

**Enrolled**  
**Senate Bill 567**

Sponsored by Senators GELSER, PATTERSON, KNOPP, STEINER HAYWARD; Senators DEMBROW, FREDERICK, KENNEMER, MANNING JR, THATCHER, Representatives CAMPOS, REYNOLDS, WILDE (Pre-session filed.)

CHAPTER .....

AN ACT

Relating to discrimination in provision of health care; amending ORS 659A.142; and declaring an emergency.

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

**SECTION 1.** ORS 659A.142 is amended to read:

659A.142. (1) As used in this section[,]:

(a) **“Health care facility” has the meaning given that term in ORS 442.015.**

(b) **“Health professional regulatory board” has the meaning given that term in ORS 676.160.**

(c) **“Medical resources” includes but is not limited to:**

(A) **Medical devices or equipment.**

(B) **Prescription drugs.**

(C) **Laboratory testing.**

(d) **“Provider” means:**

(A) **An individual licensed or certified by a health professional regulatory board.**

(B) **A health care facility.**

(e) **“State government” has the meaning given that term in ORS 174.111.**

(2) It is an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise discriminate against, any individual because that individual has a disability, or to classify or refer for employment any individual because that individual has a disability.

(3) It is an unlawful employment practice for a labor organization, because an individual has a disability, to exclude or to expel from its membership such individual or to discriminate in any way against such individual.

(4) It is an unlawful practice for any place of public accommodation, resort or amusement as defined in ORS 659A.400, or any person acting on behalf of such place, to make any distinction, discrimination or restriction because a customer or patron is an individual with a disability.

(5)(a) It is an unlawful practice for state government to exclude an individual from participation in or deny an individual the benefits of the services, programs or activities of state government or to make any distinction, discrimination or restriction because the individual has a disability.

(b) Paragraph (a) of this subsection is intended to ensure equal access to available services, programs and activities of state government.

(c) Paragraph (a) of this subsection is not intended to:

(A) Create an independent entitlement to any service, program or activity of state government;  
or

(B) Require state government to take any action that state government can demonstrate would result in a fundamental alteration in the nature of a service, program or activity of state government or would result in undue financial or administrative burdens on state government.

**(6)(a) It is an unlawful practice for a provider or any person acting on behalf of a provider to discriminate by doing any of the following based on the patient's race, color, national origin, sex, sexual orientation, gender identity, age or disability:**

**(A) Deny medical treatment to the patient that is likely to benefit the patient based on an individualized assessment of the patient using objective medical evidence; or**

**(B) Limit or restrict in any manner the allocation of medical resources to the patient.**

**(b) In determining whether medical treatment is likely to benefit a patient under paragraph (a)(A) of this subsection, a provider shall consult with the patient and others legally authorized to act on behalf of the patient, if available.**

**(c) This subsection does not:**

**(A) Restrict the authority of a patient, or an individual legally authorized to act on behalf of a patient, to consent to or decline medical treatment;**

**(B) Require the provision of medical treatment that is prohibited by state or federal law;**  
or

**(C) Restrict a provider, after completing the individualized assessment described in paragraph (a)(A) of this subsection and the consultation described in paragraph (b) of this subsection, from providing objective information to the patient about the risks and benefits of treatment.**

[(6)] (7) Receipt or alleged receipt of treatment for a mental disorder does not constitute evidence of an individual's inability to acquire, rent or maintain property.

**SECTION 2. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect on its passage.**

**Passed by Senate June 21, 2021**

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

**Passed by House June 24, 2021**

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Tina Kotek, Speaker of House

**Received by Governor:**

.....M.,....., 2021

**Approved:**

.....M.,....., 2021

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2021

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Shemia Fagan, Secretary of State