

# House Bill 3041

Sponsored by Representative POWER, Senator LIEBER; Senator GELSER (at the request of Basic Rights Oregon, Attorney General Ellen Rosenblum, Commissioner of the Bureau of Labor and Industries Val Hoyle)

## 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**.

Removes "gender identity" from definition of "sexual orientation" in ORS 174.100 and creates standalone definition of "gender identity" in ORS 174.100. Adds "gender identity" or "gender identities" to all statutes that reference "sexual orientation" or "sexual orientations."

Repeals prohibition on political subdivisions enacting or enforcing certain laws related to sexual orientation.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to gender identity; amending ORS 10.030, 20.107, 30.860, 93.270, 101.115, 109.035, 131.915,  
3 131.930, 174.100, 179.750, 181A.470, 192.630, 240.306, 338.125, 339.127, 339.128, 339.329, 339.351,  
4 352.274, 418.648, 418.731, 418.925, 418.976, 430.550, 443.739, 458.505, 646A.787, 652.210, 653.547,  
5 658.427, 659.850, 659A.003, 659A.006, 659A.030, 659A.130, 659A.403, 659A.406, 659A.409, 659A.421,  
6 659A.425, 659A.805, 659A.815, 659A.885, 660.139 and 744.382 and section 2, chapter 629, Oregon  
7 Laws 2019, and section 2, chapter 5, Oregon Laws 2020 (first special session); repealing ORS  
8 659.870; and declaring an emergency.

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

#### **SECTION 1.** ORS 174.100 is amended to read:

11 174.100. As used in the statute laws of this state, unless the context or a specially applicable  
12 definition requires otherwise:

13 (1) "Any other state" includes any state and the District of Columbia.

14 (2) "City" includes any incorporated village or town.

15 (3) "County court" includes board of county commissioners.

16 (4) **"Gender identity" means an individual's gender-related identity, appearance, ex-**  
17 **pression or behavior, regardless of whether the identity, appearance, expression or behavior**  
18 **differs from that associated with the gender assigned to the individual at birth.**

19 [(4)] (5) "Husband and wife," "husband or wife," "husband" or "wife" means spouses or a spouse  
20 in a marriage.

21 [(5)] (6) "May not" and "shall not" are equivalent expressions of an absolute prohibition.

22 [(6)] (7) "Person" includes individuals, corporations, associations, firms, partnerships, limited li-  
23 ability companies and joint stock companies.

24 [(7)] (8) "Sexual orientation" means an individual's actual or perceived heterosexuality,  
25 homosexuality[,] **or** bisexuality. [*or gender identity, regardless of whether the individual's gender*  
26 *identity, appearance, expression or behavior differs from that traditionally associated with the*  
27 *individual's sex at birth.*]

28 [(8)] (9) "State Treasury" includes those financial assets the lawful custody of which are vested

**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 in the State Treasurer and the office of the State Treasurer relating to the custody of those financial  
 2 assets.

3 [(9)] (10) “To” means “to and including” when used in a reference to a series of statute sections,  
 4 subsections or paragraphs.

5 [(10)] (11) “United States” includes territories, outlying possessions and the District of Columbia.

6 [(11)] (12) “Violate” includes failure to comply.

7 **SECTION 2.** ORS 10.030 is amended to read:

8 10.030. (1) Except as otherwise specifically provided by statute, the opportunity for jury service  
 9 may not be denied or limited on the basis of race, religion, sex, sexual orientation, **gender identity**,  
 10 national origin, age, income, occupation or any other factor that discriminates against a cognizable  
 11 group in this state.

12 (2) Any person is eligible to act as a juror in a civil trial unless the person:

13 (a) Is not a citizen of the United States;

14 (b) Does not live in the county in which summoned for jury service;

15 (c) Is less than 18 years of age; or

16 (d) Has had rights and privileges withdrawn and not restored under ORS 137.281.

17 (3)(a) Any person is eligible to act as a grand juror, or as a juror in a criminal trial, unless the  
 18 person:

19 (A) Is not a citizen of the United States;

20 (B) Does not live in the county in which summoned for jury service;

21 (C) Is less than 18 years of age;

22 (D) Has had rights and privileges withdrawn and not restored under ORS 137.281;

23 (E) Has been convicted of a felony or served a felony sentence within the 15 years immediately  
 24 preceding the date the person is required to report for jury service; or

25 (F) Has been convicted of a misdemeanor involving violence or dishonesty, or has served a  
 26 misdemeanor sentence based on a misdemeanor involving violence or dishonesty, within the five  
 27 years immediately preceding the date the person is required to report for jury service.

28 (b) As used in this subsection:

29 (A) “Felony sentence” includes any incarceration, post-prison supervision, parole or probation  
 30 imposed upon conviction of a felony or served as a result of conviction of a felony.

31 (B) “Has been convicted of a felony” has the meaning given that term in ORS 166.270.

32 (C) “Misdemeanor sentence” includes any incarceration or probation imposed upon conviction  
 33 of a misdemeanor or served as a result of conviction of a misdemeanor.

34 (4) A person who is blind, hard of hearing or speech impaired or who has a physical disability  
 35 is not ineligible to act as a juror and may not be excluded from a jury list or jury service on the  
 36 basis of blindness, hearing or speech impairment or physical disability alone.

37 (5) A person is ineligible to act as a juror in any circuit court of this state within 24 months  
 38 after being discharged from jury service in a federal court in this state or circuit court of this state  
 39 unless that person’s service as a juror is required because of a need for additional jurors.

40 **SECTION 3.** ORS 20.107 is amended to read:

41 20.107. (1) In any civil judicial proceeding, including judicial review of an administrative pro-  
 42 ceeding based on a claim of unlawful discrimination, the court shall award to the prevailing plaintiff  
 43 attorney and expert witness fees reasonably and necessarily incurred in connection with the dis-  
 44 crimination claim, at the trial court or agency level and on appeal. The court may award reasonable  
 45 attorney fees and expert witness fees incurred by a defendant who prevails in the action if the court

1 determines that the plaintiff had no objectively reasonable basis for asserting a claim or no rea-  
 2 sonable basis for appealing an adverse decision of a trial court or agency.

3 (2) In making an award under this section, the court shall calculate attorney and expert witness  
 4 fees on the basis of a reasonable hourly rate at the time the award is made, multiplied by the  
 5 amount of time actually and reasonably spent in connection with the discrimination claim.

6 (3) When an award under this section is made against a state agency or an officer or employee  
 7 of a state agency, the award shall be paid by the agency directly from funds available to it.

8 (4) As used in this section, “unlawful discrimination” means discrimination based upon personal  
 9 characteristics including, but not limited to, race, religion, sex, sexual orientation, **gender identity**,  
 10 national origin, alienage, marital status or age.

11 **SECTION 4.** ORS 30.860 is amended to read:

12 30.860. (1) A person or governmental entity may not discriminate against, boycott, blacklist or  
 13 refuse to buy from, sell to or trade with any person because of foreign government imposed or  
 14 sanctioned discrimination based upon the race, religion, sex, sexual orientation, **gender identity** or  
 15 national origin of the person or of the person’s partners, members, directors, stockholders, agents,  
 16 employees, business associates, suppliers or customers.

17 (2) Any person directly injured in business or property by a violation of subsection (1) of this  
 18 section may sue whoever knowingly practices, or conspires to practice, activities prohibited by  
 19 subsection (1) of this section, and shall recover threefold the damages sustained. The court shall  
 20 award reasonable attorney fees to the prevailing plaintiff in an action under this section. The court  
 21 may award reasonable attorney fees and expert witness fees incurred by a defendant who prevails  
 22 in the action if the court determines that the plaintiff had no objectively reasonable basis for as-  
 23 serting a claim or no objectively reasonable basis for appealing an adverse decision of a trial court.

24 **SECTION 5.** ORS 93.270 is amended to read:

25 93.270. (1) A person conveying or contracting to convey fee title to real property, or recording  
 26 a declaration under ORS 94.580, may not include in an instrument for that purpose a provision:

27 (a) Restricting the use of the real property by any person or group of persons by reason of race,  
 28 color, religion, sex, sexual orientation, **gender identity**, national origin or disability.

29 (b) Restricting the use of the real property:

30 (A) As a certified or registered family child care home pursuant to ORS 329A.250 to 329A.450  
 31 or as the premises of an exempt family child care provider participating in the subsidy program  
 32 under ORS 329A.500; or

33 (B) By any home or facility that is licensed under ORS 443.400 to 443.455 or 443.705 to 443.825  
 34 to provide residential care alone or in conjunction with treatment or training or a combination  
 35 thereof.

36 (2) Any provision in an instrument executed in violation of subsection (1) of this section is void  
 37 and unenforceable.

38 (3) An instrument that contains a provision restricting the use of real property in a manner  
 39 listed in subsection (1)(b) of this section does not give rise to any public or private right of action  
 40 to enforce the restriction.

41 (4)(a) An instrument that contains a provision restricting the use of real property by requiring  
 42 roofing materials with a lower fire rating than that required in the state building code established  
 43 under ORS chapter 455 does not give rise to any public or private right of action to enforce the  
 44 restriction in an area determined by a local jurisdiction as a wildfire hazard zone. Prohibitions on  
 45 public or private right of action under this paragraph are limited solely to considerations of fire

1 rating.

2 (b) As used in this subsection, “wildfire hazard zones” are areas that are legally declared by a  
 3 governmental agency having jurisdiction over the area to have special hazards caused by a combi-  
 4 nation of combustible natural fuels, topography and climatic conditions that result in a significant  
 5 hazard of catastrophic fire over relatively long periods each year. Wildfire hazard zones shall be  
 6 determined using criteria established by the State Forestry Department.

7 **SECTION 6.** ORS 101.115 is amended to read:

8 101.115. (1) A provider must assist a resident, upon request, in the exercise of the resident’s  
 9 rights as a citizen of the United States and as a resident of this state. A resident has the right to  
 10 exercise all rights that do not infringe upon the rights or safety of other residents.

11 (2) A resident has the right to review a provider’s disclosure statements.

12 (3) A provider may not discriminate or impose any requirement or restriction based on sex,  
 13 marital status, race, color, sexual orientation, **gender identity** or national origin of a resident, a  
 14 prospective resident or a resident’s visitor.

15 (4) A provider shall make reasonable accommodations to ensure that services are accessible to  
 16 residents who have disabilities.

17 (5) A provider shall treat each resident with respect and dignity at all times, and ensure privacy  
 18 for each resident during rehabilitation or treatment and when receiving personal care services.

19 (6) A resident has the right to associate and communicate privately with persons of the  
 20 resident’s choice and to send and receive mail that is not opened by the provider.

21 (7) A resident has the right to be free from abuse as defined in ORS 124.005.

22 (8) The residents’ council has the right to meet with the provider no less than twice each year  
 23 and must be allowed free discussion at the meetings of subjects that may include, but need not be  
 24 limited to, facility income, expenditures, financial trends, resident concerns, proposed changes in  
 25 policy, programs and services, and any other issue identified by the council or a resident under ORS  
 26 101.112 (1).

27 (9) A resident has the right to participate in social, religious and community activities at the  
 28 discretion of the resident.

29 (10) A resident has the right to be fully informed, prior to or at the time of admission and during  
 30 the resident’s period of residency, of services available in the continuing care retirement community,  
 31 whether the provider participates in the Medicare or Medicaid programs and the consequences of  
 32 the participation or lack of participation by the provider in the Medicare or Medicaid programs.

33 (11) A resident has the right to refuse medication, treatment, care or participation in clinical  
 34 trials or other research.

35 (12) A resident has the right to obtain treatment, care and services, including but not limited  
 36 to home health and hospice care, from persons providing health care who have not entered into a  
 37 contract with or are not affiliated with the provider, subject to policies of the CCRC regarding the  
 38 provision of services by persons that are not under contract.

39 (13) A resident has the right to submit grievances and to suggest changes in policies and ser-  
 40 vices either orally or in writing to staff or other individuals without fear of restraint, interference,  
 41 coercion, discrimination or reprisal by the provider. A provider must adopt written policies and  
 42 procedures for the timely resolution of a resident’s grievance.

43 (14) A resident has the right to be free from harassment by other residents and to peaceful en-  
 44 joyment of the CCRC without interference from other residents.

45 (15) A provider shall keep clinical and personal records of residents confidential. A resident or

1 an authorized representative of the resident has the right to a prompt inspection of the records  
2 pertaining to the resident's care. The provider shall provide photocopies or electronic copies of a  
3 resident's records to the resident or the authorized representative at a reasonable charge.

4 (16) A resident has the right to receive notice of proposed changes in fees or services in ac-  
5 cordance with ORS 101.112. The provider must allow residents a reasonable opportunity to comment  
6 on the proposed changes before the changes become effective.

7 (17) A provider shall have a procedure in place for a resident to request that a staff person of  
8 a particular sex be assigned to assist the resident with activities of daily living. The provider shall  
9 accommodate the request unless the provider is unable to do so. If the provider is unable to ac-  
10 commodate the request, the provider shall notify the resident, in writing, of the reasons why the  
11 provider is unable to accommodate the request and shall maintain documentation showing why the  
12 provider cannot accommodate the request.

13 **SECTION 7.** ORS 109.035 is amended to read:

14 109.035. (1) As used in this section:

15 (a) "Custody order" includes any order or judgment establishing or modifying custody of, or  
16 parenting time or visitation with, a minor child as described in ORS 107.095, 107.105 (1), 107.135 or  
17 109.103.

18 (b) "Foreign country" means any country that:

19 (A) Is not a signatory to the Hague Convention on the Civil Aspects of International Child  
20 Abduction;

21 (B) Does not provide for the extradition to the United States of a parental abductor and minor  
22 child;

23 (C) Has local laws or practices that would restrict the other parent of the minor child from  
24 freely traveling to or exiting from the country because of the race, religion, sex, [or] sexual orien-  
25 tation **or gender identity** of the other parent;

26 (D) Has local laws or practices that would restrict the ability of the minor child from legally  
27 leaving the country after the child reaches the age of majority because of the race, religion, sex,  
28 [or] sexual orientation **or gender identity** of the child; or

29 (E) Poses a significant risk that the physical health or safety of the minor child would be en-  
30 dangered in the country because of war, human rights violations or specific circumstances related  
31 to the needs of the child.

32 (2) A court that finds by clear and convincing evidence a risk of international abduction of a  
33 minor child may issue a court order requiring a parent who is subject to a custody order and who  
34 plans to travel with a minor child to a foreign country to provide security, bond or other guarantee  
35 as described in subsection (4) of this section.

36 (3) In determining whether a risk of international abduction of a minor child exists, a court shall  
37 consider the following factors involving a parent who is subject to a custody order:

38 (a) The parent has taken or retained, attempted to take or retain or threatened to take or retain  
39 a minor child in violation of state law or a valid custody order and the parent is unable to present  
40 clear and convincing evidence that the parent believed in good faith that the conduct was necessary  
41 to avoid imminent harm to the parent or the child;

42 (b) The parent has recently engaged in a pattern of activities that indicates the parent is plan-  
43 ning to abduct the minor child from this country;

44 (c) The parent has strong familial, emotional or cultural connections to this country or another  
45 country, regardless of citizenship or residency status; and

1 (d) Any other relevant factors.

2 (4) A security, bond or other guarantee required by a court under this section may include, but  
3 is not limited to, any of the following:

4 (a) A bond or security deposit in an amount that is sufficient to offset the cost of recovering the  
5 minor child if the child is abducted;

6 (b) Supervised parenting time; or

7 (c) Passport and travel controls, including but not limited to controls that:

8 (A) Prohibit the parent from removing the minor child from this state or this country;

9 (B) Require the parent to surrender a passport or an international travel visa that is issued in  
10 the name of the minor child or jointly in the names of the parent and the child;

11 (C) Prohibit the parent from applying for a new or replacement passport or international travel  
12 visa on behalf of the minor child; and

13 (D) Require the parent to provide to a relevant embassy or consulate and to the Office of  
14 Children's Issues in the United States Department of State the following documents:

15 (i) Written notice of passport and travel controls required under this paragraph; and

16 (ii) A certified copy of a court order issued under this section.

17 (5) After considering the factors under subsection (3) of this section and requiring a security,  
18 bond or other guarantee under this section, the court shall issue a written determination supported  
19 by findings of fact and conclusions of law.

20 (6) Nothing in this section is intended to limit the inherent power of a court in matters relating  
21 to children.

