

# Senate Bill 1557

Sponsored by Senator LINTHICUM; Senators BEYER, FINDLEY, GIROD, HANSELL, KNOPP, THATCHER, Representative RESCHKE (Pre-session 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 **as introduced**.

Provides that definition of "abuse" does not include refusal to vaccinate child or decision to delay vaccination of child.

## A BILL FOR AN ACT

1  
2 Relating to definition of abuse of child; amending ORS 419B.005.

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

4 **SECTION 1.** ORS 419B.005 is amended to read:

5 419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

6 (1)(a) "Abuse" means:

7 (A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child  
8 which has been caused by other than accidental means, including any injury which appears to be  
9 at variance with the explanation given of the injury.

10 (B) Any mental injury to a child, which shall include only observable and substantial impairment  
11 of the child's mental or psychological ability to function caused by cruelty to the child, with due  
12 regard to the culture of the child.

13 (C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual pene-  
14 tration and incest, as those acts are described in ORS chapter 163.

15 (D) Sexual abuse, as described in ORS chapter 163.

16 (E) Sexual exploitation, including but not limited to:

17 (i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any  
18 other conduct which allows, employs, authorizes, permits, induces or encourages a child to engage  
19 in the performing for people to observe or the photographing, filming, tape recording or other ex-  
20 hibition which, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or  
21 described in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not in-  
22 cluding any conduct which is part of any investigation conducted pursuant to ORS 419B.020 or  
23 which is designed to serve educational or other legitimate purposes; and

24 (ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution as described in  
25 ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase sex with a minor as  
26 described in ORS 163.413 or to engage in commercial sexual solicitation as described in ORS 167.008.

27 (F) Negligent treatment or maltreatment of a child, including but not limited to the failure to  
28 provide adequate food, clothing, shelter or medical care that is likely to endanger the health or  
29 welfare of the child.

30 (G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm  
31 to the child's health or welfare.

**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 (H) Buying or selling a person under 18 years of age as described in ORS 163.537.
- 2 (I) Permitting a person under 18 years of age to enter or remain in or upon premises where
- 3 methamphetamines are being manufactured.
- 4 (J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, or to the unlawful
- 5 manufacturing of a cannabinoid extract, as defined in ORS 475B.015, that subjects a child to a sub-
- 6 stantial risk of harm to the child's health or safety.
- 7 (b) "Abuse" does not include:
- 8 (A) Reasonable discipline unless the discipline results in one of the conditions described in
- 9 paragraph (a) of this subsection[.]; **or**
- 10 **(B) Refusal to vaccinate a child or a decision to delay vaccination of a child.**
- 11 (2) "Child" means an unmarried person who:
- 12 (a) Is under 18 years of age; or
- 13 (b) Is under 21 years of age and residing in or receiving care or services at a child-caring
- 14 agency as that term is defined in ORS 418.205.
- 15 (3) "Higher education institution" means:
- 16 (a) A community college as defined in ORS 341.005;
- 17 (b) A public university listed in ORS 352.002;
- 18 (c) The Oregon Health and Science University; and
- 19 (d) A private institution of higher education located in Oregon.
- 20 (4)(a) "Investigation" means a detailed inquiry into or assessment of the safety of a child alleged
- 21 to have experienced abuse.
- 22 (b) "Investigation" does not include screening activities conducted upon the receipt of a report.
- 23 (5) "Law enforcement agency" means:
- 24 (a) A city or municipal police department.
- 25 (b) A county sheriff's office.
- 26 (c) The Oregon State Police.
- 27 (d) A police department established by a university under ORS 352.121 or 353.125.
- 28 (e) A county juvenile department.
- 29 (6) "Public or private official" means:
- 30 (a) Physician or physician assistant licensed under ORS chapter 677 or naturopathic physician,
- 31 including any intern or resident.
- 32 (b) Dentist.
- 33 (c) School employee, including an employee of a higher education institution.
- 34 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide
- 35 or employee of an in-home health service.
- 36 (e) Employee of the Department of Human Services, Oregon Health Authority, Early Learning
- 37 Division, Department of Education, Youth Development Division, Office of Child Care, the Oregon
- 38 Youth Authority, a local health department, a community mental health program, a community de-
- 39 velopmental disabilities program, a county juvenile department, a child-caring agency as that term
- 40 is defined in ORS 418.205 or an alcohol and drug treatment program.
- 41 (f) Peace officer.
- 42 (g) Psychologist.
- 43 (h) Member of the clergy.
- 44 (i) Regulated social worker.
- 45 (j) Optometrist.

- 1 (k) Chiropractor.
- 2 (L) Certified provider of foster care, or an employee thereof.
- 3 (m) Attorney.
- 4 (n) Licensed professional counselor.
- 5 (o) Licensed marriage and family therapist.
- 6 (p) Firefighter or emergency medical services provider.
- 7 (q) A court appointed special advocate, as defined in ORS 419A.004.
- 8 (r) A child care provider registered or certified under ORS 329A.030 and 329A.250 to 329A.450.
- 9 (s) Member of the Legislative Assembly.
- 10 (t) Physical, speech or occupational therapist.
- 11 (u) Audiologist.
- 12 (v) Speech-language pathologist.
- 13 (w) Employee of the Teacher Standards and Practices Commission directly involved in investi-  
14 gations or discipline by the commission.
- 15 (x) Pharmacist.
- 16 (y) An operator of a preschool recorded program under ORS 329A.255.
- 17 (z) An operator of a school-age recorded program under ORS 329A.257.
- 18 (aa) Employee of a private agency or organization facilitating the provision of respite services,  
19 as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS  
20 109.056.
- 21 (bb) Employee of a public or private organization providing child-related services or activities:  
22 (A) Including but not limited to youth groups or centers, scout groups or camps, summer or day  
23 camps, survival camps or groups, centers or camps that are operated under the guidance, super-  
24 vision or auspices of religious, public or private educational systems or community service organ-  
25 izations; and  
26 (B) Excluding community-based, nonprofit organizations whose primary purpose is to provide  
27 confidential, direct services to victims of domestic violence, sexual assault, stalking or human traf-  
28 ficking.
- 29 (cc) A coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete,  
30 if compensated and if the athlete is a child.
- 31 (dd) Personal support worker, as defined in ORS 410.600.
- 32 (ee) Home care worker, as defined in ORS 410.600.
- 33 (ff) Animal control officer, as defined in ORS 609.500.
- 34 (gg) Member of a school district board or public charter school governing body.
- 35 (hh) An individual who is paid by a public body, in accordance with ORS 430.215, to provide a  
36 service identified in an individualized written service plan of a child with a developmental disability.

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