence Code and the interests of justice will best be
 32 served by admission of the statement into evidence.

33 (b) A statement may not be admitted under this subsection unless the proponent of it makes
 34 known to the adverse party the intention to offer the statement and the particulars of it, including
 35 the name and address of the declarant, sufficiently in advance of the trial or hearing, or as soon as
 36 practicable after it becomes apparent that such statement is probative of the issues at hand, to
 37 provide the adverse party with a fair opportunity to prepare to meet it.

38 **SECTION 16.** ORS 167.012 is amended to read:

39 167.012. (1) A person commits the crime of promoting prostitution if, with intent to promote
 40 prostitution, the person knowingly:

41 (a) Owns, controls, manages, supervises or otherwise maintains a place of prostitution or a
 42 prostitution enterprise;

43 (b) Induces or causes a person to engage in prostitution or to remain in a place of prostitution;

44 (c) Receives or agrees to receive money, goods, property, services or something else of value,
 45 other than as a prostitute being compensated for personally rendered prostitution services, pursuant

1 to an agreement or understanding that the money, goods, property, services or something else of
2 value is derived from a prostitution activity; or

3 (d) Engages in any conduct that institutes, aids or facilitates an act or enterprise of prostitution.

4 (2)(a) Promoting prostitution is a Class C felony.

5 **(b) Notwithstanding paragraph (a) of this subsection, promoting prostitution is a Class**
6 **B felony if the crime is committed within 200 feet of a massage facility, as that term is de-**
7 **defined in ORS 687.011, that is in violation of ORS 687.021 and engaging in practices described**
8 **in ORS 687.250 (4).**

9 **SECTION 17.** ORS 167.017 is amended to read:

10 167.017. (1) A person commits the crime of compelling prostitution if the person knowingly:

11 (a) Uses force or intimidation to compel another to engage in prostitution or attempted
12 prostitution;

13 (b) Induces or causes a person under 18 years of age to engage in prostitution;

14 (c) Aids or facilitates the commission of prostitution or attempted prostitution by a person under
15 18 years of age; or

16 (d) Induces or causes the spouse, child or stepchild of the person to engage in prostitution.

17 (2)(a) Compelling prostitution is a Class B felony.

18 **(b) Notwithstanding paragraph (a) of this subsection, compelling prostitution is a Class**
19 **A felony if the crime is committed within 200 feet of a massage facility, as that term is de-**
20 **defined in ORS 687.011, that is in violation of ORS 687.021 and engaging in practices described**
21 **in ORS 687.250 (4).**

22 (3) In a prosecution under subsection (1)(b) or (c) of this section, the state is not required to
23 prove that the defendant knew the other person was under 18 years of age and it is no defense that
24 the defendant did not know the person's age or that the defendant reasonably believed the person
25 to be older than 18 years of age.

26 **SECTION 18.** ORS 419B.005, as amended by section 64, chapter 73, Oregon Laws 2024, is
27 amended to read:

28 419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

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

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

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

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

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

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

40 (i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any
41 other conduct that allows, employs, authorizes, permits, induces or encourages a child to engage in
42 the performing for people to observe or the photographing, filming, tape recording or other exhibi-
43 tion that, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or de-
44 scribed in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not
45 including any conduct that is part of any investigation conducted pursuant to ORS 419B.020 or that

1 is designed to serve educational or other legitimate purposes; and

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

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

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

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

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

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

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

18 (L) 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 19.** ORS 419B.005, as amended by section 6, chapter 581, Oregon Laws 2023, and
13 section 65, chapter 73, Oregon Laws 2024, is amended to read:

14 419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

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

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

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

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

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

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

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

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

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

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

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

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

44 (J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, or to the unlawful
45 manufacturing of a cannabinoid extract, as defined in ORS 475C.009, that subjects a child to a sub-

1 stantial risk of harm to the child’s health or safety.

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

3 (b) “Abuse” does not include reasonable discipline unless the discipline results in one of the
4 conditions described in paragraph (a) of this subsection.

5 (2) “Child” means an unmarried person who:

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

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

8 (3) “Higher education institution” means:

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

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

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

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

13 (4)(a) “Investigation” means a detailed inquiry into or assessment of the safety of a child alleged
14 to have experienced abuse.

15 (b) “Investigation” does not include screening activities conducted upon the receipt of a report.

16 (5) “Law enforcement agency” means:

17 (a) A city or municipal police department.

18 (b) A county sheriff’s office.