22 **SECTION 8.** ORS 131.915 is amended to read:

23 131.915. As used in ORS 131.915 to 131.925:

24 **(1) "Gender identity" has the meaning given that term in ORS 174.100.**

25 [(1)] **(2)** "Law enforcement agency" means:

26 (a) The Department of State Police;

27 (b) The Department of Justice;

28 (c) A district attorney's office; and

29 (d) Any of the following that maintains a law enforcement unit as defined in ORS 181A.355:

30 (A) A political subdivision or an instrumentality of the State of Oregon.

31 (B) A municipal corporation of the State of Oregon.

32 (C) A tribal government.

33 (D) A university.

34 [(2)] **(3)** "Law enforcement officer" means:

35 (a) A member of the Oregon State Police;

36 (b) A sheriff, constable, marshal, municipal police officer or reserve officer or a police officer  
37 commissioned by a university under ORS 352.121 or 353.125;

38 (c) An investigator of a district attorney's office if the investigator is or has been certified as  
39 a law enforcement officer in this or any other state;

40 (d) An investigator of the Criminal Justice Division of the Department of Justice;

41 (e) A humane special agent as defined in ORS 181A.345;

42 (f) A judicial marshal of the Security and Emergency Preparedness Office of the Judicial De-  
43 partment who is appointed under ORS 1.177 and trained pursuant to ORS 181A.540;

44 (g) A regulatory specialist exercising authority described in ORS 471.775 (2); or

45 (h) An authorized tribal police officer as defined in ORS 181A.680.

1        [(3)] (4) “Profiling” means the targeting of an individual by a law enforcement agency or a law  
 2 enforcement officer, on suspicion of the individual’s having violated a provision of law, based solely  
 3 on the individual’s real or perceived age, race, ethnicity, color, national origin, language, sex, gender  
 4 identity, sexual orientation, political affiliation, religion, homelessness or disability, unless the  
 5 agency or officer is acting on a suspect description or information related to an identified or sus-  
 6 pected violation of a provision of law.

7        [(4)] (5) “Sexual orientation” has the meaning given that term in ORS 174.100.

8        **SECTION 9.** ORS 131.930 is amended to read:

9        131.930. As used in ORS 131.930 to 131.945:

10        (1) **“Gender identity” has the meaning given that term in ORS 174.100.**

11        [(1)] (2) “Law enforcement agency” means an agency employing law enforcement officers to en-  
 12 force criminal laws.

13        [(2)] (3) “Law enforcement officer” means a member of the Oregon State Police, a sheriff or a  
 14 municipal police officer.

15        [(3)] (4) “Officer-initiated pedestrian stop” means a detention of a pedestrian by a law enforce-  
 16 ment officer that is not associated with a call for service. The term does not apply to detentions for  
 17 routine searches performed at the point of entry to or exit from a controlled area.

18        [(4)] (5) “Officer-initiated traffic stop” means a detention of a driver of a motor vehicle by a law  
 19 enforcement officer, not associated with a call for service, for the purpose of investigating a sus-  
 20 pected violation of the Oregon Vehicle Code.

21        [(5)] (6) “Profiling” means the targeting of an individual by a law enforcement agency or a law  
 22 enforcement officer, on suspicion of the individual’s having violated a provision of law, based solely  
 23 on the individual’s real or perceived age, race, ethnicity, color, national origin, language, sex, gender  
 24 identity, sexual orientation, political affiliation, religion, homelessness or disability, unless the  
 25 agency or officer is acting on a suspect description or information related to an identified or sus-  
 26 pected violation of a provision of law.

27        [(6)] (7) “Sexual orientation” has the meaning given that term in ORS 174.100.

28        **SECTION 10.** ORS 179.750 is amended to read:

29        179.750. (1) Discrimination may not be made in the admission, accommodation, care, education  
 30 or treatment of any person in a state institution because the person does or does not contribute to  
 31 the cost of the care.

32        (2) Discrimination may not be made in the provision of or access to educational facilities and  
 33 services and recreational facilities and services to any person in the state institutions enumerated  
 34 in ORS 420.005 or Department of Corrections institutions as defined in ORS 421.005 on the basis of  
 35 race, religion, sex, sexual orientation, **gender identity**, national origin or marital status of the  
 36 person. This subsection does not require combined domiciliary facilities at the state institutions to  
 37 which it applies.

38        **SECTION 11.** ORS 181A.470 is amended to read:

39        181A.470. The Board on Public Safety Standards and Training shall ensure that all police offi-  
 40 cers and certified reserve officers are trained to:

41        (1) Investigate, identify and report crimes:

42        (a) Motivated by prejudice based on the perceived race, color, religion, national origin, sexual  
 43 orientation, **gender identity**, marital status, political affiliation or beliefs, membership or activity  
 44 in or on behalf of a labor organization or against a labor organization, physical or mental disability,  
 45 age, economic or social status or citizenship of the victim; and

1 (b) That constitute abuse, as defined in ORS 419B.005, or domestic violence.

2 (2) Understand the requirements of the Vienna Convention on Consular Relations and identify  
3 situations in which the officers are required to inform a person of the person's rights under the  
4 convention.

5 **SECTION 12.** ORS 192.630 is amended to read:

6 192.630. (1) All meetings of the governing body of a public body shall be open to the public and  
7 all persons shall be permitted to attend any meeting except as otherwise provided by ORS 192.610  
8 to 192.690.

9 (2) A quorum of a governing body may not meet in private for the purpose of deciding on or  
10 deliberating toward a decision on any matter except as otherwise provided by ORS 192.610 to  
11 192.690.

12 (3) A governing body may not hold a meeting at any place where discrimination on the basis  
13 of race, color, creed, sex, sexual orientation, **gender identity**, national origin, age or disability is  
14 practiced. However, the fact that organizations with restricted membership hold meetings at the  
15 place does not restrict its use by a public body if use of the place by a restricted membership or-  
16 ganization is not the primary purpose of the place or its predominant use.

17 (4)(a) Meetings of the governing body of a public body shall be held:

18 (A) Within the geographic boundaries over which the public body has jurisdiction;

19 (B) At the administrative headquarters of the public body;

20 (C) At the nearest practical location; or

21 (D) If the public body is a state, county, city or special district entity, within Indian country of  
22 a federally recognized Oregon Indian tribe that is within the geographic boundaries of this state.  
23 For purposes of this subparagraph, "Indian country" has the meaning given that term in 18 U.S.C.  
24 1151.

25 (b) Training sessions may be held outside the jurisdiction as long as no deliberations toward a  
26 decision are involved.

27 (c) A joint meeting of two or more governing bodies or of one or more governing bodies and the  
28 elected officials of one or more federally recognized Oregon Indian tribes shall be held within the  
29 geographic boundaries over which one of the participating public bodies or one of the Oregon Indian  
30 tribes has jurisdiction or at the nearest practical location.

31 (d) Meetings may be held in locations other than those described in this subsection in the event  
32 of an actual emergency necessitating immediate action.

33 (5)(a) It is discrimination on the basis of disability for a governing body of a public body to meet  
34 in a place inaccessible to persons with disabilities, or, upon request of a person who is deaf or hard  
35 of hearing, to fail to make a good faith effort to have an interpreter for persons who are deaf or  
36 hard of hearing provided at a regularly scheduled meeting. The sole remedy for discrimination on  
37 the basis of disability shall be as provided in ORS 192.680.

38 (b) The person requesting the interpreter shall give the governing body at least 48 hours' notice  
39 of the request for an interpreter, shall provide the name of the requester, sign language preference  
40 and any other relevant information the governing body may request.

41 (c) If a meeting is held upon less than 48 hours' notice, reasonable effort shall be made to have  
42 an interpreter present, but the requirement for an interpreter does not apply to emergency meetings.

43 (d) If certification of interpreters occurs under state or federal law, the Oregon Health Author-  
44 ity or other state or local agency shall try to refer only certified interpreters to governing bodies  
45 for purposes of this subsection.



1 (e) As used in this subsection, “good faith effort” includes, but is not limited to, contacting the  
 2 department or other state or local agency that maintains a list of qualified interpreters and ar-  
 3 ranging for the referral of one or more qualified interpreters to provide interpreter services.

4 **SECTION 13.** ORS 240.306 is amended to read:

5 240.306. (1) Recruiting, selecting and promoting employees shall be on the basis of their relative  
 6 ability, knowledge, experience and skills, determined by open competition and consideration of  
 7 qualified applicants, without regard to an individual’s race, color, religion, sex, sexual orientation,  
 8 **gender identity**, national origin, marital status, age, disability, political affiliation or other nonjob  
 9 related factors, with proper regard for an individual’s privacy. Nothing in this subsection shall be  
 10 construed to enlarge or diminish the obligation of the state or the rights of employees concerning  
 11 claims of employment discrimination as prescribed by applicable state and federal employment dis-  
 12 crimination laws.

13 (2) The Oregon Department of Administrative Services shall establish procedures to provide for  
 14 statewide open recruitment and selection for classifications that are common to state agencies. The  
 15 procedures shall include adequate public notice, affirmative action to seek out underutilized mem-  
 16 bers of protected minorities, and job related testing. The department may delegate to individual op-  
 17 erating agencies the responsibility for recruitment and selection of classifications where appropriate.

18 (3) Competition for appropriate positions may be limited to facilitate employment of those with  
 19 a substantial disability or who are economically disadvantaged, or for purposes of implementing a  
 20 specified affirmative action program.

21 (4) Appointments to positions in state service shall be made on the basis of qualifications and  
 22 merit by selection from eligible lists established by the department or a delegated operating agency.

23 (5)(a) Noncompetitive selection and appointment procedures may be used for unskilled or semi-  
 24 skilled positions, or where job related ranking measures are not practical or appropriate.

25 (b) Noncompetitive selection and appointment or direct appointment also may be used by agency  
 26 appointing authorities to fill positions that:

- 27 (A) Require special or unique skills such as expert professional level or executive positions; or
- 28 (B) Have critical timing requirements affecting recruitment.

29 (6) Minimum qualifications and performance requirements and duties of a classification may be  
 30 appropriately modified to permit the appointment and promotion of trainees to positions normally  
 31 filled at full proficiency level.

32 (7) The department or delegated agencies shall establish systems to provide opportunities for  
 33 promotion through meritorious service, training, education and career development assignments.  
 34 The department shall certify to the eligibility of persons selected for promotion or delegate that  
 35 responsibility to operating agencies in appropriate situations. Provision shall be made to bring per-  
 36 sons into state service through open competition at higher levels when the competition provides  
 37 abilities not available among existing employees, enrich state service or contribute to improved  
 38 employment opportunity for underrepresented groups.

39 **SECTION 14.** ORS 338.125 is amended to read:

40 338.125. (1) Student enrollment in a public charter school is voluntary.

41 (2)(a) All students who reside in the school district in which the public charter school is located  
 42 are eligible for enrollment in the public charter school if space is available.

43 (b) Students who do not reside in the school district in which the public charter school is lo-  
 44 cated are eligible for enrollment in the public charter school if space is available and subject to  
 45 subsection (4) of this section.

1 (c) A public charter school may not limit student enrollment based on race, religion, sex, sexual  
2 orientation, **gender identity**, ethnicity, national origin, disability, the terms of an individualized  
3 education program, income level, proficiency in the English language or athletic ability.

4 (3)(a) Except as provided by paragraphs (b) and (c) of this subsection, if the number of applica-  
5 tions from students who reside in the school district exceeds the capacity of a program, class, grade  
6 level or building, the public charter school shall select students through an equitable lottery se-  
7 lection process.

8 (b)(A) A public charter school may give priority for admission to students who reside within the  
9 attendance boundaries that were in effect at the time a school district closed a nonchartered public  
10 school if:

11 (i) The public charter school began to operate not more than two years after the nonchartered  
12 public school was closed;

13 (ii) The school district that closed the nonchartered public school is the sponsor of the public  
14 charter school;

15 (iii) The public charter school is physically located within the attendance boundaries of the  
16 closed nonchartered public school; and

17 (iv) The school district board, through board action, approved the public charter school giving  
18 priority as described in this paragraph.

19 (B) Nothing in this paragraph requires an amendment to a charter. A school district board may  
20 take an action described in subparagraph (A)(iv) of this paragraph at any time during the term of  
21 a charter.

22 (c) After a public charter school has been in operation for one or more years, the public charter  
23 school may give priority for admission to students who:

24 (A) Were enrolled in the school in the prior year;

25 (B) Have siblings who are presently enrolled in the school and who were enrolled in the school  
26 in the prior year; or

27 (C) If the public charter school is a party to a cooperative agreement described in ORS 338.080,  
28 reside in the school district that is the sponsor of the public charter school or in a school district  
29 that is a party to the cooperative agreement.

30 (4)(a) A student who wishes to enroll in a virtual public charter school does not need the ap-  
31 proval of the school district where the student is a resident before the student enrolls in the virtual  
32 public charter school. If a student wishes to enroll in a virtual public charter school, the parent,  
33 legal guardian or person in parental relationship with the student must provide the following notices  
34 to the school district where the student is a resident:

35 (A) Intent to enroll the student in a virtual public charter school; and

36 (B) Enrollment of the student in a virtual public charter school.

37 (b)(A) Notwithstanding paragraph (a) of this subsection and ORS 339.133, if more than three  
38 percent of the students who reside in a school district are enrolled in virtual public charter schools  
39 that are not sponsored by the school district, a student who is a resident of the school district must  
40 receive approval from the school district before enrolling in a virtual public charter school. A school  
41 district is not required to give approval if more than three percent of the students who reside in the  
42 school district are enrolled in virtual public charter schools that are not sponsored by the school  
43 district.

44 (B) For the purpose of determining whether more than three percent of the students who reside  
45 in the school district are enrolled in virtual public charter schools that are not sponsored by the

1 school district, the school district board shall include any students who:

2 (i) Reside in the school district, regardless of whether the students are considered residents of  
 3 different school districts as provided by ORS 339.133 (5); and

4 (ii) Are enrolled in virtual public charter schools that are not sponsored by the school district.

5 (C) Students who reside in the school district, regardless of whether the students are considered  
 6 residents of different school districts as provided by ORS 339.133 (5), must receive approval from the  
 7 school district before enrolling in a virtual public charter school if the limit described in subpara-  
 8 graph (A) of this paragraph has been met.

9 (c) If the school district does not give approval under paragraph (b) of this subsection, the  
 10 school district must provide information to the parent, legal guardian or person in parental re-  
 11 lationship with the student about the right to appeal the decision to the State Board of Education  
 12 and other online options available to the student. If an appeal is made to the State Board of Edu-  
 13 cation, the board must issue a decision within 30 days of the submission of the appeal.

14 (5) Within 10 days of a student's enrollment in a public charter school, the public charter school  
 15 shall provide written notice of the student's enrollment to the school district in which the public  
 16 charter school is located if the student does not reside in the school district where the public  
 17 charter school is located.

18 (6) Within 10 days of receiving the notice described in subsection (5) of this section, the school  
 19 district in which the public charter school is located shall provide to the student's parent, legal  
 20 guardian or person in parental relationship written information about:

21 (a) The school district's responsibility to identify, locate and evaluate students enrolled in the  
 22 public charter school to determine which students may be in need of special education and related  
 23 services as provided by ORS 338.165; and

24 (b) The methods by which the school district may be contacted to answer questions or provide  
 25 information related to special education and related services.

26 (7) When a student described in subsection (5) of this section withdraws from a public charter  
 27 school for a reason other than graduation from high school, the school district in which the public  
 28 charter school is located shall:

29 (a) Provide to the school district in which the student resides written notice that the student  
 30 has withdrawn.

31 (b) Provide to the student's parent, legal guardian or person in parental relationship written  
 32 information about:

33 (A) The responsibility of the school district in which the student resides to identify, locate and  
 34 evaluate students who reside in the school district to determine which students may be in need of  
 35 special education and related services as provided by ORS 338.165; and

36 (B) The methods by which the school district in which the student resides may be contacted to  
 37 answer questions or provide information related to special education and related services.

38 (8)(a) If a student described in subsection (5) of this section enrolls in a public charter school  
 39 and has an individualized education program, the school district in which the public charter school  
 40 is located must implement the individualized education program and follow the terms of the indi-  
 41 vidualized education program until a new individualized education program is developed.

42 (b) If a student described in subsection (5) of this section withdraws from a public charter school  
 43 and has an individualized education program, the school district in which the student resides must  
 44 implement the individualized education program and follow the terms of the individualized education  
 45 program until a new individualized education program is developed.

1 (9) When a virtual public charter school enrolls a student or a student no longer is enrolled in  
 2 a virtual public charter school, the virtual public charter school shall provide the written notices  
 3 described in ORS 338.120 (1)(m) and (n) to the school district where the student is a resident.

