

## Enrolled House Bill 2589

Sponsored by Representatives POWER, NOSSE, Senator TAYLOR; Representatives ALONSO LEON, FAHEY, LIVELY, MARSH, MCKEOWN, NERON, PRUSAK, SANCHEZ, SMITH WARNER, SOLLMAN, WILDE, WILLIAMS, WILLIAMSON, Senators BURDICK, MANNING JR, WAGNER (Presession filed.)

CHAPTER .....

### AN ACT

Relating to discrimination on the basis of disability; amending ORS 659A.118 and 659A.130; and declaring an emergency.

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

**SECTION 1.** ORS 659A.118 is amended to read:

659A.118. (1) For the purposes of ORS 659A.112, reasonable accommodation may include:

(a) Making existing facilities used by employees readily accessible to and usable by individuals with disabilities.

(b) Job restructuring, part-time or modified work schedules or reassignment to a vacant position.

(c) Acquisition or modification of equipment or devices.

(d) Appropriate adjustment or modification of examinations, training materials or policies.

(e) The provision of qualified readers or interpreters.

[2] *Notwithstanding any other provision of ORS 659A.103 to 659A.145, an employer may not be found to have engaged in an unlawful employment practice solely because the employer fails to provide reasonable accommodation to an individual with a disability arising out of transsexualism.*

[3] (2) An employer is not required to provide a reasonable accommodation to an individual who satisfies the criteria for being an individual with a disability for the purposes of ORS 659A.103 to 659A.145 solely because the individual meets the criterion described in ORS 659A.104 (1)(c).

**SECTION 2.** ORS 659A.130 is amended to read:

659A.130. (1) For the purposes of ORS 659A.112 to 659A.139, *[homosexuality and bisexuality are not physical or mental impairments]* **sexual orientation is not a physical or mental impairment.** An individual *[who is homosexual or bisexual]* does not have a disability for the purposes of ORS 659A.112 to 659A.139 solely by reason of *[being homosexual or bisexual]* **the individual's sexual orientation.**

(2) For the purposes of ORS 659A.112 to 659A.139, the following conditions are not physical or mental impairments, and an individual with one or more of the following conditions does not have a disability for the purposes of ORS 659A.112 to 659A.139 solely by reason of that condition:

(a) *[Transvestism,]* Pedophilia, exhibitionism, voyeurism or other sexual behavior disorders.

(b) Compulsive gambling, kleptomania or pyromania.

(c) Psychoactive substance use disorders resulting from current illegal use of drugs.

**SECTION 3.** This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect on its passage.

**Passed by House March 13, 2019**

.....  
Timothy G. Sekerak, Chief Clerk of House

.....  
Tina Kotek, Speaker of House

**Passed by Senate April 25, 2019**

.....  
Peter Courtney, President of Senate

**Received by Governor:**

.....M,....., 2019

**Approved:**

.....M,....., 2019

.....  
Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2019

.....  
Bev Clarno, Secretary of State