

# House Bill 2717

Sponsored by Representative NERON (Pre-session filed.)

## SUMMARY

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

Establishes oversight of outdoor preschool programs by Office of Child Care. Prescribes requirements for licensure as outdoor preschool program.

### A BILL FOR AN ACT

1  
2 Relating to outdoor preschool programs; creating new provisions; and amending ORS 181A.195,  
3 215.213, 215.283, 329A.030, 329A.250, 329A.252, 329A.275, 329A.280, 329A.390, 419B.005 and  
4 419B.035.

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

6 **SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS 329A.250 to**  
7 **329A.450.**

8 **SECTION 2. (1) A person may not operate an outdoor preschool program unless the**  
9 **program is licensed with the Office of Child Care as provided in this section.**

10 **(2) To obtain a license, the person operating the program must apply to the office by**  
11 **submitting a completed licensure application form and a nonrefundable fee as established by**  
12 **the office. The office shall determine and apply the fee through rules adopted by the Early**  
13 **Learning Council under ORS 329A.275. The office shall deposit fees received under this sub-**  
14 **section as provided in ORS 329A.310 (2).**

15 **(3) The office shall issue a license to the applicant if the office determines that the ap-**  
16 **plicant meets the requirements of ORS 329A.250 to 329A.450 and the rules adopted pursuant**  
17 **to ORS 329A.250 to 329A.450 and subsection (9) of this section.**

18 **(4) Unless the license is revoked as provided in subsection (8) of this section, the license**  
19 **is valid for a period of two years from the date of issuance.**

20 **(5) A license authorizes operation of the program only by the person named in the li-**  
21 **cense.**

22 **(6) The office shall create and maintain a database of programs licensed under this sec-**  
23 **tion and shall update the database annually. The database must include, but need not be**  
24 **limited to, the following information:**

25 **(a) Name and address of the program;**

26 **(b) Name of operator; and**

27 **(c) Significant program information, as determined by the Early Learning Council by**  
28 **rule.**

29 **(7) A program licensed under this section must post, and provide parents with, a notice**  
30 **that the program is not certified under ORS 329A.280 or registered under ORS 329A.330.**

31 **(8) An initial application or renewal application for licensure of a program under this**

**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 **section may be denied, revoked or suspended, if the office finds:**

2 **(a) That the program or its operation does not comply with ORS 329A.250 to 329A.450,**  
 3 **with applicable rules and with any term or condition imposed under the license; or**

4 **(b) That investigation of the program or its records authorized by ORS 329A.390 has not**  
 5 **been permitted.**

6 **(9) The Early Learning Council shall adopt any rules necessary to carry out the pro-**  
 7 **visions of this section.**

8 **(10) A person who violates any provision of this section or any term or condition of a li-**  
 9 **cence is subject to a civil penalty not to exceed \$100.**

10 **SECTION 3. (1) Section 2 of this 2023 Act becomes operative July 1, 2025.**

11 **(2) Notwithstanding the operative date set forth in subsection (1) of this section, the**  
 12 **Department of Early Learning and Care and the Early Learning Council may take any action**  
 13 **before the operative date set forth in subsection (1) of this section that is necessary for the**  
 14 **department and the council to exercise, on and after the operative date set forth in sub-**  
 15 **section (1) of this section, all of the duties, functions and powers conferred on the depart-**  
 16 **ment and the council by section 2 of this 2023 Act.**

17 **SECTION 4. ORS 329A.250, as amended by section 40, chapter 631, Oregon Laws 2021, section**  
 18 **23, chapter 27, Oregon Laws 2022, and section 5, chapter 90, Oregon Laws 2022, is amended to read:**  
 19 **329A.250. As used in ORS 329A.030, 329A.250 to 329A.450 and 329A.500, unless the context re-**  
 20 **quires otherwise:**

21 **(1) “Babysitter” means a person who goes into the home of a child to give care during the**  
 22 **temporary absence of the parent or legal guardian or custodian.**

23 **(2) “Certification” means the certification that is issued under ORS 329A.280 by the Office of**  
 24 **Child Care to a family child care home, child care center or other child care facility.**

25 **(3) “Child” means a child under 13 years of age or a child under 18 years of age who has special**  
 26 **needs or disabilities and requires a level of care that is above normal for the child’s age.**

27 **(4)(a) “Child care” means the care, supervision and guidance on a regular basis of a child, un-**  
 28 **accompanied by a parent, guardian or custodian, provided to a child during a part of the 24 hours**  
 29 **of the day, in a place other than the child’s home, with or without compensation.**