19 (c) The Oregon State Police.

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

21 (e) A county juvenile department.

22 (6) “Public or private official” means:

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

25 (b) Dentist.

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

27 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse’s aide, home health aide
28 or employee of an in-home health service.

29 (e) Employee of the Department of Human Services, Oregon Health Authority, Department of
30 Early Learning and Care, Department of Education, Youth Development Division, the Oregon Youth
31 Authority, a local health department, a community mental health program, a community develop-
32 mental disabilities program, a county juvenile department, a child-caring agency as that term is de-
33 fined in ORS 418.205 or an alcohol and drug treatment program.

34 (f) Peace officer.

35 (g) Psychologist.

36 (h) Member of the clergy.

37 (i) Regulated social worker.

38 (j) Optometrist.

39 (k) Chiropractor.

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

41 (m) Attorney.

42 (n) Licensed professional counselor.

43 (o) Licensed marriage and family therapist.

44 (p) Firefighter or emergency medical services provider.

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

- 1 (r) Child care provider registered or certified under ORS 329A.250 to 329A.450.
- 2 (s) Elected official of a branch of government of this state or a state agency, board, commission
- 3 or department of a branch of government of this state or of a city, county or other political subdi-
- 4 vision in this state.
- 5 (t) Physical, speech or occupational therapist.
- 6 (u) Audiologist.
- 7 (v) Speech-language pathologist.
- 8 (w) Employee of the Teacher Standards and Practices Commission directly involved in investi-
- 9 gations or discipline by the commission.
- 10 (x) Pharmacist.
- 11 (y) Operator of a preschool recorded program under ORS 329A.255.
- 12 (z) Operator of a school-age recorded program under ORS 329A.255.
- 13 (aa) Employee of a private agency or organization facilitating the provision of respite services,
- 14 as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS
- 15 109.056.
- 16 (bb) Employee of a public or private organization providing child-related services or activities:
- 17 (A) Including but not limited to an employee of a:
- 18 (i) Youth group or center;
- 19 (ii) Scout group or camp;
- 20 (iii) Summer or day camp;
- 21 (iv) Survival camp; or
- 22 (v) Group, center or camp that is operated under the guidance, supervision or auspices of a re-
- 23 ligious, public or private educational system or a community service organization; and
- 24 (B) Excluding an employee of a qualified victim services program as defined in ORS 147.600 that
- 25 provides confidential, direct services to victims of domestic violence, sexual assault, stalking or hu-
- 26 man trafficking.
- 27 (cc) Coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete,
- 28 if compensated and if the athlete is a child.
- 29 (dd) Personal support worker, as defined in ORS 410.600.
- 30 (ee) Home care worker, as defined in ORS 410.600.
- 31 (ff) Animal control officer, as defined in ORS 609.500.
- 32 (gg) Member of a school district board, an education service district board or a public charter
- 33 school governing body.
- 34 (hh) Individual who is paid by a public body, in accordance with ORS 430.215, to provide a ser-
- 35 vice identified in an individualized service plan of a child with a developmental disability.
- 36 (ii) Referral agent, as defined in ORS 418.351.
- 37 (jj) Parole and probation officer, as defined in ORS 181A.355.
- 38 (kk) Behavior analyst or assistant behavior analyst licensed under ORS 676.810 or behavior
- 39 analysis interventionist registered by the Health Licensing Office under ORS 676.815.
- 40 **(LL) Massage therapist, as defined in ORS 687.011.**
- 41 **SECTION 20. (1) Sections 2 and 3 of this 2025 Act and the amendments to ORS 40.460,**
- 42 **167.012, 167.017, 419B.005, 687.011, 687.031, 687.059, 687.071, 687.081, 687.095, 687.121, 687.122,**
- 43 **687.123, 687.250 and 687.991 by sections 4 to 19 of this 2025 Act become operative on January**
- 44 **1, 2026.**
- 45 **(2) The State Board of Massage Therapists may take any action before the operative date**

1 specified in subsection (1) of this section that is necessary to enable the board to exercise,
2 on and after the operative date specified in subsection (1) of this section, all of the duties,
3 functions and powers conferred on the board by sections 2 and 3 of this 2025 Act and the
4 amendments to ORS 40.460, 167.012, 167.017, 419B.005, 687.011, 687.031, 687.059, 687.071, 687.081,
5 687.095, 687.121, 687.122, 687.123, 687.250 and 687.991 by sections 4 to 19 of this 2025 Act.

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

8