4 (10) A public charter school may conduct fund-raising activities but may not require a student  
 5 to participate in fund-raising activities as a condition of admission to the public charter school.

6 **SECTION 15.** ORS 339.127 is amended to read:

7 339.127. (1) A district school board that admits nonresident students by giving consent as de-  
 8 scribed in ORS 339.133 (5)(a) may not consider race, religion, sex, sexual orientation, **gender iden-**  
 9 **tity**, ethnicity, national origin, disability, health, whether a student has an individualized education  
 10 program, the terms of an individualized education program, income level, residence, proficiency in  
 11 the English language, athletic ability or academic records when:

12 (a) Determining whether to give consent; or

13 (b) Establishing any terms of consent.

14 (2) A district school board that is considering whether to admit a nonresident student by giving  
 15 consent may require only the following information prior to deciding whether to give consent:

16 (a) The name, contact information, date of birth and grade level of the student;

17 (b) Information about whether the school district may be prevented or otherwise limited from  
 18 providing consent as provided by ORS 339.115 (8);

19 (c) Information about whether the student may be given priority as provided by subsection (4)  
 20 of this section; and

21 (d) Information about which schools the student prefers to attend.

22 (3)(a) A district school board that is considering whether to admit a nonresident student by  
 23 giving consent may not:

24 (A) Request or require any person to provide or have provided any of the following information  
 25 related to a student prior to the district school board deciding whether to give consent to the stu-  
 26 dent:

27 (i) Information about the student's race, religion, sex, sexual orientation, **gender identity**,  
 28 ethnicity, national origin, disability, health, whether a student has an individualized education pro-  
 29 gram, the terms of an individualized education program, income level, residence, proficiency in the  
 30 English language or athletic ability; or

31 (ii) Academic records, including eligibility for or participation in a talented and gifted program  
 32 or special education and related services.

33 (B) Request or require the student to participate in an interview, to tour any of the schools or  
 34 facilities of the school district or to otherwise meet with any representatives of a school or a school  
 35 district prior to the district school board deciding whether to give consent to the student.

36 (C) Request any information used to supplement the information described in subsection (2) of  
 37 this section prior to deciding whether to give consent to the student.

38 (b) Nothing in this subsection prevents a student from voluntarily touring any of the schools or  
 39 facilities of a school district or from requesting or receiving any information from a school or the  
 40 school district.

41 (4)(a) A district school board that gives consent as described in ORS 339.133 (5)(a) may limit the  
 42 number of students to whom consent is given. The district school board must make the determi-  
 43 nation whether to limit the number of students to whom consent is given by an annual date estab-  
 44 lished by the board.

45 (b) If the number of students seeking consent exceeds any limitations imposed by the district

1 school board, the board must give consent to students based on an equitable lottery selection pro-  
2 cess. The process may give priority to students who:

3 (A) Have siblings currently enrolled in a school of the same school district for which the student  
4 seeks admission;

5 (B) Previously had received consent as provided by subsection (10) of this section because of a  
6 change in legal residence; or

7 (C) Attended a public charter school located in the same district for which the student seeks  
8 admission for at least three consecutive years, completed the highest grade offered by the public  
9 charter school and did not enroll in and attend school in another district following completion of  
10 the highest grade offered by the public charter school.

11 (c) A district school board may revise the maximum number of students to whom consent will  
12 be given at a time other than the annual date established by the board if there are no pending ap-  
13 plications for consent.

14 (5) A district school board that is requested to give consent to allow a resident student to be  
15 admitted by another school district as described in ORS 339.133 (5)(a) may not consider race, reli-  
16 gion, sex, sexual orientation, **gender identity**, ethnicity, national origin, disability, health, whether  
17 a student has an individualized education program, the terms of an individualized education pro-  
18 gram, income level, residence, proficiency in the English language, athletic ability or academic re-  
19 cords when determining whether to give consent.

20 (6) If a district school board decides to not give consent to a student, the board must provide  
21 a written explanation to the student.

22 (7)(a) For a nonresident student who receives consent to be admitted to a school district as de-  
23 scribed in ORS 339.133 (5)(a), a district school board may:

24 (A) Determine the length of time for which consent is given; and

25 (B) Revoke consent for failure to comply with minimum standards for behavior or attendance,  
26 but may not revoke consent for failure to meet standards for academics.

27 (b) Any limitations in length of time for consent, as allowed under paragraph (a) of this sub-  
28 section, must be applied consistently among all students to whom consent is given. The length of  
29 time for which consent is given shall not be affected by any changes in the legal residence of the  
30 student if the student wishes to continue to attend the schools of the school district.

31 (c) If consent is revoked as provided by paragraph (a) of this subsection, a student may not re-  
32 quest consent from the same school district that revoked the consent for the school year following  
33 the school year in which the consent was revoked.

34 (8) For a resident student who receives consent to be admitted to another school district as  
35 described in ORS 339.133 (5)(a), a district school board may not impose any limitations on the length  
36 of time for which consent is given to the student. The board may not require the student to receive  
37 consent more than one time to be admitted to the same school district, regardless of any time limi-  
38 tations imposed by the district school board under paragraph (a) of this subsection.

39 (9)(a) A school district that provides consent to nonresident students to attend the schools of  
40 the school district may not expend moneys received from the State School Fund or as Local Re-  
41 venues, as described in ORS 327.011, to advertise openings for nonresident students if the adver-  
42 tisements are:

43 (A) Located outside the boundaries of the school district, including advertisements that are  
44 made by signage or billboards; or

45 (B) Directed to nonresident students, including:

1 (i) Advertisements that are targeted to nonresident students through direct mail or online mar-  
 2 keting;

3 (ii) Television or radio advertisements; or

4 (iii) Newspaper advertisements, unless the advertisement is in a newspaper that primarily serves  
 5 the residents of the school district.

6 (b) Notwithstanding paragraph (a)(A) of this subsection, if a school is located outside the  
 7 boundaries of the school district, the school district may advertise openings for nonresident students  
 8 on the property of the school.

9 (c) Nothing in this subsection:

10 (A) Prohibits a school district from providing information or advertisements to nonresident stu-  
 11 dents if the parents of the students request the information or advertisements.

12 (B) Prohibits a public charter school from advertising openings.

13 (10) Notwithstanding any other provision of this section, a district school board that is re-  
 14 quested to give consent as described in ORS 339.133 (5)(a) must give consent to a student whose  
 15 legal residence changes to a different school district:

16 (a) During the school year, to enable the student to complete the school year in the school dis-  
 17 trict; or

18 (b) During the summer prior to the school year, to enable the student to complete the school  
 19 year following the summer in the school district.

20 (11) Nothing in this section:

21 (a) Requires a district school board to admit students for whom priority may be given under  
 22 subsection (4)(b) of this section if the board imposes limitations on the number of students admitted  
 23 by consent.

24 (b) Prevents a district school board from denying admission to a nonresident student as provided  
 25 by ORS 339.115 (8).

26 (c) Prevents a district school board from requesting information or giving consent to a student  
 27 in the event of:

28 (A) An emergency to protect the health, safety or welfare of the student; or

29 (B) A hardship of the student, as determined based on rules adopted by the State Board of Ed-  
 30 ucation.

31 (d) Prevents a district school board from establishing minimum standards for behavior and at-  
 32 tendance that a student must maintain to remain enrolled in the schools of the school district.

33 **SECTION 16.** ORS 339.128 is amended to read:

34 339.128. (1) A district school board that admits nonresident students and charges nonresident  
 35 students tuition may not consider race, religion, sex, sexual orientation, **gender identity**, ethnicity,  
 36 national origin, disability, health, whether a student has an individualized education program, the  
 37 terms of an individualized education program, income level, residence, proficiency in the English  
 38 language, athletic ability or academic records when:

39 (a) Determining whether to accept a nonresident student; or

40 (b) Establishing the amount of tuition.

41 (2) A district school board that admits nonresident students and charges nonresident students  
 42 tuition may require a student seeking to attend the schools of the school district to provide the  
 43 following information:

44 (a) The name, contact information, date of birth and grade level of the student; and

45 (b) Information about whether the school district may be prevented or otherwise limited from

1 admitting the student as provided by ORS 339.115 (8).

2 (3)(a) A district school board that admits nonresident students and charges nonresident students  
3 tuition may not:

4 (A) Request or require any person to provide or have provided any of the following information  
5 related to a student prior to the district school board deciding whether to admit the student:

6 (i) Information about the student's race, religion, sex, sexual orientation, **gender identity**,  
7 ethnicity, national origin, disability, health, whether a student has an individualized education pro-  
8 gram, the terms of an individualized education program, income level, residence, proficiency in the  
9 English language or athletic ability; or

10 (ii) Academic records, including eligibility for or participation in a talented and gifted program  
11 or special education and related services.

12 (B) Request or require the student to participate in an interview, to tour any of the schools or  
13 facilities of the school district or to otherwise meet with any representatives of a school or a school  
14 district prior to the district school board deciding whether to admit the student.

15 (C) Request any information used to supplement the information described in subsection (2) of  
16 this section prior to deciding whether to admit the student.

17 (b) Nothing in this subsection prevents a student from voluntarily touring any of the schools or  
18 facilities of a school district or from requesting or receiving any information from a school or the  
19 school district.

20 (4) If a district school board decides to deny admission to a nonresident student and to charge  
21 the nonresident student tuition, the board must provide a written explanation to the student.

22 (5) Nothing in this section:

23 (a) Prevents a district school board from denying admission to a nonresident student as provided  
24 by ORS 339.115 (8).

25 (b) Prevents a district school board from requesting information or admitting a student in the  
26 event of an emergency to protect the health, safety or welfare of the student.

27 (c) Prevents a district school board from establishing minimum standards for behavior and at-  
28 tendance that a student must maintain to remain enrolled in the schools of the school district.

29 **SECTION 17.** ORS 339.329 is amended to read:

30 339.329. (1) As used in this section:

31 (a) "Cyberbullying" and "harassment, intimidation or bullying" have the meanings given those  
32 terms in ORS 339.351.

33 (b) "Local law enforcement contact" means a local law enforcement officer designated by the  
34 Department of State Police to be notified when the tip line receives a report of a threat to student  
35 safety or potential threat to student safety.

36 (c) "Personally identifiable information" means any information that would permit the identifi-  
37 cation of a person who reports information using the tip line, and is not limited to name, phone  
38 number, physical address, electronic mail address, race, gender, **gender identity**, sexual orientation,  
39 disability designation, religious affiliation, national origin, ethnicity, school of attendance, city,  
40 county or any geographic identifier included in information conveyed through the tip line, or infor-  
41 mation identifying the machine or device used by the person in making a report using the tip line.

42 (d) "Service provider" means a person designated by the department to be notified when the tip  
43 line receives a report of a threat to student safety or potential threat to student safety. "Service  
44 provider" includes:

45 (A) A provider of behavioral health care or mental health care;

- 1 (B) A provider of school-based health care;
- 2 (C) A certificated school counselor;
- 3 (D) A clinical social worker licensed under ORS 675.530; or
- 4 (E) A professional counselor or a marriage and family therapist licensed under ORS 675.615.
- 5 (e) "Student" means a student of:
- 6 (A) A school district, as defined in ORS 332.002;
- 7 (B) A community college, as defined in ORS 341.005;
- 8 (C) A private school that provides educational services to kindergarten through grade 12 stu-
- 9 dents;
- 10 (D) A career school, as defined in ORS 345.010; or
- 11 (E) A public university listed under ORS 352.002.
- 12 (f) "Threat to student safety" includes, but is not limited to, a threat or instance of:
- 13 (A) Harassment, intimidation or bullying or cyberbullying;
- 14 (B) Suicide or self-harm; and
- 15 (C) Violence against others.
- 16 (g) "Tip line" means a statewide resource designed to accept information concerning threats to
- 17 student safety or potential threats to student safety through methods of transmission including:
- 18 (A) Telephone calls;
- 19 (B) Text messages; and
- 20 (C) Electronically through the Internet.
- 21 (2) The Department of State Police shall establish a statewide tip line for students and other
- 22 members of the public to use to confidentially report information concerning threats to student
- 23 safety or potential threats to student safety.
- 24 (3) In consultation with state and local government behavioral health care providers, the de-
- 25 partment shall adopt rules necessary to establish and operate the tip line. The rules must include,
- 26 but are not limited to:
- 27 (a) Provisions that protect the personally identifiable information of a person reporting infor-
- 28 mation without compromising opportunities for follow-up contact from local law enforcement con-
- 29 tacts or service providers to provide further information to or obtain further information from the
- 30 person; and
- 31 (b) Written policies and procedures for:
- 32 (A) Logging reports received on the tip line;
- 33 (B) Verifying the authenticity and validity of a reported threat to student safety or potential
- 34 threat to student safety;
- 35 (C) Relaying information concerning a threat to student safety or potential threat to student
- 36 safety to local law enforcement contacts, service providers and appropriate education provider
- 37 contacts;
- 38 (D) Connecting the tip line with other hotlines that are available for reports of violence or for
- 39 crisis prevention; and
- 40 (E) Reporting for the purposes of tracking referrals to local law enforcement contacts and ser-
- 41 vice providers resulting from information received on the tip line and tracking the outcome of any
- 42 action taken in response to the referral.
- 43 (4) The contents of tips reported to the tip line may be disclosed only as allowed under ORS
- 44 192.345 (41), except that:
- 45 (a) Personally identifiable information may be disclosed only as provided in this section; and



1 (b) Personally identifiable information and other information reported through the tip line may  
2 be disclosed to the following persons for the purpose of follow-up contact to obtain or provide fur-  
3 ther information:

4 (A) Tip line staff;

5 (B) A school district, education service district, community college, private school that provides  
6 educational services to kindergarten through grade 12 students, career school or public university;

7 (C) A service provider; or

8 (D) Law enforcement.

9 (5) Any person authorized to receive tip line information under subsection (4) of this section  
10 must use the information only for the purpose of making follow-up contact to obtain or provide  
11 further information. Any further information obtained through follow-up contact may be disclosed  
12 only to the persons described in subsection (4) of this section.

13 (6) Persons authorized to receive tip line information under subsection (4) of this section may  
14 not disclose to the public the outcomes or actions taken as a result of tip line information unless  
15 the disclosure is required by a statute other than this section.

16 (7) Notwithstanding subsections (4) to (6) of this section, the department may release aggregated  
17 or summary information for reporting purposes and may provide information obtained through the  
18 tip line for the purpose of educating the public about the tip line, but may not disclose personally  
19 identifiable information under this subsection.

20 (8) The department may seek and accept gifts, grants and donations from any source for the  
21 purpose of carrying out its duties under this section.

22 **SECTION 18.** ORS 339.351 is amended to read:

23 339.351. As used in ORS 339.351 to 339.364:

24 (1) "Cyberbullying" means the use of any electronic communication device to harass, intimidate  
25 or bully.

26 (2) "Harassment, intimidation or bullying" means any act that:

27 (a) Substantially interferes with a student's educational benefits, opportunities or performance;

28 (b) Takes place on or immediately adjacent to school grounds, at any school-sponsored activity,  
29 on school-provided transportation or at any official school bus stop;

30 (c) Has the effect of:

31 (A) Physically harming a student or damaging a student's property;

32 (B) Knowingly placing a student in reasonable fear of physical harm to the student or damage  
33 to the student's property; or

34 (C) Creating a hostile educational environment, including interfering with the psychological  
35 well-being of a student; and

36 (d) May be based on, but not be limited to, the protected class status of a person.

37 (3) "Protected class" means a group of persons distinguished, or perceived to be distinguished,  
38 by race, color, religion, sex, sexual orientation, **gender identity**, national origin, marital status,  
39 familial status, source of income or disability.

40 **SECTION 19.** ORS 352.274 is amended to read:

41 352.274. (1) Each public university listed in ORS 352.002 shall allow all students, faculty and  
42 staff to identify the person's sexual orientation **and gender identity** on any forms used to collect  
43 demographic data that includes gender, race or ethnicity.

44 (2) Each public university listed in ORS 352.002 shall make the demographic data collected un-  
45 der subsection (1) of this section available to the Higher Education Coordinating Commission in the

1 format determined by the commission under subsection (3) of this section.

2 (3) The commission shall:

3 (a) By rule establish a common format and time frame for the collection and reporting of the  
4 demographic data specified in subsection (1) of this section;

5 (b) Evaluate the degree to which public universities are complying with the requirements set  
6 forth in subsections (1) and (2) of this section; and

7 (c) During each regular session of the Legislative Assembly, submit a report in the manner  
8 provided by ORS 192.245 to the committees related to higher education that:

9 (A) Sets forth the progress public universities have made toward implementing the requirements  
10 set forth in subsections (1) and (2) of this section; and

11 (B) Summarizes the demographic data collected by the commission under this section.