30 **(b) “Child care” does not include care provided:**

31 **(A) In the home of the child;**

32 **(B) By the child’s parent, guardian, or person acting in loco parentis;**

33 **(C) By a person related to the child by blood or marriage within the fourth degree as determined**  
 34 **by civil law;**

35 **(D) On an occasional basis by a person not ordinarily engaged in providing child care;**

36 **(E) By providers of medical services;**

37 **(F) By a babysitter;**

38 **(G) By a person who cares for children from only one family other than the person’s own family;**

39 **(H) By a person who cares for no more than three children other than the person’s own children;**

40 **or**

41 **(I) By a person who is a member of the child’s extended family, as determined by the office on**  
 42 **a case-by-case basis.**

43 **(5) “Child care facility” means any facility that provides child care to children, including a day**  
 44 **nursery, nursery school, child care center, certified or registered family child care home or similar**  
 45 **unit operating under any name, but not including any:**

- 1 (a) Preschool recorded program.
- 2 **(b) Outdoor preschool program.**
- 3 [(b)] (c) Facility providing care for school-age children that is primarily a single enrichment  
4 activity, for eight hours or less a week.
- 5 [(c)] (d) Facility providing care that is primarily group athletic or social activities sponsored by  
6 or under the supervision of an organized club or hobby group.
- 7 [(d)] (e) Facility operated by:
- 8 (A) A school district as defined in ORS 332.002;
- 9 (B) A political subdivision of this state; or
- 10 (C) A governmental agency.
- 11 [(e)] (f) Residential facility licensed under ORS 443.400 to 443.455.
- 12 [(f)] (g) Babysitters.
- 13 [(g)] (h) Facility operated as a parent cooperative for no more than four hours a day.
- 14 [(h)] (i) Facility providing care while the child’s parent remains on the premises and is engaged  
15 in an activity offered by the facility or in other nonwork activity.
- 16 [(i)] (j) Facility operated as a school-age recorded program.
- 17 (6) “Family” has the meaning given that term in ORS 329.155.
- 18 **(7) “License” means the license that is issued under section 2 of this 2023 Act to an**  
19 **outdoor preschool program.**
- 20 [(7)] (8) “Occasional” means that care is provided for no more than 70 days in any calendar  
21 year.
- 22 **(9) “Outdoor preschool program” means a program offered to preschool children that:**
- 23 **(a) Is not required to be certified under ORS 329A.280 or registered under ORS 329A.330;**
- 24 **(b) Provides early learning services to the enrolled children in an outdoor natural space**  
25 **approved by the Department of Early Learning and Care for the lesser of four hours per day**  
26 **or 50 percent of the daily program hours; and**
- 27 **(c) Teaches a nature-based curriculum to enrolled children.**
- 28 [(8)] (10) “Parent cooperative” means a child care program in which:
- 29 (a) Care is provided by parents on a rotating basis;
- 30 (b) Membership in the cooperative includes parents;
- 31 (c) There are written policies and procedures; and
- 32 (d) A board of directors that includes parents of the children cared for by the cooperative con-  
33 trols the policies and procedures of the program.
- 34 [(9)] (11) “Preschool recorded program” means a facility providing care for preschool children  
35 that is primarily educational for four hours or less per day and where no child is present at the  
36 facility for more than four hours per day.
- 37 [(10)] (12) “Record” means the record that is issued under ORS 329A.255 to a preschool recorded  
38 program or a school-age recorded program.
- 39 [(11)] (13) “Registration” means the registration that is issued under ORS 329A.330 by the Office  
40 of Child Care to a family child care home where care is provided in the family living quarters of the  
41 provider’s home.
- 42 [(12)] (14) “School age” means of an age eligible to be enrolled in kindergarten or above on or  
43 before the first day of the current school year.
- 44 [(13)] (15) “School-age recorded program” means a program for school-age children:
- 45 (a) That is not operated by a school district as defined in ORS 332.002;

1 (b) That is not required to be certified under ORS 329A.280 or registered under ORS 329A.330;  
2 and

3 (c) In which youth development activities are provided to children during hours that school is  
4 not in session and does not take the place of a parent's care.

5 [(14)(a)] **(16)(a)** "Subsidized care" means the care, supervision and guidance on a regular basis  
6 of a child, unaccompanied by a parent, guardian or custodian, provided to a child during a part of  
7 the 24 hours of a day, paid for in whole or in part by public funds.

8 (b) "Subsidized care" does not include care provided:

9 (A) By the child's parent, guardian or person acting in loco parentis;

10 (B) By a sibling living in the same home as the child;

11 (C) By a person on the same subsidized care case of a child in care; or

12 (D) By a provider of medical services, as determined by the office on a case-by-case basis.

