

# B-Engrossed Senate Bill 567

Ordered by the Senate June 18  
Including Senate Amendments dated March 24 and June 18

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

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Includes as unlawful practice medical provider's denial of treatment that is likely to benefit patient based on patient's race, color, national origin, sex, sexual orientation, gender identity, age or disability.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to discrimination in provision of health care; amending ORS 659A.142; and declaring an  
3 emergency.

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

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

6 659A.142. (1) As used in this section[,]:

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

8 (b) **"Health professional regulatory board" has the meaning given that term in ORS**  
9 **676.160.**

10 (c) **"Medical resources" includes but is not limited to:**

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

12 (B) **Prescription drugs.**

13 (C) **Laboratory testing.**

14 (d) **"Provider" means:**

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

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

17 (e) "State government" has the meaning given that term in ORS 174.111.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 **(C) Restrict a provider, after completing the individualized assessment described in par-  
27 agraph (a)(A) of this subsection and the consultation described in paragraph (b) of this sub-  
28 section, from providing objective information to the patient about the risks and benefits of  
29 treatment.**

30 [(6)] (7) Receipt or alleged receipt of treatment for a mental disorder does not constitute evi-  
31 dence of an individual's inability to acquire, rent or maintain property.

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