

HB 4107 A -19 STAFF MEASURE SUMMARY

Senate Committee On Labor and Business

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Meeting Dates: 2/25

WHAT THE MEASURE DOES:

Declares refusal to accept U.S. coins or currency, or discrimination or distinction for offering coins or currency, by a place of public accommodation an unlawful practice. Allows incentives for use of cash. Allows refusal of currency in \$50 or \$100 denominations or coins that total \$100 or more. Exempts gas stations when no attendant is present to dispense fuel, electric vehicle charging stations, insurance sales, 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. Exempts purchases from vending machines unless vending machine is within group of eight or more machines that do not accept cash payment. Exempts 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. Exempts 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. Exempts transactions occurring in a micromarket, defined as unattended retail establishments without access to the general population offering food or beverage through automated payment processing system. Includes physical characteristics, such as hair type and hair style, within definition of race for purposes of school discrimination, school district participation in interscholastic 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 code or policy from disproportionately impacting members of a protected class. Makes cash discrimination provisions effective and allows for complaints to Bureau of Labor and Industries (BOLI) beginning July 1, 2021, and allows civil actions for cash discrimination January 1, 2022. Authorizes BOLI to adopt rules and take action before operative dates.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-19 Adds exemptions to cash discrimination provisions for farmers markets and roadside stands, transactions on aircrafts, banks, securities transactions, and regional offices of the Department of Revenue. Modifies exemption for gas stations to apply regardless of presence of attendant. Removes ability to file civil action for cash discrimination claims. Establishes maximum civil penalty of \$1,000 for first cash discrimination violation, \$5,000 for the second, and \$15,000 for subsequent violations by the same respondent.

BACKGROUND:

According to the Federal Deposit Insurance Corporation (FDIC), in 2017, 6.5 percent, or 8.4 million households in the U.S. 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 made in cash. The Federal Reserve Bank of San Francisco reports that small- and medium-sized businesses are increasingly going cashless to reduce costs and theft, but that the growing cashless economy effectively denies service to the nearly 19 percent of Americans who rely heavily on cash transactions.

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, the act has been adopted by New York, New Jersey, the City of Cincinnati, and Montgomery County, Maryland, and is before the U.S. Congress and 24 states. Oregon currently

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prohibits school and workplace based on race, but the applicable definitions do not explicitly include hair type, texture, or style.

House Bill 4107-A prohibits discrimination in two ways. First, it makes refusal to accept cash by a place that serves the public an unlawful practice. Second, it includes physical characteristics including hair type, texture, and style within the definition of race in school discrimination policies, interscholastic organization activities, and in unlawful employment practices, and prohibits school or employer dress codes or policies from disproportionately impacting members of a protected class.