13 [(15)] **(17)** "Subsidized care facility" means any facility that provides subsidized care to children,  
14 including a day nursery, nursery school, child care center, certified or registered family child care  
15 home or similar unit operating under any name, but not including any program or facility identified  
16 by the Early Learning Council by rule.

17 [(16)] **(18)** "Youth development activities" means care, supervision or guidance that is intended  
18 for enrichment, including but not limited to teaching skills or proficiency in physical, social or ed-  
19 ucational activities such as tutoring, music lessons, social activities, sports and recreational activ-  
20 ities.

21 **SECTION 5.** ORS 329A.030, as amended by section 26, chapter 27, Oregon Laws 2022, and sec-  
22 tion 1, chapter 90, Oregon Laws 2022, is amended to read:

23 329A.030. (1) The Office of Child Care shall establish a Central Background Registry and may  
24 maintain information in the registry through electronic records systems.

25 (2)(a) A subject individual described in subsection (10)(a), (c) or (d) of this section shall apply  
26 to and must be enrolled in the Central Background Registry prior to the provision of care.

27 (b) An individual who has been the subject of a founded or substantiated report of child abuse  
28 shall apply to and must be enrolled in the Central Background Registry prior to providing any of  
29 the types of care identified in ORS 329A.250 (4)(b)(A), (G) or (H) if:

30 (A) The child abuse occurred on or after January 1, 2017, and involved a child who died or  
31 suffered serious physical injury, as defined in ORS 161.015; or

32 (B) The child abuse occurred on or after September 1, 2019, and involved any child for whom  
33 the individual was providing child care, as defined in ORS 329A.250 (4), or care identified in ORS  
34 329A.250 (4)(b)(A), (C), (F), (G), (H) or (I).

35 (c) Notwithstanding paragraph (a) of this subsection, an individual described in paragraph (b)(B)  
36 of this subsection is not required to enroll in the Central Background Registry if more than seven  
37 years has elapsed since the date of the child abuse determination.

38 (3)(a) Upon receiving an application for enrollment in the Central Background Registry, the of-  
39 fice shall complete:

40 (A) A criminal records check under ORS 181A.195;

41 (B) A criminal records check of other registries or databases in accordance with rules adopted  
42 by the Early Learning Council;

43 (C) A child abuse and neglect records check in accordance with rules adopted by the council;  
44 and

45 (D) A foster care certification check and an adult protective services check in accordance with

1 rules adopted by the council.

2 (b) In addition to the information that the office is required to check under paragraph (a) of this  
 3 subsection, the office may consider any other information obtained by the office that the office, by  
 4 rule, determines is relevant to enrollment in the Central Background Registry.

5 (4) The office shall enroll the individual in the Central Background Registry if the individual:

6 (a) Is determined to have no criminal, child abuse and neglect, negative adult protective services  
 7 or negative foster home certification history, or to have dealt with the issues and provided adequate  
 8 evidence of suitability for the registry;

9 (b) Has paid the applicable fee established pursuant to ORS 329A.275; and

10 (c) Has complied with the rules of the Early Learning Council adopted pursuant to this section.

11 (5)(a) Notwithstanding subsections (3) and (4) of this section, the office may not enroll an indi-  
 12 vidual in the Central Background Registry if:

13 (A) The individual has a disqualifying condition as defined in rules adopted by the council; or

14 (B) The individual is an exempt prohibited individual, as provided by ORS 329A.252.

15 (b) If an individual prohibited from enrolling in the registry as provided by this subsection is  
 16 enrolled in the registry, the office shall remove the individual from the registry.

17 (6)(a) The office may conditionally enroll an individual in the Central Background Registry  
 18 pending the results of a nationwide criminal records check through the Federal Bureau of Investi-  
 19 gation if the individual has successfully completed the criminal records check and the child abuse  
 20 and neglect records check in this state and in the state of the individual's residence, if other than  
 21 Oregon.

22 (b) The office may enroll an individual in the registry subject to limitations identified in rules  
 23 adopted by the council.

24 (7) An enrollment in the Central Background Registry may be renewed upon application to the  
 25 office, payment of the fee established pursuant to ORS 329A.275 and compliance with rules adopted  
 26 by the Early Learning Council pursuant to this section. However, an individual who is determined  
 27 to be ineligible for enrollment in the registry after the date of initial enrollment shall be removed  
 28 or suspended from the registry by the office.