12 **SECTION 20.** Section 2, chapter 629, Oregon Laws 2019, is amended to read:

13 **Sec. 2.** (1) The Task Force on Universal Health Care is established to recommend the design  
14 of the Health Care for All Oregon Plan, a universal health care system, administered by the Health  
15 Care for All Oregon Board, that is equitable, affordable and comprehensive, provides high quality  
16 health care and is publicly funded and available to every individual residing in Oregon.

17 (2) The task force consists of the following 20 members:

18 (a) The President of the Senate shall appoint two members from among members of the Senate,  
19 including one member from the majority party and one member from the minority party.

20 (b) The Speaker of the House of Representatives shall appoint two members from among mem-  
21 bers of the House of Representatives, including one member from the majority party and one member  
22 from the minority party.

23 (c) The Governor shall appoint 13 members, subject to confirmation by the Senate under ORS  
24 171.562 and 171.565, who reside in this state and who:

25 (A) Represent, to the greatest extent practicable:

26 (i) Diverse social identities, including but not limited to individuals who identify by geography,  
27 race, ethnicity, sex, gender [*nonconformance*] **identity**, sexual orientation, economic status, disability  
28 or health status; and

29 (ii) Diverse areas of expertise, based on knowledge and experience, including but not limited to  
30 patient advocacy, receipt of medical assistance, management of a business that offers health insur-  
31 ance to the business's employees, public health, organized labor, provision of health care or owning  
32 a small business;

33 (B) Represent, at a minimum, the following areas of expertise acquired by education, vocation  
34 or personal experience:

35 (i) Rural health;

36 (ii) Quality assurance and health care accountability;

37 (iii) Fiscal management and change management;

38 (iv) Social services;

39 (v) Public health services;

40 (vi) Medical and surgical services;

41 (vii) Alternative therapy services;

42 (viii) Services for persons with disabilities; and

43 (ix) Nursing services;

44 (C) Include at least one member who has an active license to provide health care in this state;

45 (D) Include at least one member who has an active license to provide mental or behavioral

1 health care in this state;

2 (E) Include at least one member who has expertise, based on knowledge and experience, in ad-  
 3 vocating for health care equity; and

4 (F) Include at least one member who has personal experience in seeking and receiving health  
 5 care in this state to treat complex or multiple chronic illnesses or disabilities.

6 (d) The Director of the Oregon Health Authority, or the director's designee, who is a nonvoting  
 7 member.

8 (e) The Director of the Department of Consumer and Business Services, or the director's  
 9 designee, who is a nonvoting member.

10 (f) A member of the Association of Oregon Counties, selected by the association, who is a non-  
 11 voting member.

12 (3) In making the appointments under subsection (2)(c) of this section, the Governor shall ensure  
 13 that there is no disproportionate influence by any individual, organization, government, industry,  
 14 business or profession in any decision-making by the task force and no actual or potential conflicts  
 15 of interest.

16 (4) A majority of the voting members of the task force constitutes a quorum for the transaction  
 17 of business.

18 (5) Official action by the task force requires the approval of a majority of the voting members  
 19 of the task force.

20 (6) The task force shall elect one of its members to serve as chairperson and one to serve as  
 21 vice chairperson.

22 (7) If there is a vacancy for any cause, the appointing authority shall make an appointment to  
 23 become immediately effective.

24 (8) The task force shall meet at times and places specified by the call of the chairperson or of  
 25 a majority of the voting members of the task force.

26 (9) The task force may adopt rules necessary for the operation of the task force.

27 (10)(a) The task force shall establish an advisory committee to provide input from a consumer  
 28 perspective and, to the greatest extent practicable, from the diverse social identities described in  
 29 subsection (2)(c)(A)(i) of this section.

30 (b) The following qualifications must be possessed by the membership of the advisory committee,  
 31 such that at least one member:

32 (A) Has experience in seeking or receiving health care in this state to address one or more se-  
 33 rious medical conditions or disabilities.

34 (B) Is enrolled in health insurance offered by the Public Employees' Benefit Board or the Oregon  
 35 Educators Benefit Board or represents public employees.

36 (C) Is enrolled in employer-sponsored health insurance, group health insurance or a self-insured  
 37 health plan offered by an employer.

38 (D) Is enrolled in commercial insurance purchased without any employer contribution.

39 (E) Receives medical assistance.

40 (F) Is Enrolled in Medicare.

41 (G) Is a parent or guardian of a child enrolled in the Children's Health Insurance Program.

42 (H) Is enrolled in the Federal Employees Health Benefit Program.

43 (I) Is enrolled in TRICARE.

44 (J) Receives care from the United States Department of Veterans Affairs Veterans Health Ad-  
 45 ministration.

1 (K) Receives care from the Indian Health Service.

2 (c) Members of the advisory committee are entitled to compensation and reimbursement of ac-  
 3 tual and necessary travel expenses incurred in the performance of the members' official duties in the  
 4 manner and amount provided in ORS 292.495.

5 (11) The task force may establish additional advisory or technical committees the task force  
 6 considers necessary. The committees may be continuing or temporary. The task force shall deter-  
 7 mine the representation, membership, terms and organization of the committees and shall appoint  
 8 the members of the committees.

9 (12) The Legislative Policy and Research Director shall provide staff support to the task force.

10 (13) The task force may apply for public or private grants from nonprofit organizations for the  
 11 costs of research.

12 (14) Members of the Legislative Assembly appointed to the task force are nonvoting members  
 13 of the task force and may act in an advisory capacity only.

14 (15) Members of the task force are entitled to compensation and actual and necessary travel and  
 15 other expenses incurred by the members in the performance of official duties in the manner and  
 16 amount as provided in ORS 292.495.

17 (16) Members of advisory or technical committees, other than the advisory committee estab-  
 18 lished in subsection (10) of this section, are not entitled to compensation but, in the discretion of  
 19 the task force, may be reimbursed for actual and necessary travel and other expenses incurred by  
 20 the members of the advisory or technical committees in the performance of official duties in the  
 21 manner and amount provided in ORS 292.495.

22 (17) All agencies of state government, as defined in ORS 174.111, are directed to assist the task  
 23 force in the performance of the duties of the task force and, to the extent permitted by laws relating  
 24 to confidentiality, to furnish information and advice the members of the task force consider neces-  
 25 sary to perform their duties.

26 **SECTION 21.** ORS 418.648 is amended to read:

27 418.648. A foster parent has the right to:

28 (1) Be treated with dignity, respect and trust as a member of a team, including respect for the  
 29 family values and routines of the foster parent.

30 (2) Be included as a valued member of a team that provides care and planning for a foster child  
 31 placed in the home of the foster parent.

32 (3) Receive support services, as resources permit, from the Department of Human Services that  
 33 are designed to assist in the care of the foster child placed in the home of the foster parent.

34 (4) Be informed of any condition that relates solely to a foster child placed in the home of the  
 35 foster parent that may jeopardize the health or safety of the foster parent or other members of the  
 36 home or alter the manner in which foster care should be provided to the foster child. The informa-  
 37 tion shall include complete access to written reports, psychological evaluations and diagnoses that  
 38 relate solely to a foster child placed in the home of the foster parent provided that confidential in-  
 39 formation given to a foster parent must be kept confidential by the foster parent, except as neces-  
 40 sary to promote or to protect the health and welfare of the foster child and the community.

41 (5) Have input into a permanency plan for a foster child placed in the home of the foster parent.

42 (6) Receive assistance from the department in dealing with family loss and separation when the  
 43 foster child leaves the home of the foster parent.

44 (7) Be informed of all policies and procedures of the department that relate to the role of the  
 45 foster parent.

1 (8) Be informed of how to receive services and to have access to department personnel or ser-  
2 vice providers 24 hours a day, seven days a week.

3 (9) Initiate an inactive referral status for a reasonable period of time, not to exceed 12 months,  
4 to allow a foster parent relief from caring for foster children.

5 (10) Not be discriminated against on the basis of race, color, religion, sex, sexual orientation,  
6 **gender identity**, national origin, age or disability.

7 (11) Be notified of the foster parent's right to limited participation in proceedings in the juvenile  
8 court and provided with an explanation of that right.

9 **SECTION 22.** ORS 418.731 is amended to read:

10 418.731. (1) As used in this section and ORS 418.733:

11 (a) "Youth" means a person 10 through 24 years of age.

12 (b) "Youth suicide" means a completed or attempted suicide by a person 10 through 24 years  
13 of age.

14 (2) There is established a Youth Suicide Intervention and Prevention Coordinator within that  
15 part of the Oregon Health Authority that works with mental health and addiction issues. The coor-  
16 dinator shall:

17 (a) Facilitate the development of a statewide strategic Youth Suicide Intervention and Pre-  
18 vention Plan to address youth suicide and youth self-inflicted injury, and develop strategies for  
19 intervention with suicidal, depressed and at-risk youth;

20 (b) Improve outreach to special populations of youth that are at risk for suicide and self-inflicted  
21 injury;

22 (c) Identify barriers to accessing intervention services for suicidal, depressed and at-risk youth;  
23 and

24 (d) Provide technical assistance to state and local partners and coordinate interagency efforts  
25 to establish youth suicide and youth self-inflicted injury prevention and intervention strategies.

26 (3) The coordinator shall review data and prepare an annual report to interim and regular  
27 committees of the Legislative Assembly with subject matter jurisdiction over child welfare, mental  
28 health and addiction issues, and to the Oregon Health Authority, regarding:

29 (a) The number of emergency room admissions for completed and attempted youth suicides and  
30 incidents of youth self-inflicted injury;

31 (b) The manner and method of completed and attempted youth suicides and incidents of youth  
32 self-inflicted injury;

33 (c) The counties in which the completed and attempted suicides and self-injury incidents oc-  
34 curred;

35 (d) The number of middle schools and high schools with completed youth suicides among the  
36 student body;

37 (e) The number of completed youth suicides where the youth had previously been admitted to  
38 a hospital or emergency room for treatment of attempted youth suicide or self-inflicted injury or had  
39 been the subject of a request for intervention services related to depression, suicidal ideation or  
40 self-injury within the prior 12 months;

41 (f) Demographic information regarding youth who completed or attempted youth suicide or who  
42 had self-injury incidents, including but not limited to:

43 (A) Age;

44 (B) Gender **or gender identity**;

45 (C) Race;

- 1 (D) Primary spoken language;
- 2 (E) Sexual orientation;
- 3 (F) The existence of any physical, mental, intellectual or emotional disability; and
- 4 (G) Foster care status; and

5 (g) Recommendations for administrative and legislative changes to address service gaps in youth  
 6 suicide prevention, intervention and post-suicide activities, developed in consultation with the Youth  
 7 Suicide Intervention and Prevention Advisory Committee established in ORS 418.726.

8 **SECTION 23.** ORS 418.925 is amended to read:

9 418.925. As used in ORS 418.925 to 418.945, “refugee child” is a person under 18 years of age  
 10 who has entered the United States and is unwilling or unable to return to the person’s country be-  
 11 cause of persecution or a well-founded fear of persecution on account of race, religion, sex, sexual  
 12 orientation, **gender identity**, nationality, membership in a particular group or political opinion, or  
 13 whose parents entered the United States within the preceding 10 years and are or were unwilling  
 14 or unable to return to their country because of persecution or a well-founded fear of persecution  
 15 on account of race, religion, sex, sexual orientation, **gender identity**, nationality, membership in a  
 16 particular group or political opinion.

17 **SECTION 24.** ORS 418.976 is amended to read:

18 418.976. As used in ORS 418.976 to 418.981, unless the context requires otherwise:

19 (1) “Cultural competence” means accepting and respecting diversity and differences in a con-  
 20 tinuous process of self-assessment and reflection on one’s personal and organizational perceptions  
 21 of the dynamics of culture.

22 (2) “Cultural responsiveness” means the process by which people and systems respond respect-  
 23 fully and effectively to individuals of all cultures, languages, classes, races, ethnic backgrounds,  
 24 disabilities, religions, genders, **gender identities**, sexual orientations and other diversity factors in  
 25 a manner that recognizes, affirms and values the worth of individuals, families and communities, and  
 26 that protects and preserves the dignity of each.

27 (3) “Family” includes, with respect to a youth:

- 28 (a) A biological or legal parent;
- 29 (b) A sibling;
- 30 (c) An individual related by blood, marriage or adoption;
- 31 (d) A foster parent;
- 32 (e) A legal guardian;
- 33 (f) A caregiver;
- 34 (g) An individual with a significant social relationship with the youth;
- 35 (h) Any person who provides support to the youth that the youth identifies as important; and
- 36 (i) Any person identified by the youth as being family.

37 (4) “Services and supports” means public, private and community resources that assist youth in  
 38 the achievement of positive outcomes, including but not limited to education, child welfare, public  
 39 health, primary care, pediatric care, juvenile justice, mental health treatment, substance use treat-  
 40 ment and services for individuals with intellectual and developmental disabilities.

41 (5) “System of care” means a coordinated network of services and supports to youth that:

- 42 (a) Integrates care planning and management across multiple levels of care;
- 43 (b) Recognizes disability as a natural and healthy part of the human experience;
- 44 (c) Is culturally and linguistically competent;
- 45 (d) Is designed to build meaningful partnerships with families and youth in the delivery and

1 management of services and the development of policy;

2 (e) Has a supportive policy and management infrastructure at the state and local levels; and

3 (f) Is community-based with relationships at the local level.

4 (6) “Youth” means an individual 25 years of age or younger who has, or is at increased risk of  
5 developing, chronic behavioral, emotional, physical or developmental conditions and is under the  
6 supervision of or engaged with two or more systems of care.

7 **SECTION 25.** ORS 430.550 is amended to read:

8 430.550. A person, otherwise eligible, may not be denied evaluation or treatment under ORS  
9 430.450 to 430.555 on account of the person’s race, religion, sex, sexual orientation, **gender**  
10 **identity**, nationality, age or ability to pay.

11 **SECTION 26.** ORS 443.739 is amended to read:

12 443.739. Residents of adult foster homes have the following rights. Providers shall guarantee  
13 these rights and help residents exercise them. The provider shall post a copy of the Residents’ Bill  
14 of Rights in the entry or other equally prominent place in the adult foster home. The Residents’ Bill  
15 of Rights states that each resident of an adult foster home has the right to:

16 (1) Be treated as an adult, with respect and dignity.

17 (2) Be informed of all resident rights and all house rules.

18 (3) Be encouraged and assisted to exercise legal rights, including the right to vote.

19 (4) Be informed of the resident’s medical condition and the right to consent to or refuse treat-  
20 ment.

21 (5) Receive appropriate care and services, and prompt medical care as needed.

22 (6) A safe and secure environment.

23 (7) Be free from mental and physical abuse.

24 (8) Be free from chemical or physical restraints except as ordered by a physician or other  
25 qualified practitioner.

26 (9) Complete privacy when receiving treatment or personal care.

27 (10) Associate and communicate privately with any person the resident chooses.

28 (11) Send and receive personal mail unopened.

29 (12) Participate in activities of social, religious and community groups.

30 (13) Have medical and personal information kept confidential.

31 (14) Keep and use a reasonable amount of personal clothing and belongings, and to have a rea-  
32 sonable amount of private, secure storage space.

33 (15) Manage the resident’s own money and financial affairs unless legally restricted.

34 (16) Be free from financial exploitation. The provider may not charge or ask for application fees  
35 or nonrefundable deposits and may not solicit, accept or receive money or property from a resident  
36 other than the amount agreed to for services.

37 (17) A written agreement regarding the services to be provided and the rate schedule to be  
38 charged. The provider must give 30 days’ written notice before any change in the rates or the  
39 ownership of the home.

40 (18) Not to be transferred or moved out of the adult foster home without 30 days’ advance  
41 written notice and an opportunity for a hearing. A provider may transfer or discharge a resident  
42 only for medical reasons including a medical emergency described in ORS 443.738 (11)(b), or for the  
43 welfare of the resident or other residents, or for nonpayment.

44 (19) Be free of discrimination in regard to race, color, religion, sex, sexual orientation, **gender**  
45 **identity** or national origin.

1 (20) Make suggestions and complaints without fear of retaliation.

2 **SECTION 27.** ORS 458.505 is amended to read:

3 458.505. (1) The community action agency network, established initially under the federal Eco-  
4 nomic Opportunity Act of 1964, shall be the delivery system for federal antipoverty programs in  
5 Oregon, including the Community Services Block Grant, Low Income Energy Assistance Program,  
6 State Department of Energy Weatherization Program and such others as may become available.

