

HB 4107 -2, -3, -4 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 2/3, 2/10, 2/12

WHAT THE MEASURE DOES:

Declares refusal to accept United States coins or currency, or discrimination or distinction for offering coins or currency by a place of public accommodation an unlawful practice. Allows refusal of currency in \$50 or \$100 bills or of coins when coins total \$100 or more. Exempts places of accommodation that are owned and maintained by public bodies, farmers' markets, roadside stands, mobile food units, gas stations, commercial activities within a restricted area of an airport, retail transactions occurring by phone, mail, or internet, or transactions requiring a money deposit or signing of a rental agreement. Includes physical characteristics, such as hair type and hair style, within the definition of race for purposes of school discrimination, school district participation in interscholastic organization activities, and unlawful employment practices. Requires interscholastic organization with which school districts contract to implement policies prohibiting discrimination based on race, color, or national origin. Prohibits school or employer dress codes from disproportionately impacting members of a protected class. Allows civil action under ORS 659A.885 or through complaint to the Bureau of Labor and Industries.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-2 Modifies provisions relating to cash sales. Declares refusal to accept United States coins or currency, or discrimination or distinction for offering coins or currency by a place of public accommodation an unlawful practice. Allows incentive for use of cash. Allows refusal of currency in \$50 or \$100 bills or of coins when coins total \$100 or more. Exempts places of accommodation that are owned and maintained by public bodies and services provided by public bodies, except for public transportation services. Exempts farmers' markets, roadside stands, gas stations, and retail transactions occurring entirely by phone or mail. Exempts internet-based transactions, defined as sale, purchase, reservation, or deposit for goods or services to be picked up or delivered. Removes exemption for mobile food units. Adds exemption for transactions occurring on aircraft, electric vehicle charging stations, and insurance sales. Adds exemption for purchases from a vending machine unless vending machine is within group of eight or more machines that do not accept cash payment. Adds exemption for hospitals or medical services if billing occurs after services are rendered so long as option to pay cash by mail or at designated location is available. Clarifies exemption for transactions for goods or services, including transient lodging and transportation, when transaction requires deposit of money or signing an agreement to rent or lease consumer goods. Defines consumer goods. Exempts transactions occurring in a micromarket, defined as unattended retail establishments without access to the general population offering food or beverage through an automated payment processing system. Allows complaint to Bureau of Labor and Industries beginning July 1, 2021 and allows civil actions and complaint to Bureau of Labor and Industries on January 1, 2022. Authorizes Bureau of Labor and Industries to adopt rules and take action before operative dates. Clarifies disproportionate impact of dress code on protected class in education discrimination.

-3 Removes provisions relating to cash sales.

-4 Modifies provisions relating to cash sales. Declares refusal to accept United States coins or currency, or discrimination or distinction for offering coins or currency by a place of public accommodation an unlawful practice. Allows incentive for use of cash. Allows refusal of currency in \$50 or \$100 bills or of coins when coins

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total \$100 or more. Exempts gas stations when no attendant present to dispense fluid, and retail transactions occurring entirely by phone or mail. Exempts internet-based transactions, defined as sale, purchase, reservation, or deposit for goods or services to be picked up or delivered. Removes exemption for mobile food units. Adds exemption for electric vehicle charging stations, and insurance sales. Adds exemption for purchases from a vending machine unless vending machine is within group of eight or more machines that do not accept cash payment. Clarifies exemption for transactions for goods or services, including transient lodging and transportation, when transaction requires deposit of money or signing an agreement to rent or lease consumer goods. Defines consumer goods. Exempts transactions occurring in a micromarket, defined as unattended retail establishments without access to the general population offering food or beverage through an automated payment processing system. Allows complaint to Bureau of Labor and Industries beginning July 1, 2021 and allows civil actions and complaint to Bureau of Labor and Industries on January 1, 2022. Authorizes Bureau of Labor and Industries to adopt rules and take action before operative dates. Clarifies disproportionate impact of dress code on protected class in education discrimination.

BACKGROUND:

According to the Federal Deposit Insurance Corporation (FDIC), in 2017, 6.5 percent, or 8.4 million households in the US did not have a bank-issued debit or credit card. A 2019 study by the Federal Reserve's Cash Product Office found that consumers used cash in 26 percent of transactions, with nearly 50 percent of all payments under \$10 being in cash. But in some regions and commercial sectors, businesses refuse cash payments.

The Create a Respectful and Open World for Natural Hair (CROWN) Act prohibits discrimination based on hair style and texture. First enacted in California in 2019, it has been adopted by New York, and New Jersey, several municipalities and counties, and is before the US Congress and twenty states.

House Bill 4107 prohibits discrimination in two ways: 1) it makes refusal to accept cash an unlawful practice; and 2) it includes physical characteristics, such as hair type and hair style, within the definition of race in school discrimination policies, interscholastic organization activities, and in unlawful employment practices.