

# A-Engrossed Senate Bill 1593

Ordered by the Senate February 23  
Including Senate Amendments dated February 23

Sponsored by Senator MEEK, Representatives LEVY E, HELFRICH, Senators ANDERSON, DRAZAN, SMITH DB, SOLLMAN, Representatives BREESE-IVERSON, LIVELY, PHAM H, WALLAN, WATANABE; Senators LIEBER, REYNOLDS, Representatives EVANS, GAMBA, GOMBERG, HARTMAN, MCLAIN, NGUYEN D (Presession filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

**Digest: The Act says that an operator may require a person who does recreation to waive some kinds of claims. (Flesch Readability Score: 71.7).**

*[Digest: The Act says that an operator may require a person who does recreation to release the operator from some types of claims. Tells OBDD to study issues for the recreation industry and make a report. (Flesch Readability Score: 60.9).]*

Provides that an operator may require *[an adult]* a person who engages in a sport, fitness or recreational activity in various ways to release the operator from claims for ordinary negligence.

*[Directs the Oregon Business Development Department to study recreation commerce and report to an appropriate committee or interim committee of the Legislative Assembly no later than December 15, 2026.]*

Declares an emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to recreation; and declaring an emergency.

3       Whereas Oregonians and the Oregon economy benefit tremendously from this state's recreation  
4 and health and fitness industries; and

5       Whereas Oregon's recreation and health and fitness providers offer safe and enjoyable access  
6 to outdoor and indoor recreation and health and fitness opportunities throughout this state and  
7 contribute significantly to the mental and physical health and well-being of Oregonians and visitors  
8 to this state; and

9       Whereas local communities rely on the commerce associated with the recreation and health and  
10 fitness industries to strengthen their economies, create jobs and enhance their quality of life; and

11       Whereas Oregon's tourism industry benefits greatly from the commerce associated with the re-  
12 creation and health and fitness industries; and

13       Whereas written recreational liability waivers are a commonly used contractual tool for edu-  
14 cating the public on the inherent risks of participating in recreation and health and fitness activities  
15 and for balancing the responsibilities of participants in inherently risky activities with the respon-  
16 sibilities of recreation and health and fitness providers; and

17       Whereas the unenforceability of liability waivers in Oregon has resulted in the withdrawal of  
18 insurance carriers from this state and increased costs and risks for recreation and health and fitness  
19 providers; and

20       Whereas increased costs disproportionately impact small business and nonprofit providers, low-  
21 income populations and underserved communities; and

**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 Whereas every other western state recognizes recreational liability waivers for ordinary  
2 negligence, creating unique challenges and competitive disadvantages for Oregon’s recreation and  
3 health and fitness providers; and

4 Whereas the federal EXPLORE Act (H.R. 6492), which passed the United States Congress  
5 unanimously, and was signed into law in January 2025 by President Biden, recognizes the impor-  
6 tance of enforcing recreational liability waivers; and

7 Whereas Oregon state law prevents many of the EXPLORE Act’s intended benefits from ex-  
8 tending to Oregon; and

9 Whereas this measure is intended to realign Oregon with accepted national and state public  
10 policy and help restore the health of Oregon’s recreation and health and fitness industries, improve  
11 the lives of Oregonians, increase public safety and enhance tourism and economic opportunities  
12 throughout this state; now, therefore,

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

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

15 **(a) “Operator” means a person that:**

16 **(A) Offers a person the opportunity to participate in a sport, fitness or recreational ac-**  
17 **tivity; or**

18 **(B) Operates or provides a facility or place where a person can participate in a sport,**  
19 **fitness or recreational activity.**

20 **(b) “Sport, fitness or recreational activity” means an indoor or outdoor activity involving**  
21 **elements of inherent risk, including but not limited to hunting, fishing, swimming, boating,**  
22 **rafting, biking, camping, skiing, snowboarding, winter sports, team and individual sports,**  
23 **climbing, equestrian and rodeo activities, hiking, outfitter guiding, environmental restoration**  
24 **and maintenance, ocean and water sports, motorized recreation, athletic or fitness competi-**  
25 **tions and fitness and training activities.**

26 **(2) Except as provided in subsection (3) of this section, an operator may require a person**  
27 **who is 18 years of age or older, or a parent or guardian on behalf of a person who is under**  
28 **18 years of age, to release the operator from any claim for ordinary negligence that arises**  
29 **out of or results from the person’s participation in a sport, fitness or recreational activity,**  
30 **rental of equipment for a sport, fitness or recreational activity, use of a facility or place for**  
31 **a sport, fitness or recreational activity or volunteering to maintain facilities or places used**  
32 **for sport, fitness or recreational activities, before the person participates in the sport, fit-**  
33 **ness or recreational activity, rents equipment, uses a facility or place or volunteers. A re-**  
34 **lease described in this subsection is not unconscionable or void as contrary to public policy.**

35 **(3) An operator may not require a person to release the operator from any claim for a**  
36 **willful or wanton act or omission, a reckless act or omission or a grossly negligent act or**  
37 **omission. A release described in this subsection is severable from a release for ordinary**  
38 **negligence required by the operator.**

39 **(4) A release that is broader than the release described in subsections (2) and (3) of this**  
40 **section shall be construed within the limits stated in subsections (2) and (3) of this section.**

41 **SECTION 2. (1) Except as provided in subsection (2) of this section, section 1 of this 2026**  
42 **Act applies to releases executed before, on or after the effective date of this 2026 Act.**

43 **(2)(a) Section 1 of this 2026 Act does not apply to the release of any claim for which a**  
44 **final judgment has been entered before the effective date of this 2026 Act.**

45 **(b) As used in this subsection, “final judgment” means a judgment for which the time to**

1 **appeal has expired without any party filing an appeal or that is not subject to further appeal**  
2 **or review.**

3 **SECTION 3. This 2026 Act being necessary for the immediate preservation of the public**  
4 **peace, health and safety, an emergency is declared to exist, and this 2026 Act takes effect**  
5 **on its passage.**

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