7 (2) Funds for such programs shall be distributed to the community action agencies by the  
8 Housing and Community Services Department with the advice of the Community Action Partnership  
9 of Oregon.

10 (3) In areas not served by a community action agency, funds other than federal community ser-  
11 vices funds may be distributed to and administered by organizations that are found by the Housing  
12 and Community Services Department to serve the antipoverty purpose of the community action  
13 agency network.

14 (4) In addition to complying with all applicable requirements of federal law, a community action  
15 agency shall:

16 (a) Be an office, division or agency of the designating political subdivision or a not for profit  
17 organization in compliance with ORS chapter 65.

18 (b) Have a community action board of at least nine but no more than 33 members, constituted  
19 so that:

20 (A) One-third of the members of the board are elected public officials currently serving or their  
21 designees. If the number of elected officials reasonably available and willing to serve is less than  
22 one-third of the membership, membership of appointed public officials may be counted as meeting the  
23 one-third requirement;

24 (B) At least one-third of the members are persons chosen through democratic selection proce-  
25 dures adequate to assure that they are representatives of the poor in the area served; and

26 (C) The remainder of the members are officials or members of business, industry, labor, religious,  
27 welfare, education or other major groups and interests in the community.

28 (c) If the agency is a private not for profit organization, be governed by the Community Action  
29 Board. The board shall have all duties, responsibilities and powers normally associated with such  
30 boards, including, but not limited to:

31 (A) Selection, appointment and dismissal of the executive director of the agency;

32 (B) Approval of all contracts, grant applications and budgets and operational policies of the  
33 agency;

34 (C) Evaluation of programs; and

35 (D) Securing an annual audit of the agency.

36 (d) If the organization is an office, division or agency of a political subdivision, be administered  
37 by the board that shall provide for the operation of the agency and be directly responsible to the  
38 governing board of the political subdivision. The administering board at a minimum, shall:

39 (A) Review and approve program policy;

40 (B) Be involved in and consulted on the hiring and firing of the agency director;

41 (C) Monitor and evaluate program effectiveness;

42 (D) Ensure the effectiveness of community involvement in the planning process; and

43 (E) Assume all duties delegated to it by the governing board.

44 (e) Have a clearly defined, specified service area. Community action service areas may not  
45 overlap.



1 (f) Have an accounting system that meets generally accepted accounting principles and be so  
 2 certified by an independent certified accountant.

3 (g) Provide assurances against the use of government funds for political activity by the com-  
 4 munity action agency.

5 (h) Provide assurances that no person shall, on the grounds of race, color, sex, sexual orien-  
 6 tation, **gender identity** or national origin be excluded from participation in, be denied the benefits  
 7 of or be subjected to discrimination under any program or activity funded in whole or in part with  
 8 funds made available through the community action program.

9 (i) Provide assurances the community action agency shall comply with any prohibition against  
 10 discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to an  
 11 otherwise qualified individual with disabilities as provided in section 504 of the Rehabilitation Act  
 12 of 1973.

13 (5) For the purposes of this section, the Oregon Human Development Corporation is eligible to  
 14 receive federal community service funds and low-income energy assistance funds.

15 (6) The Housing and Community Services Department shall:

16 (a) Administer federal and state antipoverty programs.

17 (b) Apply for all available antipoverty funds on behalf of eligible entities as defined in this sec-  
 18 tion.

19 (c) In conjunction with the Community Action Partnership of Oregon, develop a collaborative  
 20 role in advocating for, and addressing the needs of, all low income Oregonians.

21 (d) Biennially produce and make available to the public a status report on efforts by it and state  
 22 agencies to reduce the incidence of poverty in Oregon. This report shall contain figures regarding  
 23 the numbers and types of persons living in poverty in Oregon. The report shall also describe the  
 24 status of efforts by the department and the Department of Human Services to implement the state  
 25 policy regarding homelessness described in ORS 458.528.

26 (e) On a regular basis provide information to the Community Action Partnership of Oregon on  
 27 the activities and expenditures of the Housing and Community Services Department.

28 (f) As resources are available, provide resources for technical assistance, training and program  
 29 assistance to eligible entities.

30 (g) As resources are available, provide resources pursuant to ORS 409.750 for the training and  
 31 technical assistance needs of the Community Action Partnership of Oregon.

32 (h) Conduct a planning process to meet the needs of low income people in Oregon. That process  
 33 shall fully integrate the Oregon Human Development Corporation into the antipoverty delivery sys-  
 34 tem. The planning process shall include development of a plan for minimum level of services and  
 35 funding for low income migrant and seasonal farmworkers from the antipoverty programs adminis-  
 36 tered by the agency.

37 (i) Limit its administrative budget in an effort to maximize the availability of antipoverty federal  
 38 and state funds for expenditures by local eligible entities.

39 **SECTION 28.** ORS 646A.787 is amended to read:

40 646A.787. (1) A person that is subject to ORS 646A.770 to 646A.787 shall act in a fiduciary ca-  
 41 pacity with respect to funds the person receives or holds for the benefit of another person.

42 (2) A person that sells a guaranteed asset protection waiver in connection with a retail sale of  
 43 a motor vehicle may not:

44 (a) Charge more for the guaranteed asset protection waiver than five percent of the amount the  
 45 borrower finances under a finance agreement; or

(b) Vary the benefits, terms, conditions or price of the guaranteed asset protection waiver on account of a borrower’s race, sex, sexual orientation, **gender identity**, income or education.

**SECTION 29.** ORS 652.210 is amended to read:

652.210. As used in ORS 652.210 to 652.235, unless the context requires otherwise:

(1) “Compensation” includes wages, salary, bonuses, benefits, fringe benefits and equity-based compensation.

(2) “Employee” means any individual who, otherwise than as a copartner of the employer, as an independent contractor or as a participant in a work training program administered under the state or federal assistance laws, renders personal services wholly or partly in this state to an employer who pays or agrees to pay such individual at a fixed rate. However, when services are rendered only partly in this state, an individual is not an employee unless the contract of employment of the employee has been entered into, or payments thereunder are ordinarily made or to be made, within this state.

(3)(a) “Employer” means any person employing one or more employees, including the State of Oregon or any political subdivision thereof or any county, city, district, authority, public corporation or entity and any of their instrumentalities organized and existing under law or charter.

(b) “Employer” does not include the federal government.

(4) “Equal-pay analysis” means an evaluation process to assess and correct wage disparities among employees who perform work of comparable character.

**(5) “Gender identity” has the meaning given that term in ORS 174.100.**

[(5)] **(6)** “Protected class” means a group of persons distinguished by race, color, religion, sex, sexual orientation, **gender identity**, national origin, marital status, veteran status, disability or age.

[(6)] **(7)** “Rate” with reference to wages means:

(a) The basis of compensation for services by an employee for an employer; and

(b) Compensation based on the time spent in the performance of the services, on the number of operations accomplished or on the quantity produced or handled.

[(7)] **(8)** “Sexual orientation” has the meaning given that term in ORS 174.100.

[(8)] **(9)** “System” means a consistent and verifiable method in use at the time that a violation is alleged under ORS 652.220.

[(9)] **(10)** “Unpaid wages” means the difference between the wages actually paid to an employee and the wages required under ORS 652.220 to be paid to the employee.

[(10)] **(11)** “Veteran status” means an individual is a veteran as defined in ORS 408.225.

[(11)] **(12)** “Wages” means all compensation for performance of service by an employee for an employer, whether paid by the employer or another person, or paid in cash or any medium other than cash.

[(12)] **(13)** “Working conditions” includes work environment, hours, time of day, physical surroundings and potential hazards encountered by an employee.

[(13)] **(14)** “Work of comparable character” means work that requires substantially similar knowledge, skill, effort, responsibility and working conditions in the performance of work, regardless of job description or job title.

**SECTION 30.** ORS 653.547 is amended to read:

653.547. (1) As used in this section:

(a) “Domestic service” means services related to the care of persons in private homes or the maintenance of private homes or their premises.

(b)(A) “Domestic worker” means an individual who works in the home of another person for the

1 purpose of caring for a child, doing housekeeping or providing other domestic service and who is  
2 not compensated with public funds for the work performed.

3 (B) "Domestic worker" does not include:

4 (i) A parent or spouse of the employer.

5 (ii) A child of the employer who is under 26 years of age.

6 (iii) Students who regularly attend elementary or secondary school during the day.

7 (iv) Children, other than children of the employer, who are under 14 years of age.

8 (v) Children under 18 years of age who provide babysitting services and persons who provide  
9 babysitting on a casual basis.

10 (vi) Persons who perform casual labor in private homes or the maintenance of private homes or  
11 their premises, including but not limited to yard work, washing windows and shoveling snow.

12 (vii) Individuals employed by organizations licensed as required by ORS 443.015 or 443.315.

13 (viii) Independent contractors.

14 (ix) Individuals performing companionship services exempt from the provisions of the Fair Labor  
15 Standards Act of 1938 (29 U.S.C. 201 et seq.).

16 (x) Persons who perform house sitting duties that do not involve domestic service.

17 (xi) Persons who provide domestic service in exchange for an in-kind good or service.

18 (c) "Employer" means a person that employs another person in this state.

19 (2) A person employing a domestic worker shall:

20 (a) Notwithstanding ORS 653.020, pay the domestic worker an overtime wage at a rate of one  
21 and one-half times the worker's base rate for hours worked in excess of 40 hours in a workweek,  
22 or in excess of 44 hours in a workweek if the domestic worker lives in the home of the employer.

23 (b) Provide the domestic worker at least 24 consecutive hours of rest each workweek. If the  
24 domestic worker agrees to work on the anticipated day of rest, the employer shall pay the employee  
25 the overtime rate specified in paragraph (a) of this subsection.

26 (c) If the domestic worker lives in the home of the employer, provide at least eight consecutive  
27 hours of rest within each 24-hour period and provide a space with adequate conditions for uninter-  
28 rupted sleep.

29 (d) If the domestic worker lives in the home of the employer, permit the domestic worker to cook  
30 the worker's own food, subject to reasonable restrictions based on the religious or health needs of  
31 the home's residents.

32 (e) If the domestic worker worked an average of at least 30 hours per week during the previous  
33 year, provide the domestic worker with at least three paid personal leave days off.

34 (3) Notwithstanding subsection (2)(a) of this section, the Commissioner of the Bureau of Labor  
35 and Industries shall adopt rules for the calculation of overtime wages for domestic workers during  
36 periods of travel and medical emergencies.

37 (4) A person that employs a domestic worker may not:

38 (a) Request that the domestic worker allow the employer, on either a mandatory or voluntary  
39 basis, to have possession of the worker's passport.

40 (b) Engage in unwelcome sexual advances, request sexual favors or engage in other verbal or  
41 physical conduct of a sexual nature directed toward a domestic worker when:

42 (A) Submission to the conduct is made, either explicitly or implicitly, a term or condition of the  
43 domestic worker's employment;

44 (B) Submission to or rejection of the conduct by the domestic worker is used as the basis for  
45 employment decisions affecting the domestic worker; or

1 (C) The conduct has the purpose or effect of unreasonably interfering with the domestic  
2 worker's work performance by creating an intimidating, hostile or offensive work environment.

3 (c) Subject a domestic worker to harassment based on gender, race, religion, disability, sexual  
4 orientation, **gender identity** or national origin if the harassment has the purpose or effect of un-  
5 reasonably interfering with the worker's work performance by creating an intimidating, hostile or  
6 offensive work environment.

7 (d) Retaliate or in any way discriminate against an individual with respect to hire or tenure or  
8 any other term or condition of employment because the individual has inquired about the provisions  
9 of this section and ORS 653.549 or has reported a violation to, or filed a complaint with, the Bureau  
10 of Labor and Industries alleging a violation of this section.

11 **SECTION 31.** ORS 658.427 is amended to read:

12 658.427. (1) The Commissioner of the Bureau of Labor and Industries shall establish, by rule,  
13 procedures for the licensing of property services contractors.

14 (2) Rules adopted under this section must require that a property services contractor provide  
15 the following information to the commissioner:

16 (a) The total number of employees employed by the property services contractor who perform  
17 janitorial services.

18 (b) The physical address of the work location or locations at which janitorial services are pro-  
19 vided by an employee of the property services contractor.

20 (c) Demographic data that is voluntarily provided by employees relating to race, sex, sexual  
21 orientation, **gender identity**, national origin, marital status and age.

22 **SECTION 32.** ORS 659.850 is amended to read:

23 659.850. (1) As used in this section, "discrimination" means any act that unreasonably differen-  
24 tiates treatment, intended or unintended, or any act that is fair in form but discriminatory in oper-  
25 ation, either of which is based on race, color, religion, sex, sexual orientation, **gender identity**,  
26 national origin, marital status, age or disability. "Discrimination" does not include enforcement of  
27 an otherwise valid dress code or policy, as long as the code or policy provides, on a case-by-case  
28 basis, for reasonable accommodation of an individual based on the health and safety needs of the  
29 individual.

30 (2) A person may not be subjected to discrimination in any public elementary, secondary or  
31 community college education program or service, school or interschool activity or in any higher  
32 education program or service, school or interschool activity where the program, service, school or  
33 activity is financed in whole or in part by moneys appropriated by the Legislative Assembly.

34 (3) The State Board of Education and the Higher Education Coordinating Commission shall es-  
35 tablish rules necessary to ensure compliance with subsection (2) of this section in the manner re-  
36 quired by ORS chapter 183.

37 **SECTION 33.** ORS 659A.003 is amended to read:

38 659A.003. The purpose of this chapter is to encourage the fullest utilization of the available  
39 workforce by removing arbitrary standards of race, color, religion, sex, sexual orientation, **gender**  
40 **identity**, national origin, marital status, age or disability as a barrier to employment of the inhab-  
41 itants of this state, and to ensure the human dignity of all people within this state and protect their  
42 health, safety and morals from the consequences of intergroup hostility, tensions and practices of  
43 unlawful discrimination of any kind based on race, color, religion, sex, sexual orientation, **gender**  
44 **identity**, national origin, marital status, age, disability or familial status. To accomplish this pur-  
45 pose, the Legislative Assembly intends by this chapter to provide:

1 (1) A program of public education calculated to eliminate attitudes upon which practices of un-  
 2 lawful discrimination because of race, color, religion, sex, sexual orientation, **gender identity**, na-  
 3 tional origin, marital status, age, disability or familial status are based.

4 (2) An adequate remedy for persons aggrieved by certain acts of unlawful discrimination because  
 5 of race, color, religion, sex, sexual orientation, **gender identity**, national origin, marital status,  
 6 disability or familial status, or unreasonable acts of discrimination in employment based upon age.

7 (3) An adequate administrative machinery for the orderly resolution of complaints of unlawful  
 8 discrimination through a procedure involving investigation, conference, conciliation and persuasion,  
 9 to encourage the use in good faith of the machinery by all parties to a complaint of unlawful dis-  
 10 crimination and to discourage unilateral action that makes moot the outcome of final administrative  
 11 or judicial determination on the merits of the complaint.

12 **SECTION 34.** ORS 659A.006 is amended to read:

13 659A.006. (1) It is declared to be the public policy of Oregon that practices of unlawful dis-  
 14 crimination against any of its inhabitants because of race, color, religion, sex, sexual orientation,  
 15 **gender identity**, national origin, marital status, age, disability or familial status are a matter of  
 16 state concern and that this discrimination not only threatens the rights and privileges of its inhab-  
 17 itants but menaces the institutions and foundation of a free democratic state.

18 (2) The opportunity to obtain employment or housing or to use and enjoy places of public ac-  
 19 commodation without unlawful discrimination because of race, color, religion, sex, sexual  
 20 orientation, **gender identity**, national origin, marital status, age or disability hereby is recognized  
 21 as and declared to be a civil right.

22 (3) It is not an unlawful practice for a bona fide church or other religious institution to take  
 23 any action with respect to housing or the use of facilities based on a bona fide religious belief about  
 24 sexual orientation **or gender identity** as long as the housing or the use of facilities is closely con-  
 25 nected with or related to the primary purposes of the church or institution and is not connected  
 26 with a commercial or business activity that has no necessary relationship to the church or institu-  
 27 tion.

28 (4) It is not an unlawful employment practice for a bona fide church or other religious institu-  
 29 tion, including but not limited to a school, hospital or church camp, to prefer an employee, or an  
 30 applicant for employment, of one religious sect or persuasion over another if:

31 (a) The religious sect or persuasion to which the employee or applicant belongs is the same as  
 32 that of the church or institution;

33 (b) In the opinion of the church or institution, the preference will best serve the purposes of the  
 34 church or institution; and

35 (c) The employment involved is closely connected with or related to the primary purposes of the  
 36 church or institution and is not connected with a commercial or business activity that has no nec-  
 37 essary relationship to the church or institution.