29 (8)(a) A child care facility, preschool recorded program, [or] school-age recorded program **or**  
 30 **outdoor preschool program** may not hire or employ an individual if the individual is not enrolled  
 31 in the Central Background Registry.

32 (b) Notwithstanding paragraph (a) of this subsection, a child care facility, preschool recorded  
 33 program, [or] school-age recorded program **or outdoor preschool program** may employ on a  
 34 probationary basis an individual who is conditionally enrolled in the Central Background Registry.

35 (9) The Early Learning Council may adopt any rules necessary to carry out the purposes of this  
 36 section, including but not limited to rules regarding expiration and renewal periods and limitations  
 37 related to the subject individual's enrollment in the Central Background Registry.

38 (10) As used in this section, "subject individual" means:

39 (a) A subject individual as defined by the Early Learning Council by rule;

40 (b) An individual subject to subsection (2)(b) of this section;

41 (c) A person who applies to be:

42 (A) The operator or an employee of a child care or treatment program;

43 (B) The operator or an employee of an Oregon prekindergarten program under ORS 329.170 to  
 44 329.200;

45 (C) The operator or an employee of a federal Head Start program regulated by the United States

1 Department of Health and Human Services;

2 (D) An individual in a child care facility, preschool recorded program, [or] school-age recorded  
3 program **or outdoor preschool program** who may have unsupervised contact with children, as de-  
4 termined by the council by rule;

5 (E) A contractor or an employee of the contractor who provides early childhood special educa-  
6 tion or early intervention services pursuant to ORS 343.455 to 343.534;

7 (F) A child care provider who is required to be enrolled in the Central Background Registry by  
8 any state agency;

9 (G) A contractor, employee or volunteer of a metropolitan service district organized under ORS  
10 chapter 268 who may have unsupervised contact with children and who is required to be enrolled  
11 in the Central Background Registry by the metropolitan service district;

12 (H) A provider of respite services, as defined in ORS 418.205, for parents pursuant to a properly  
13 executed power of attorney under ORS 109.056 who is providing respite services as a volunteer with  
14 a private agency or organization that facilitates the provision of such respite services;

15 (I) The operator or an employee of an early learning program as defined in rules adopted by the  
16 council; [or]

17 (J) The operator or an employee of a preschool recorded program or a school-age recorded  
18 program; or

19 **(K) The operator or an employee of an outdoor preschool program; or**

20 (d)(A) An individual who operates a subsidized care facility;

21 (B) An individual who has attained 18 years of age and resides in a subsidized care facility; or

22 (C) An individual in a subsidized care facility who has attained 18 years of age and who may  
23 have unsupervised contact with children, as determined by the council by rule.

24 (11)(a) Information provided to a metropolitan service district organized under ORS chapter 268  
25 about the enrollment status of the persons described in subsection (10)(c)(G) of this section shall be  
26 subject to a reciprocal agreement with the metropolitan service district. The agreement must pro-  
27 vide for the recovery of administrative, including direct and indirect, costs incurred by the office  
28 from participation in the agreement. Any moneys collected under this paragraph shall be deposited  
29 in the Child Care Fund established under ORS 329A.010.

30 (b) Information provided to a private agency or organization facilitating the provision of respite  
31 services, as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney  
32 under ORS 109.056 about the enrollment status of the persons described in subsection (10)(c)(H) of  
33 this section shall be subject to an agreement with the private agency or organization. The agree-  
34 ment must provide for the recovery of administrative, including direct and indirect, costs incurred  
35 by the office from participation in the agreement. Any moneys collected under this paragraph shall  
36 be deposited in the Child Care Fund established under ORS 329A.010.

37 (c) Information provided to a private agency or organization about the enrollment status of the  
38 persons described in subsection (10)(c)(I) of this section shall be subject to an agreement with the  
39 private agency or organization. The agreement must provide for the recovery of administrative, in-  
40 cluding direct and indirect, costs incurred by the office from participation in the agreement. Any  
41 moneys collected under this paragraph shall be deposited in the Child Care Fund established under  
42 ORS 329A.010.

43 **SECTION 6.** ORS 329A.252, as amended by section 2, chapter 90, Oregon Laws 2022, is amended  
44 to read:

45 329A.252. (1) As used in this section, "exempt prohibited individual" means:

1 (a) An individual whose **license**, record, certification or registration is suspended, has been de-  
 2 nied for cause or has been revoked for cause under ORS 329A.255 or 329A.350 **or section 2 of this**  
 3 **2023 Act.**

4 (b) An individual whose enrollment in the Central Background Registry established by ORS  
 5 329A.030 is suspended, has been denied for cause or has been removed for cause under ORS  
 6 329A.030.

