

House Bill 3426

Sponsored by Representative SMITH WARNER (at the request of Metro)

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**.

Limits definition of terms "public building" or "property" to exclude convention or exposition centers, zoos, performing arts centers or other venues or attractions dedicated to tourism, travel, hospitality or entertainment for purposes of management by persons who are blind.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to vending facilities on public property; amending ORS 346.510; and declaring an emer-
3 gency.

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

5 **SECTION 1.** ORS 346.510 is amended to read:

6 346.510. As used in ORS 346.510 to 346.570:

7 (1) "Cafeteria" means a food-dispensing facility:

8 (a) That can provide a variety of prepared foods and beverages;

9 (b) Where a patron may move through a self-service line;

10 (c) That may employ some servers to wait on patrons; and

11 (d) That provides seating suitable for patrons to consume meals.

12 (2) "Healthy vending item" and "local vending item" have the meanings given those terms by
13 rules adopted by the Commission for the Blind in consultation with the Public Health Director and
14 the business enterprise consumer committee.

15 (3) "Person who is blind" means a person who has not more than 20/200 visual acuity in the
16 better eye with best correction or whose visual acuity, if better than 20/200, is accompanied by a
17 limit to the field of vision to such a degree that its widest diameter subtends an angle of no greater
18 than 20 degrees and whose blindness is certified by a licensed physician who specializes in diseases
19 of the eye.

20 (4) "Political subdivision" means a local government as defined in ORS 174.116, a municipality,
21 town or village of this state.

22 (5)(a) "Public building" or "property" means a building, land or other real property, or a portion
23 of a building, land or other real property, that is owned, leased, managed or occupied by a depart-
24 ment or an agency of the State of Oregon or by a political subdivision[, *except for*].

25 (b) "**Public building" or "property" does not include** a public elementary school, a secondary
26 school, a public university listed in ORS 352.002, [or] a public corporation created pursuant to ORS
27 353.020, **a convention or exposition center, a zoo, a performing arts center or any other venue**
28 **or attraction dedicated to tourism, travel, hospitality or entertainment.**

29 (6) "Vending facility" means:

30 (a) Shelters, counters, shelving, display and wall cases, refrigerating apparatus and other ap-

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 appropriate auxiliary equipment that are necessary or customarily used for the vending of articles,
2 including an established mix of healthy vending items approved by the Commission for the Blind and
3 the agency, department or political subdivision charged with maintaining the public building or
4 property where the vending facility is located;

5 (b) Manual or coin-operated vending machines or similar devices for vending articles, including
6 machines or devices that accept electronic payment; or

7 (c) Cafeterias or snack bars for the dispensing of food stuffs and beverages.

8 (7) "Vending facility manager" means a person who is:

9 (a) Blind;

10 (b) Responsible for the day-to-day conduct of the vending facility operation; and

11 (c) Licensed under ORS 346.510 to 346.570.

12 **SECTION 2. This 2019 Act being necessary for the immediate preservation of the public**
13 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**
14 **on its passage.**