38 (5) It is not an unlawful employment practice for a bona fide church or other religious institu-  
 39 tion to take any employment action based on a bona fide religious belief about sexual orientation  
 40 **or gender identity**:

41 (a) In employment positions directly related to the operation of a church or other place of  
 42 worship, such as clergy, religious instructors and support staff;

43 (b) In employment positions in a nonprofit religious school, nonprofit religious camp, nonprofit  
 44 religious day care center, nonprofit religious thrift store, nonprofit religious bookstore, nonprofit  
 45 religious radio station or nonprofit religious shelter; or

1 (c) In other employment positions that involve religious activities, as long as the employment  
 2 involved is closely connected with or related to the primary purposes of the church or institution  
 3 and is not connected with a commercial or business activity that has no necessary relationship to  
 4 the church or institution.

5 **SECTION 35.** ORS 659A.030 is amended to read:

6 659A.030. (1) It is an unlawful employment practice:

7 (a) For an employer, because of an individual's race, color, religion, sex, sexual orientation,  
 8 **gender identity**, national origin, marital status or age if the individual is 18 years of age or older,  
 9 or because of the race, color, religion, sex, sexual orientation, **gender identity**, national origin,  
 10 marital status or age of any other person with whom the individual associates, or because of an  
 11 individual's juvenile record that has been expunged pursuant to ORS 419A.260 and 419A.262, to re-  
 12 fuse to hire or employ the individual or to bar or discharge the individual from employment. How-  
 13 ever, discrimination is not an unlawful employment practice if the discrimination results from a bona  
 14 fide occupational qualification reasonably necessary to the normal operation of the employer's  
 15 business.

16 (b) For an employer, because of an individual's race, color, religion, sex, sexual orientation,  
 17 **gender identity**, national origin, marital status or age if the individual is 18 years of age or older,  
 18 or because of the race, color, religion, sex, sexual orientation, **gender identity**, national origin,  
 19 marital status or age of any other person with whom the individual associates, or because of an  
 20 individual's juvenile record that has been expunged pursuant to ORS 419A.260 and 419A.262, to  
 21 discriminate against the individual in compensation or in terms, conditions or privileges of employ-  
 22 ment.

23 (c) For a labor organization, because of an individual's race, color, religion, sex, sexual orien-  
 24 tation, **gender identity**, national origin, marital status or age if the individual is 18 years of age  
 25 or older, or because of an individual's juvenile record that has been expunged pursuant to ORS  
 26 419A.260 and 419A.262, to exclude or to expel from its membership the individual or to discriminate  
 27 in any way against the individual or any other person.

28 (d) For any employer or employment agency to print or circulate or cause to be printed or cir-  
 29 culated any statement, advertisement or publication, or to use any form of application for employ-  
 30 ment or to make any inquiry in connection with prospective employment that expresses directly or  
 31 indirectly any limitation, specification or discrimination as to an individual's race, color, religion,  
 32 sex, sexual orientation, **gender identity**, national origin, marital status or age if the individual is  
 33 18 years of age or older, or on the basis of an expunged juvenile record, or any intent to make any  
 34 such limitation, specification or discrimination, unless based upon a bona fide occupational quali-  
 35 fication. Identification of prospective employees according to race, color, religion, sex, sexual ori-  
 36 entation, **gender identity**, national origin, marital status or age does not violate this section unless  
 37 the Commissioner of the Bureau of Labor and Industries, after a hearing conducted pursuant to ORS  
 38 659A.805, determines that the designation expresses an intent to limit, specify or discriminate on the  
 39 basis of race, color, religion, sex, sexual orientation, **gender identity**, national origin, marital status  
 40 or age.

41 (e) For an employment agency, because of an individual's race, color, religion, sex, sexual ori-  
 42 entation, **gender identity**, national origin, marital status or age if the individual is 18 years of age  
 43 or older, or because of the race, color, religion, sex, sexual orientation, **gender identity**, national  
 44 origin, marital status or age of any other person with whom the individual associates, or because  
 45 of an individual's juvenile record that has been expunged pursuant to ORS 419A.260 and 419A.262,

1 to classify or refer for employment, or to fail or refuse to refer for employment, or otherwise to  
 2 discriminate against the individual. However, it is not an unlawful employment practice for an  
 3 employment agency to classify or refer for employment an individual when the classification or re-  
 4 ferral results from a bona fide occupational qualification reasonably necessary to the normal oper-  
 5 ation of the employer's business.

6 (f) For any person to discharge, expel or otherwise discriminate against any other person be-  
 7 cause that other person has opposed any unlawful practice, or because that other person has filed  
 8 a complaint, testified or assisted in any proceeding under this chapter or has attempted to do so.

9 (g) For any person, whether an employer or an employee, to aid, abet, incite, compel or coerce  
 10 the doing of any of the acts forbidden under this chapter or to attempt to do so.

11 (2) The provisions of this section apply to an apprentice under ORS 660.002 to 660.210, but the  
 12 selection of an apprentice on the basis of the ability to complete the required apprenticeship train-  
 13 ing before attaining the age of 70 years is not an unlawful employment practice. The commissioner  
 14 shall administer this section with respect to apprentices under ORS 660.002 to 660.210 equally with  
 15 regard to all employees and labor organizations.

16 (3) The compulsory retirement of employees required by law at any age is not an unlawful em-  
 17 ployment practice if lawful under federal law.

18 (4)(a) It is not an unlawful employment practice for an employer or labor organization to provide  
 19 or make financial provision for child care services of a custodial or other nature to its employees  
 20 or members who are responsible for a minor child.

21 (b) As used in this subsection, "responsible for a minor child" means having custody or legal  
 22 guardianship of a minor child or acting in loco parentis to the child.

23 (5) This section does not prohibit an employer from enforcing an otherwise valid dress code or  
 24 policy, as long as the employer provides, on a case-by-case basis, for reasonable accommodation of  
 25 an individual based on the health and safety needs of the individual.

26 **SECTION 36.** ORS 659A.130 is amended to read:

27 659A.130. (1) For the purposes of ORS 659A.112 to 659A.139, sexual orientation **and gender**  
 28 **identity [is] are** not a physical or mental impairment. An individual does not have a disability for  
 29 the purposes of ORS 659A.112 to 659A.139 solely by reason of the individual's sexual orientation **or**  
 30 **gender identity.**

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

34 (a) Pedophilia, exhibitionism, voyeurism or other sexual behavior disorders.

35 (b) Compulsive gambling, kleptomania or pyromania.

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

37 **SECTION 37.** ORS 659A.403 is amended to read:

38 659A.403. (1) Except as provided in subsection (2) of this section, all persons within the juris-  
 39 diction of this state are entitled to the full and equal accommodations, advantages, facilities and  
 40 privileges of any place of public accommodation, without any distinction, discrimination or re-  
 41 striction on account of race, color, religion, sex, sexual orientation, **gender identity**, national ori-  
 42 gin, marital status or age if the individual is of age, as described in this section, or older.

43 (2) Subsection (1) of this section does not prohibit:

44 (a) The enforcement of laws governing the consumption of alcoholic beverages by minors and  
 45 the frequenting by minors of places of public accommodation where alcoholic beverages are served;

1 (b) The enforcement of laws governing the use of marijuana items, as defined in ORS 475B.015,  
 2 by persons under 21 years of age and the frequenting by persons under 21 years of age of places  
 3 of public accommodation where marijuana items are sold; or

4 (c) The offering of special rates or services to persons 50 years of age or older.

5 (3) It is an unlawful practice for any person to deny full and equal accommodations, advantages,  
 6 facilities and privileges of any place of public accommodation in violation of this section.

7 **SECTION 38.** ORS 659A.406 is amended to read:

8 659A.406. Except as otherwise authorized by ORS 659A.403, it is an unlawful practice for any  
 9 person to aid or abet any place of public accommodation, as defined in ORS 659A.400, or any em-  
 10 ployee or person acting on behalf of the place of public accommodation to make any distinction,  
 11 discrimination or restriction on account of race, color, religion, sex, sexual orientation, **gender**  
 12 **identity**, national origin, marital status or age if the individual is 18 years of age or older.

13 **SECTION 39.** ORS 659A.409 is amended to read:

14 659A.409. Except as provided by laws governing the consumption of alcoholic beverages by mi-  
 15 nors, the use of marijuana items, as defined in ORS 475B.015, by persons under 21 years of age, the  
 16 frequenting by minors of places of public accommodation where alcoholic beverages are served and  
 17 the frequenting by persons under 21 years of age of places of public accommodation where  
 18 marijuana items are sold, and except for special rates or services offered to persons 50 years of age  
 19 or older, it is an unlawful practice for any person acting on behalf of any place of public accom-  
 20 modation as defined in ORS 659A.400 to publish, circulate, issue or display, or cause to be published,  
 21 circulated, issued or displayed, any communication, notice, advertisement or sign of any kind to the  
 22 effect that any of the accommodations, advantages, facilities, services or privileges of the place of  
 23 public accommodation will be refused, withheld from or denied to, or that any discrimination will  
 24 be made against, any person on account of race, color, religion, sex, sexual orientation, **gender**  
 25 **identity**, national origin, marital status or age if the individual is of age, as described in this sec-  
 26 tion, or older.

27 **SECTION 40.** ORS 659A.421 is amended to read:

28 659A.421. (1) As used in this section:

29 (a) "Dwelling" means:

30 (A) A building or structure, or portion of a building or structure, that is occupied, or designed  
 31 or intended for occupancy, as a residence by one or more families; or

32 (B) Vacant land offered for sale or lease for the construction or location of a building or  
 33 structure, or portion of a building or structure, that is occupied, or designed or intended for occu-  
 34 pancy, as a residence by one or more families.

35 (b) "Purchaser" includes an occupant, prospective occupant, renter, prospective renter, lessee,  
 36 prospective lessee, buyer or prospective buyer.

37 (c) "Real property" includes a dwelling.

38 (d)(A) "Source of income" includes federal rent subsidy payments under 42 U.S.C. 1437f and any  
 39 other local, state or federal housing assistance.

40 (B) "Source of income" does not include income derived from a specific occupation or income  
 41 derived in an illegal manner.

42 (2) A person may not, because of the race, color, religion, sex, sexual orientation, **gender**  
 43 **identity**, national origin, marital status, familial status or source of income of any person:

44 (a) Refuse to sell, lease or rent any real property to a purchaser. This paragraph does not pre-  
 45 vent a person from refusing to lease or rent real property to a prospective renter or prospective



1 lessee:

2 (A) Based upon the past conduct of a prospective renter or prospective lessee provided the re-  
 3 fusal to lease or rent based on past conduct is consistent with local, state and federal law, including  
 4 but not limited to fair housing laws; or

5 (B) Based upon the prospective renter’s or prospective lessee’s inability to pay rent, taking into  
 6 account the value of the prospective renter’s or prospective lessee’s local, state and federal housing  
 7 assistance, provided the refusal to lease or rent based on inability to pay rent is consistent with  
 8 local, state and federal law, including but not limited to fair housing laws.

9 (b) Expel a purchaser from any real property.

10 (c) Make any distinction, discrimination or restriction against a purchaser in the price, terms,  
 11 conditions or privileges relating to the sale, rental, lease or occupancy of real property or in the  
 12 furnishing of any facilities or services in connection therewith.

13 (d) Attempt to discourage the sale, rental or lease of any real property to a purchaser.

14 (e) Publish, circulate, issue or display, or cause to be published, circulated, issued or displayed,  
 15 any communication, notice, advertisement or sign of any kind relating to the sale, rental or leasing  
 16 of real property that indicates any preference, limitation, specification or unlawful discrimination  
 17 based on race, color, religion, sex, sexual orientation, **gender identity**, national origin, marital sta-  
 18 tus, familial status or source of income.

19 (f) Assist, induce, incite or coerce another person to commit an act or engage in a practice that  
 20 violates this section.

21 (g) Coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of,  
 22 or on account of the person having exercised or enjoyed or having aided or encouraged any other  
 23 person in the exercise or enjoyment of, any right granted or protected by this section.

24 (h) Deny access to, or membership or participation in, any multiple listing service, real estate  
 25 brokers’ organization or other service, organization or facility relating to the business of selling or  
 26 renting dwellings, or discriminate against any person in the terms or conditions of the access,  
 27 membership or participation.

28 (i) Represent to a person that a dwelling is not available for inspection, sale or rental when the  
 29 dwelling in fact is available for inspection, sale or rental.

30 (j) Otherwise make unavailable or deny a dwelling to a person.

31 (3)(a) A person whose business includes engaging in residential real estate related transactions  
 32 may not discriminate against any person in making a transaction available, or in the terms or con-  
 33 ditions of the transaction, because of race, color, religion, sex, sexual orientation, **gender identity**,  
 34 national origin, marital status, familial status or source of income.

35 (b) As used in this subsection, “residential real estate related transaction” means any of the  
 36 following:

37 (A) The making or purchasing of loans or providing other financial assistance:

38 (i) For purchasing, constructing, improving, repairing or maintaining a dwelling; or

39 (ii) Secured by residential real estate; or

40 (B) The selling, brokering or appraising of residential real property.

41 (4) A real estate licensee may not accept or retain a listing of real property for sale, lease or  
 42 rental with an understanding that a purchaser may be discriminated against with respect to the sale,  
 43 rental or lease thereof because of race, color, religion, sex, sexual orientation, **gender identity**,  
 44 national origin, marital status, familial status or source of income.

45 (5) A person may not, for profit, induce or attempt to induce any other person to sell or rent

1 any dwelling by representations regarding the entry or prospective entry into the neighborhood of  
 2 a person or persons of a particular race, color, religion, sex, sexual orientation, **gender identity**,  
 3 national origin, marital status, familial status or source of income.

4 (6) This section does not apply with respect to sex distinction, discrimination or restriction if  
 5 the real property involved is such that the application of this section would necessarily result in  
 6 common use of bath or bedroom facilities by unrelated persons of opposite sex.

7 (7)(a) This section does not apply to familial status distinction, discrimination or restriction with  
 8 respect to housing for older persons.

9 (b) As used in this subsection, "housing for older persons" means housing:

10 (A) Provided under any state or federal program that is specifically designed and operated to  
 11 assist elderly persons, as defined by the state or federal program;

12 (B) Intended for, and solely occupied by, persons 62 years of age or older; or

13 (C) Intended and operated for occupancy by at least one person 55 years of age or older per  
 14 unit. Housing qualifies as housing for older persons under this subparagraph if:

15 (i) At least 80 percent of the dwellings are occupied by at least one person 55 years of age or  
 16 older per unit; and

17 (ii) Policies and procedures that demonstrate an intent by the owner or manager to provide  
 18 housing for persons 55 years of age or older are published and adhered to.

19 (c) Housing does not fail to meet the requirements for housing for older persons if:

20 (A) Persons residing in the housing as of September 13, 1988, do not meet the requirements of  
 21 paragraph (b)(B) or (C) of this subsection. However, new occupants of the housing shall meet the  
 22 age requirements of paragraph (b)(B) or (C) of this subsection; or

23 (B) The housing includes unoccupied units that are reserved for occupancy by persons who meet  
 24 the age requirements of paragraph (b)(B) or (C) of this subsection.

25 (d) Nothing in this section limits the applicability of any reasonable local, state or federal re-  
 26 strictions regarding the maximum number of occupants permitted to occupy a dwelling.

27 (8) The provisions of subsection (2)(a) to (d) and (f) of this section that prohibit actions based  
 28 upon sex, sexual orientation, **gender identity** or familial status do not apply to the renting of space  
 29 within a single-family residence if the owner actually maintains and occupies the residence as the  
 30 owner's primary residence and all occupants share some common space within the residence.

31 (9) Any violation of this section is an unlawful practice.

32 **SECTION 41.** ORS 659A.425 is amended to read:

33 659A.425. (1) As used in this section:

34 (a) "Facially neutral housing policy" means a guideline, practice, rule or screening or admission  
 35 criterion, regarding a real property transaction, that applies equally to all persons.

36 (b) "Protected class" means a group of persons distinguished by race, color, religion, sex, sexual  
 37 orientation, **gender identity**, national origin, marital status, familial status, source of income or  
 38 disability.

39 (c) "Real property transaction" means an act described in ORS 659A.145 or 659A.421 involving  
 40 the renting or leasing of residential real property subject to ORS chapter 90.

41 (2) A court or the Commissioner of the Bureau of Labor and Industries may find a person to  
 42 have violated ORS 659A.145 or 659A.421 if:

43 (a) The person applies a facially neutral housing policy to a member of a protected class in a  
 44 real property transaction involving a residential tenancy subject to ORS chapter 90; and

45 (b) Application of the policy adversely impacts members of the protected class to a greater ex-

1 tent than the policy impacts persons generally.

2 (3) In determining under subsection (2) of this section whether a violation has occurred and, if  
3 a violation has occurred, what relief should be granted, a court or the commissioner shall consider:

4 (a) The significance of the adverse impact on the protected class;

5 (b) The importance and necessity of any business purpose for the facially neutral housing policy;  
6 and

7 (c) The availability of less discriminatory alternatives for achieving the business purpose for the  
8 facially neutral housing policy.

9 **SECTION 42.** ORS 659A.805 is amended to read:

10 659A.805. (1) In accordance with any applicable provision of ORS chapter 183, the Commissioner  
11 of the Bureau of Labor and Industries may adopt reasonable rules:

12 (a) Establishing what acts and communications constitute a notice, sign or advertisement that  
13 public accommodation or real property will be refused, withheld from, or denied to any person or  
14 that the person will be unlawfully discriminated against because of race, color, religion, sex, sexual  
15 orientation, **gender identity**, national origin, marital status, disability or:

16 (A) With respect to public accommodation, age.

17 (B) With respect to real property transactions, familial status or source of income.

18 (b) Establishing what inquiries in connection with employment and prospective employment ex-  
19 press a limitation, specification or unlawful discrimination as to race, color, religion, sex, sexual  
20 orientation, **gender identity**, national origin, marital status, age or disability.

21 (c) Establishing what inquiries in connection with employment and prospective employment so-  
22 liciting information as to race, color, religion, sex, sexual orientation, **gender identity**, national  
23 origin, marital status, age or disability are based on bona fide occupational qualifications.

24 (d) For internal operation and practice and procedure before the commissioner under this  
25 chapter.

26 (e) Covering any other matter required to carry out the purposes of this chapter.

27 (2) In adopting rules under this section the commissioner shall consider the following factors,  
28 among others:

29 (a) The relevance of information requested to job performance in connection with which it is  
30 requested.

31 (b) Available reasonable alternative ways of obtaining requested information without soliciting  
32 responses as to race, color, religion, sex, sexual orientation, **gender identity**, national origin, mar-  
33 ital status, age, disability, source of income or, with respect to real property transactions, familial  
34 status.

35 (c) Whether a statement or inquiry soliciting information as to race, color, religion, sex, sexual  
36 orientation, **gender identity**, national origin, marital status, age, disability, source of income or,  
37 with respect to real property transactions, familial status, communicates an idea independent of an  
38 intention to limit, specify or unlawfully discriminate as to race, color, religion, sex, sexual orien-  
39 tation, **gender identity**, national origin, marital status, age, disability, source of income or, with  
40 respect to real property transactions, familial status.

41 (d) Whether the independent idea communicated is relevant to a legitimate objective of the kind  
42 of transaction that it contemplates.

43 (e) The ease with which the independent idea relating to a legitimate objective of the kind of  
44 transaction contemplated could be communicated without connoting an intention to unlawfully dis-  
45 criminate as to race, color, religion, sex, sexual orientation, **gender identity**, national origin, mari-

tal status, age, disability, source of income or, with respect to real property transactions, familial status.

**SECTION 43.** ORS 659A.815 is amended to read:

659A.815. (1) The Commissioner of the Bureau of Labor and Industries shall create such advisory agencies and intergroup-relations councils as the commissioner believes necessary to aid in effectuating the purposes of this chapter. The commissioner may empower advisory agencies and councils:

(a) To study the problems of discrimination in all or specific fields of human relationships or in specific instances of discrimination because of race, color, religion, sex, sexual orientation, **gender identity**, national origin, marital status, age, disability, familial status or source of income.

(b) To foster, through community effort or otherwise, goodwill, cooperation and conciliation among the groups and elements of the population of the state.

(c) To make recommendations to the commissioner for the development of policies and procedures in general and in specific instances, and for programs of formal and informal education.

(2) The advisory agencies and councils shall be composed of representative citizens, serving without pay, but with reimbursement for actual and necessary expenses in accordance with laws and regulations governing state officers.

(3) The commissioner may make provision for technical and clerical assistance to the advisory agencies and councils and for the expenses of the assistance.

**SECTION 44.** ORS 659A.885, as amended by section 7, chapter 343, Oregon Laws 2019, section 7, chapter 463, Oregon Laws 2019, and section 12, chapter 701, Oregon Laws 2019, is amended to read:

659A.885. (1) Any person claiming to be aggrieved by an unlawful practice specified in subsection (2) of this section may file a civil action in circuit court. In any action under this subsection, the court may order injunctive relief and any other equitable relief that may be appropriate, including but not limited to reinstatement or the hiring of employees with or without back pay. A court may order back pay in an action under this subsection only for the two-year period immediately preceding the filing of a complaint under ORS 659A.820 with the Commissioner of the Bureau of Labor and Industries, or if a complaint was not filed before the action was commenced, the two-year period immediately preceding the filing of the action. In any action under this subsection, the court may allow the prevailing party costs and reasonable attorney fees at trial and on appeal. Except as provided in subsection (3) of this section:

(a) The judge shall determine the facts in an action under this subsection; and

(b) Upon any appeal of a judgment in an action under this subsection, the appellate court shall review the judgment pursuant to the standard established by ORS 19.415 (3).

(2) An action may be brought under subsection (1) of this section alleging a violation of:

(a) ORS 10.090, 10.092, 25.337, 25.424, 171.120, 243.323, 408.230, 408.237 (2), 475B.281, 476.574, 652.020, 652.220, 652.355, 653.060, 653.263, 653.265, 653.547, 653.549, 653.601 to 653.661, 659.852, 659A.030, 659A.040, 659A.043, 659A.046, 659A.063, 659A.069, 659A.082, 659A.088, 659A.103 to 659A.145, 659A.147, 659A.150 to 659A.186, 659A.194, 659A.199, 659A.203, 659A.218, 659A.228, 659A.230, 659A.233, 659A.236, 659A.250 to 659A.262, 659A.277, 659A.290, 659A.300, 659A.306, 659A.309, 659A.315, 659A.318, 659A.320, 659A.343, 659A.355, 659A.370 or 659A.421; or

(b) ORS 653.470, except an action may not be brought for a claim relating to ORS 653.450.

(3) In any action under subsection (1) of this section alleging a violation of ORS 25.337, 25.424, 243.323, 652.220, 652.355, 653.547, 653.549, 659.852, 659A.030, 659A.040, 659A.043, 659A.046, 659A.069,

1 659A.082, 659A.103 to 659A.145, 659A.199, 659A.203, 659A.228, 659A.230, 659A.250 to 659A.262,  
 2 659A.290, 659A.318, 659A.343, 659A.355, 659A.370 or 659A.421:

3 (a) The court may award, in addition to the relief authorized under subsection (1) of this section,  
 4 compensatory damages or \$200, whichever is greater, and punitive damages;

5 (b) At the request of any party, the action shall be tried to a jury;

6 (c) Upon appeal of any judgment finding a violation, the appellate court shall review the judg-  
 7 ment pursuant to the standard established by ORS 19.415 (1); and

8 (d) Any attorney fee agreement shall be subject to approval by the court.

9 (4) Notwithstanding ORS 31.730, in an action under subsection (1) of this section alleging a vi-  
 10 olation of ORS 652.220, the court may award punitive damages if:

11 (a) It is proved by clear and convincing evidence that an employer has engaged in fraud, acted  
 12 with malice or acted with willful and wanton misconduct; or

13 (b) An employer was previously adjudicated in a proceeding under this section or under ORS  
 14 659A.850 for a violation of ORS 652.220.

15 (5) In any action under subsection (1) of this section alleging a violation of ORS 653.060 or  
 16 659A.147, the court may award, in addition to the relief authorized under subsection (1) of this sec-  
 17 tion, compensatory damages or \$200, whichever is greater.

18 (6) In any action under subsection (1) of this section alleging a violation of ORS 171.120, 476.574  
 19 or 659A.218, the court may award, in addition to the relief authorized under subsection (1) of this  
 20 section, compensatory damages or \$250, whichever is greater.

21 (7) In any action under subsection (1) of this section alleging a violation of ORS 10.090 or 10.092,  
 22 the court may award, in addition to the relief authorized under subsection (1) of this section, a civil  
 23 penalty in the amount of \$720.

24 (8) Any individual against whom any distinction, discrimination or restriction on account of  
 25 race, color, religion, sex, sexual orientation, **gender identity**, national origin, marital status or age,  
 26 if the individual is 18 years of age or older, has been made by any place of public accommodation,  
 27 as defined in ORS 659A.400, by any employee or person acting on behalf of the place or by any  
 28 person aiding or abetting the place or person in violation of ORS 659A.406 may bring an action  
 29 against the operator or manager of the place, the employee or person acting on behalf of the place  
 30 or the aider or abettor of the place or person. Notwithstanding subsection (1) of this section, in an  
 31 action under this subsection:

32 (a) The court may award, in addition to the relief authorized under subsection (1) of this section,  
 33 compensatory and punitive damages;

34 (b) The operator or manager of the place of public accommodation, the employee or person  
 35 acting on behalf of the place, and any aider or abettor shall be jointly and severally liable for all  
 36 damages awarded in the action;

37 (c) At the request of any party, the action shall be tried to a jury;

38 (d) The court shall award reasonable attorney fees to a prevailing plaintiff;

39 (e) The court may award reasonable attorney fees and expert witness fees incurred by a de-  
 40 fendant who prevails only if the court determines that the plaintiff had no objectively reasonable  
 41 basis for asserting a claim or no reasonable basis for appealing an adverse decision of a trial court;  
 42 and

43 (f) Upon any appeal of a judgment under this subsection, the appellate court shall review the  
 44 judgment pursuant to the standard established by ORS 19.415 (1).

45 (9) When the commissioner or the Attorney General has reasonable cause to believe that a

1 person or group of persons is engaged in a pattern or practice of resistance to the rights protected  
 2 by ORS 659A.145 or 659A.421 or federal housing law, or that a group of persons has been denied  
 3 any of the rights protected by ORS 659A.145 or 659A.421 or federal housing law, the commissioner  
 4 or the Attorney General may file a civil action on behalf of the aggrieved persons in the same  
 5 manner as a person or group of persons may file a civil action under this section. In a civil action  
 6 filed under this subsection, the court may assess against the respondent, in addition to the relief  
 7 authorized under subsections (1) and (3) of this section, a civil penalty:

8 (a) In an amount not exceeding \$50,000 for a first violation; and

9 (b) In an amount not exceeding \$100,000 for any subsequent violation.

10 (10) In any action under subsection (1) of this section alleging a violation of ORS 659A.145 or  
 11 659A.421 or alleging discrimination under federal housing law, when the commissioner is pursuing  
 12 the action on behalf of an aggrieved complainant, the court shall award reasonable attorney fees to  
 13 the commissioner if the commissioner prevails in the action. The court may award reasonable at-  
 14 torney fees and expert witness fees incurred by a defendant that prevails in the action if the court  
 15 determines that the commissioner had no objectively reasonable basis for asserting the claim or for  
 16 appealing an adverse decision of the trial court.

17 (11) In an action under subsection (1) or (9) of this section alleging a violation of ORS 659A.145  
 18 or 659A.421 or discrimination under federal housing law:

19 (a) “Aggrieved person” includes a person who believes that the person:

20 (A) Has been injured by an unlawful practice or discriminatory housing practice; or

21 (B) Will be injured by an unlawful practice or discriminatory housing practice that is about to  
 22 occur.

23 (b) An aggrieved person in regard to issues to be determined in an action may intervene as of  
 24 right in the action. The Attorney General may intervene in the action if the Attorney General cer-  
 25 tifies that the case is of general public importance. The court may allow an intervenor prevailing  
 26 party costs and reasonable attorney fees at trial and on appeal.

27 **SECTION 45.** ORS 659A.885, as amended by section 10, chapter 197, Oregon Laws 2017, section  
 28 6, chapter 139, Oregon Laws 2019, section 8, chapter 343, Oregon Laws 2019, section 8, chapter 463,  
 29 Oregon Laws 2019, and section 13, chapter 701, Oregon Laws 2019, is amended to read:

30 659A.885. (1) Any person claiming to be aggrieved by an unlawful practice specified in sub-  
 31 section (2) of this section may file a civil action in circuit court. In any action under this subsection,  
 32 the court may order injunctive relief and any other equitable relief that may be appropriate, in-  
 33 cluding but not limited to reinstatement or the hiring of employees with or without back pay. A  
 34 court may order back pay in an action under this subsection only for the two-year period imme-  
 35 diately preceding the filing of a complaint under ORS 659A.820 with the Commissioner of the Bureau  
 36 of Labor and Industries, or if a complaint was not filed before the action was commenced, the two-  
 37 year period immediately preceding the filing of the action. In any action under this subsection, the  
 38 court may allow the prevailing party costs and reasonable attorney fees at trial and on appeal. Ex-  
 39 cept as provided in subsection (3) of this section:

40 (a) The judge shall determine the facts in an action under this subsection; and

41 (b) Upon any appeal of a judgment in an action under this subsection, the appellate court shall  
 42 review the judgment pursuant to the standard established by ORS 19.415 (3).

43 (2) An action may be brought under subsection (1) of this section alleging a violation of:

44 (a) ORS 10.090, 10.092, 25.337, 25.424, 171.120, 243.323, 408.230, 408.237 (2), 475B.281, 476.574,  
 45 652.020, 652.220, 652.355, 653.060, 653.263, 653.265, 653.547, 653.549, 653.601 to 653.661, 659.852,

1 659A.030, 659A.040, 659A.043, 659A.046, 659A.063, 659A.069, 659A.082, 659A.088, 659A.103 to  
 2 659A.145, 659A.147, 659A.150 to 659A.186, 659A.194, 659A.199, 659A.203, 659A.218, 659A.228,  
 3 659A.230, 659A.233, 659A.236, 659A.250 to 659A.262, 659A.277, 659A.290, 659A.300, 659A.306,  
 4 659A.309, 659A.315, 659A.318, 659A.320, 659A.343, 659A.355, 659A.357, 659A.370 or 659A.421; or

5 (b) ORS 653.470, except an action may not be brought for a claim relating to ORS 653.450.

6 (3) In any action under subsection (1) of this section alleging a violation of ORS 25.337, 25.424,  
 7 243.323, 652.220, 652.355, 653.547, 653.549, 659.852, 659A.030, 659A.040, 659A.043, 659A.046, 659A.069,  
 8 659A.082, 659A.103 to 659A.145, 659A.199, 659A.203, 659A.228, 659A.230, 659A.250 to 659A.262,  
 9 659A.290, 659A.318, 659A.343, 659A.355, 659A.357, 659A.370 or 659A.421:

10 (a) The court may award, in addition to the relief authorized under subsection (1) of this section,  
 11 compensatory damages or \$200, whichever is greater, and punitive damages;

12 (b) At the request of any party, the action shall be tried to a jury;

13 (c) Upon appeal of any judgment finding a violation, the appellate court shall review the judg-  
 14 ment pursuant to the standard established by ORS 19.415 (1); and

15 (d) Any attorney fee agreement shall be subject to approval by the court.

16 (4) Notwithstanding ORS 31.730, in an action under subsection (1) of this section alleging a vi-  
 17 olation of ORS 652.220, the court may award punitive damages if:

18 (a) It is proved by clear and convincing evidence that an employer has engaged in fraud, acted  
 19 with malice or acted with willful and wanton misconduct; or

20 (b) An employer was previously adjudicated in a proceeding under this section or under ORS  
 21 659A.850 for a violation of ORS 652.220.

22 (5) In any action under subsection (1) of this section alleging a violation of ORS 653.060 or  
 23 659A.147, the court may award, in addition to the relief authorized under subsection (1) of this sec-  
 24 tion, compensatory damages or \$200, whichever is greater.

25 (6) In any action under subsection (1) of this section alleging a violation of ORS 171.120, 476.574  
 26 or 659A.218, the court may award, in addition to the relief authorized under subsection (1) of this  
 27 section, compensatory damages or \$250, whichever is greater.

28 (7) In any action under subsection (1) of this section alleging a violation of ORS 10.090 or 10.092,  
 29 the court may award, in addition to the relief authorized under subsection (1) of this section, a civil  
 30 penalty in the amount of \$720.

31 (8) Any individual against whom any distinction, discrimination or restriction on account of  
 32 race, color, religion, sex, sexual orientation, **gender identity**, national origin, marital status or age,  
 33 if the individual is 18 years of age or older, has been made by any place of public accommodation,  
 34 as defined in ORS 659A.400, by any employee or person acting on behalf of the place or by any  
 35 person aiding or abetting the place or person in violation of ORS 659A.406 may bring an action  
 36 against the operator or manager of the place, the employee or person acting on behalf of the place  
 37 or the aider or abettor of the place or person. Notwithstanding subsection (1) of this section, in an  
 38 action under this subsection:

39 (a) The court may award, in addition to the relief authorized under subsection (1) of this section,  
 40 compensatory and punitive damages;

41 (b) The operator or manager of the place of public accommodation, the employee or person  
 42 acting on behalf of the place, and any aider or abettor shall be jointly and severally liable for all  
 43 damages awarded in the action;

44 (c) At the request of any party, the action shall be tried to a jury;

45 (d) The court shall award reasonable attorney fees to a prevailing plaintiff;

1 (e) The court may award reasonable attorney fees and expert witness fees incurred by a de-  
 2 fendant who prevails only if the court determines that the plaintiff had no objectively reasonable  
 3 basis for asserting a claim or no reasonable basis for appealing an adverse decision of a trial court;  
 4 and

5 (f) Upon any appeal of a judgment under this subsection, the appellate court shall review the  
 6 judgment pursuant to the standard established by ORS 19.415 (1).

7 (9) When the commissioner or the Attorney General has reasonable cause to believe that a  
 8 person or group of persons is engaged in a pattern or practice of resistance to the rights protected  
 9 by ORS 659A.145 or 659A.421 or federal housing law, or that a group of persons has been denied  
 10 any of the rights protected by ORS 659A.145 or 659A.421 or federal housing law, the commissioner  
 11 or the Attorney General may file a civil action on behalf of the aggrieved persons in the same  
 12 manner as a person or group of persons may file a civil action under this section. In a civil action  
 13 filed under this subsection, the court may assess against the respondent, in addition to the relief  
 14 authorized under subsections (1) and (3) of this section, a civil penalty:

15 (a) In an amount not exceeding \$50,000 for a first violation; and

16 (b) In an amount not exceeding \$100,000 for any subsequent violation.

17 (10) In any action under subsection (1) of this section alleging a violation of ORS 659A.145 or  
 18 659A.421 or alleging discrimination under federal housing law, when the commissioner is pursuing  
 19 the action on behalf of an aggrieved complainant, the court shall award reasonable attorney fees to  
 20 the commissioner if the commissioner prevails in the action. The court may award reasonable at-  
 21 torney fees and expert witness fees incurred by a defendant that prevails in the action if the court  
 22 determines that the commissioner had no objectively reasonable basis for asserting the claim or for  
 23 appealing an adverse decision of the trial court.

24 (11) In an action under subsection (1) or (9) of this section alleging a violation of ORS 659A.145  
 25 or 659A.421 or discrimination under federal housing law:

26 (a) "Aggrieved person" includes a person who believes that the person:

27 (A) Has been injured by an unlawful practice or discriminatory housing practice; or

28 (B) Will be injured by an unlawful practice or discriminatory housing practice that is about to  
 29 occur.

30 (b) An aggrieved person in regard to issues to be determined in an action may intervene as of  
 31 right in the action. The Attorney General may intervene in the action if the Attorney General cer-  
 32 tifies that the case is of general public importance. The court may allow an intervenor prevailing  
 33 party costs and reasonable attorney fees at trial and on appeal.

34 **SECTION 46.** ORS 659A.885, as amended by section 10, chapter 197, Oregon Laws 2017, section  
 35 6, chapter 139, Oregon Laws 2019, section 8, chapter 343, Oregon Laws 2019, section 8, chapter 463,  
 36 Oregon Laws 2019, section 58, chapter 700, Oregon Laws 2019, and section 13, chapter 701, Oregon  
 37 Laws 2019, is amended to read:

38 659A.885. (1) Any person claiming to be aggrieved by an unlawful practice specified in sub-  
 39 section (2) of this section may file a civil action in circuit court. In any action under this subsection,  
 40 the court may order injunctive relief and any other equitable relief that may be appropriate, in-  
 41 cluding but not limited to reinstatement or the hiring of employees with or without back pay. A  
 42 court may order back pay in an action under this subsection only for the two-year period imme-  
 43 diately preceding the filing of a complaint under ORS 659A.820 with the Commissioner of the Bureau  
 44 of Labor and Industries, or if a complaint was not filed before the action was commenced, the two-  
 45 year period immediately preceding the filing of the action. In any action under this subsection, the



1 court may allow the prevailing party costs and reasonable attorney fees at trial and on appeal. Ex-  
 2 cept as provided in subsection (3) of this section:

3 (a) The judge shall determine the facts in an action under this subsection; and

4 (b) Upon any appeal of a judgment in an action under this subsection, the appellate court shall  
 5 review the judgment pursuant to the standard established by ORS 19.415 (3).

6 (2) An action may be brought under subsection (1) of this section alleging a violation of:

7 (a) ORS 10.090, 10.092, 25.337, 25.424, 171.120, 243.323, 408.230, 408.237 (2), 475B.281, 476.574,  
 8 652.020, 652.220, 652.355, 653.060, 653.263, 653.265, 653.547, 653.549, 653.601 to 653.661, 657B.060 and  
 9 657B.070, 659.852, 659A.030, 659A.040, 659A.043, 659A.046, 659A.063, 659A.069, 659A.082, 659A.088,  
 10 659A.103 to 659A.145, 659A.147, 659A.150 to 659A.186, 659A.194, 659A.199, 659A.203, 659A.218,  
 11 659A.228, 659A.230, 659A.233, 659A.236, 659A.250 to 659A.262, 659A.277, 659A.290, 659A.300,  
 12 659A.306, 659A.309, 659A.315, 659A.318, 659A.320, 659A.343, 659A.355, 659A.357, 659A.370 or  
 13 659A.421; or

14 (b) ORS 653.470, except an action may not be brought for a claim relating to ORS 653.450.

15 (3) In any action under subsection (1) of this section alleging a violation of ORS 25.337, 25.424,  
 16 243.323, 652.220, 652.355, 653.547, 653.549, 657B.060 and 657B.070, 659.852, 659A.030, 659A.040,  
 17 659A.043, 659A.046, 659A.069, 659A.082, 659A.103 to 659A.145, 659A.199, 659A.203, 659A.228,  
 18 659A.230, 659A.250 to 659A.262, 659A.290, 659A.318, 659A.343, 659A.355, 659A.357, 659A.370 or  
 19 659A.421:

20 (a) The court may award, in addition to the relief authorized under subsection (1) of this section,  
 21 compensatory damages or \$200, whichever is greater, and punitive damages;

22 (b) At the request of any party, the action shall be tried to a jury;

23 (c) Upon appeal of any judgment finding a violation, the appellate court shall review the judg-  
 24 ment pursuant to the standard established by ORS 19.415 (1); and

25 (d) Any attorney fee agreement shall be subject to approval by the court.

26 (4) Notwithstanding ORS 31.730, in an action under subsection (1) of this section alleging a vi-  
 27 olation of ORS 652.220, the court may award punitive damages if:

28 (a) It is proved by clear and convincing evidence that an employer has engaged in fraud, acted  
 29 with malice or acted with willful and wanton misconduct; or

30 (b) An employer was previously adjudicated in a proceeding under this section or under ORS  
 31 659A.850 for a violation of ORS 652.220.

32 (5) In any action under subsection (1) of this section alleging a violation of ORS 653.060 or  
 33 659A.147, the court may award, in addition to the relief authorized under subsection (1) of this sec-  
 34 tion, compensatory damages or \$200, whichever is greater.

35 (6) In any action under subsection (1) of this section alleging a violation of ORS 171.120, 476.574  
 36 or 659A.218, the court may award, in addition to the relief authorized under subsection (1) of this  
 37 section, compensatory damages or \$250, whichever is greater.

38 (7) In any action under subsection (1) of this section alleging a violation of ORS 10.090 or 10.092,  
 39 the court may award, in addition to the relief authorized under subsection (1) of this section, a civil  
 40 penalty in the amount of \$720.

41 (8) Any individual against whom any distinction, discrimination or restriction on account of  
 42 race, color, religion, sex, sexual orientation, **gender identity**, national origin, marital status or age,  
 43 if the individual is 18 years of age or older, has been made by any place of public accommodation,  
 44 as defined in ORS 659A.400, by any employee or person acting on behalf of the place or by any  
 45 person aiding or abetting the place or person in violation of ORS 659A.406 may bring an action

1 against the operator or manager of the place, the employee or person acting on behalf of the place  
 2 or the aider or abettor of the place or person. Notwithstanding subsection (1) of this section, in an  
 3 action under this subsection:

4 (a) The court may award, in addition to the relief authorized under subsection (1) of this section,  
 5 compensatory and punitive damages;

6 (b) The operator or manager of the place of public accommodation, the employee or person  
 7 acting on behalf of the place, and any aider or abettor shall be jointly and severally liable for all  
 8 damages awarded in the action;

9 (c) At the request of any party, the action shall be tried to a jury;

10 (d) The court shall award reasonable attorney fees to a prevailing plaintiff;

11 (e) The court may award reasonable attorney fees and expert witness fees incurred by a de-  
 12 fendant who prevails only if the court determines that the plaintiff had no objectively reasonable  
 13 basis for asserting a claim or no reasonable basis for appealing an adverse decision of a trial court;  
 14 and

15 (f) Upon any appeal of a judgment under this subsection, the appellate court shall review the  
 16 judgment pursuant to the standard established by ORS 19.415 (1).

17 (9) When the commissioner or the Attorney General has reasonable cause to believe that a  
 18 person or group of persons is engaged in a pattern or practice of resistance to the rights protected  
 19 by ORS 659A.145 or 659A.421 or federal housing law, or that a group of persons has been denied  
 20 any of the rights protected by ORS 659A.145 or 659A.421 or federal housing law, the commissioner  
 21 or the Attorney General may file a civil action on behalf of the aggrieved persons in the same  
 22 manner as a person or group of persons may file a civil action under this section. In a civil action  
 23 filed under this subsection, the court may assess against the respondent, in addition to the relief  
 24 authorized under subsections (1) and (3) of this section, a civil penalty:

25 (a) In an amount not exceeding \$50,000 for a first violation; and

26 (b) In an amount not exceeding \$100,000 for any subsequent violation.

27 (10) In any action under subsection (1) of this section alleging a violation of ORS 659A.145 or  
 28 659A.421 or alleging discrimination under federal housing law, when the commissioner is pursuing  
 29 the action on behalf of an aggrieved complainant, the court shall award reasonable attorney fees to  
 30 the commissioner if the commissioner prevails in the action. The court may award reasonable at-  
 31 torney fees and expert witness fees incurred by a defendant that prevails in the action if the court  
 32 determines that the commissioner had no objectively reasonable basis for asserting the claim or for  
 33 appealing an adverse decision of the trial court.

34 (11) In an action under subsection (1) or (9) of this section alleging a violation of ORS 659A.145  
 35 or 659A.421 or discrimination under federal housing law:

36 (a) "Aggrieved person" includes a person who believes that the person:

37 (A) Has been injured by an unlawful practice or discriminatory housing practice; or

38 (B) Will be injured by an unlawful practice or discriminatory housing practice that is about to  
 39 occur.

40 (b) An aggrieved person in regard to issues to be determined in an action may intervene as of  
 41 right in the action. The Attorney General may intervene in the action if the Attorney General cer-  
 42 tifies that the case is of general public importance. The court may allow an intervenor prevailing  
 43 party costs and reasonable attorney fees at trial and on appeal.

44 **SECTION 47.** ORS 660.139 is amended to read:

45 660.139. (1) Unless the State Apprenticeship and Training Council determines there is an adverse

1 impact on apprenticeship opportunities based on an individual’s race, sex, sexual orientation, **gender**  
 2 **identity** or ethnic group, an applicant who is otherwise eligible for selection as an apprentice under  
 3 the selection method used by the local joint committee may, with the consent of the applicant, be  
 4 indentured to a family business or the applicant’s current employer without regard to whether an-  
 5 other employer would otherwise be entitled to indenture the apprentice under the selection method  
 6 used by the local joint committee.

7 (2) As used in this section:

8 (a) “Current employer” means the employer with whom the applicant has been a full-time, reg-  
 9 ular employee for at least six months before the applicant is selected into the apprenticeship pro-  
 10 gram.

11 (b) “Family business” means a business owned in whole or in part by a parent or grandparent  
 12 of the applicant.

13 **SECTION 48.** ORS 744.382 is amended to read:

14 744.382. (1) A licensee may not pay or offer to pay a finder’s fee, commission or other compen-  
 15 sation to a person described in this subsection, in connection with a policy insuring the life of an  
 16 individual with a terminal illness or condition. The prohibition under this subsection applies with  
 17 respect to payments or offers of payment to:

18 (a) The physician, naturopathic physician, attorney or accountant of the policyholder, of the  
 19 certificate holder or of the insured individual when the individual is other than the policyholder or  
 20 certificate holder.

21 (b) Any person other than a physician, naturopathic physician, attorney or accountant described  
 22 in paragraph (a) of this subsection, who provides medical, legal or financial planning services to the  
 23 policyholder, to the certificate holder or to the insured individual when the individual is other than  
 24 the policyholder or certificate holder.

25 (c) Any person other than one described in paragraph (a) or (b) of this subsection who acts as  
 26 an agent of the policyholder, certificate holder or insured individual.

27 (2) A licensee may not solicit an investor who could influence the treatment of the illness or  
 28 condition of the individual whose life would be the subject of a life settlement contract.

29 (3) All information solicited or obtained from a policyholder or certificate holder by a licensee  
 30 is subject to ORS 746.600 to 746.690. For purposes of this subsection, a licensee is considered an  
 31 insurance-support organization within the meaning of ORS 746.600.

32 (4) A licensee may not discriminate in the making of a life settlement contract on the basis of  
 33 race, religion, creed, sex, sexual orientation, **gender identity**, national origin, marital status, age,  
 34 familial status or occupation or discriminate between persons who have dependents and persons who  
 35 do not have dependents.

36 **SECTION 49.** Section 2, chapter 5, Oregon Laws 2020 (first special session), is amended to read:

37 **Sec. 2.** (1) As used in this section, “misconduct” means:

38 (a) Unjustified or excessive force that is objectively unreasonable under the circumstances or  
 39 in violation of the use of force policy for the law enforcement unit employing the offending officer;

40 (b) Sexual harassment or sexual misconduct;

41 (c) Discrimination against a person based on race, color, religion, sex, sexual orientation,  
 42 **gender identity**, national origin, disability or age;

43 (d) A crime; or

44 (e) A violation of the minimum standards for physical, emotional, intellectual and moral fitness  
 45 for public safety personnel established under ORS 181A.410.

1 (2) Without regard to rank or assignment, a police officer or reserve officer shall intervene to  
2 prevent or stop another police officer or reserve officer engaged in any act the intervening officer  
3 knows or reasonably should know is misconduct, unless the intervening officer cannot intervene  
4 safely.

5 (3) A police officer or reserve officer who witnesses another police officer or reserve officer  
6 engaging in misconduct shall report the misconduct to a supervisor as soon as practicable, but no  
7 later than 72 hours after witnessing the misconduct.

8 (4) Failure to intervene or report as required by subsections (2) and (3) of this section is grounds  
9 for disciplinary action against a police officer or reserve officer by the law enforcement unit em-  
10 ploying the officer or for the Department of Public Safety Standards and Training to suspend or  
11 revoke the officer's certification as provided in ORS 181A.630, 181A.640 and 181A.650.

12 (5) An employer may not discharge, demote, suspend or in any manner discriminate or retaliate  
13 against a police officer or reserve officer with regard to promotion, compensation or other terms,  
14 conditions or privileges of employment for the reason that the officer intervened or reported as re-  
15 quired by subsections (2) and (3) of this section. Violation of this subsection is an unlawful employ-  
16 ment practice as provided in ORS 659A.199.

17 (6) The Department of Public Safety Standards and Training shall report at least annually to  
18 an appropriate committee of the Legislative Assembly on any rules adopted by the department im-  
19 plementing this section.

20 **SECTION 50. ORS 659.870 is repealed.**

21 **SECTION 51. This 2021 Act being necessary for the immediate preservation of the public**  
22 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**  
23 **on its passage.**