7 (c) An individual whose **license**, record, certification, registration or enrollment in the Central  
 8 Background Registry is subject to an emergency order of suspension under ORS 183.430 (2).

9 (d) An individual who voluntarily surrendered the individual's **license**, record, certification,  
 10 registration or enrollment in the Central Background Registry while under investigation by the Of-  
 11 fice of Child Care or at any time after the Office of Child Care has given notice of an administrative  
 12 proceeding against the individual, the individual's child care facility, the individual's preschool re-  
 13 corded program, [or] the individual's school-age recorded program **or the individual's outdoor**  
 14 **preschool program.**

15 (e) An individual to whom the Office of Child Care has issued a final order to cease and desist:

16 (A) After a contested proceeding; or

17 (B) That has become effective because the individual did not request a hearing.

18 (2) For five years following the date on which an individual becomes an exempt prohibited in-  
 19 dividual, the exempt prohibited individual:

20 (a) Is ineligible for enrollment in the Central Background Registry; and

21 (b) May not provide care to a child who is not related to the exempt prohibited individual by  
 22 blood or marriage within the fourth degree as determined by civil law.

23 (3) After the five-year period described in subsection (2) of this section, an individual ceases to  
 24 be an exempt prohibited individual if the individual enrolls in the Central Background Registry.

25 (4) Notwithstanding the five-year period described in subsection (2) of this section, an individual  
 26 shall be permanently considered an exempt prohibited individual and shall be permanently subject  
 27 to the prohibitions described in subsection (2) of this section if the individual:

28 (a) Has been convicted of, in any state, a crime in which a child suffered serious physical injury,  
 29 as defined in ORS 161.015, or death; or

30 (b) Is required to report as a sex offender under ORS 163A.010, 163A.015, 163A.020 or 163A.025  
 31 or the laws of another jurisdiction.

32 **SECTION 7.** ORS 329A.275 is amended to read:

33 329A.275. (1) The Early Learning Council shall adopt rules establishing fees for certification,  
 34 registration, [and] recording **and licensure** under ORS 329A.250 to 329A.450.

35 (2) Subject to prior approval of the Oregon Department of Administrative Services and a report  
 36 to the Legislative Assembly prior to adopting the fees and charges, the fees and charges established  
 37 under ORS 181A.195, 329A.030 and 329A.250 to 329A.450 may not exceed the cost of administering  
 38 the program of the Office of Child Care pertaining to the purpose for which the fee is established,  
 39 as authorized by the Legislative Assembly within the budget of the office.

40 (3) Notwithstanding subsection (2) of this section and any other provision of this chapter, the  
 41 following fees established by the Early Learning Council under ORS 329A.030 and 329A.250 to  
 42 329A.450 may not exceed:

43 (a) For Certified Family Child Care Home Initial Certification, \$25;

44 (b) For Certified Family Child Care Home Annual Fee Per Certified Space, \$2;

45 (c) For Child Care Center Initial Certification, \$100;

- 1 (d) For Child Care Center Annual Fee Per Certified Space, \$2;
- 2 (e) For Registered Family Child Care Home Registration, \$30;
- 3 (f) For Preschool Recorded Program Recording, \$20;
- 4 (g) For School-Age Recorded Program Recording, \$20;
- 5 **(h) For Outdoor Preschool Program Licensure, \$20;**
- 6 *[(h)]* (i) For administering a class on child care abuse and neglect issues, \$10; and
- 7 *[(i)]* (j) For enrollment in the Central Background Registry, the cost of administering the pro-
- 8 gram, including fees for:
  - 9 (A) Duplicate enrollment in the Central Background Registry;
  - 10 (B) Law Enforcement Data System criminal records check; and
  - 11 (C) Federal Bureau of Investigation fingerprint check.

12 **SECTION 8.** ORS 329A.280 is amended to read:

13 329A.280. (1) A person may not operate a child care facility, except a facility subject to the  
 14 registration requirements of ORS 329A.330, without a certification for the facility from the Office  
 15 of Child Care.

16 (2) The Early Learning Council shall adopt rules for the certification of a family child care home  
 17 caring for not more than 16 children. Rules may be adopted specifically for certified child care fa-  
 18 cilities operated in a single-family dwelling or other dwelling. Notwithstanding fire and other safety  
 19 regulations, the rules that the council adopts for certified child care facilities shall set standards  
 20 that can be met without significant architectural modification. In adopting the rules, the council  
 21 may consider and set limits according to factors including the age of children in care, the  
 22 ambulatory ability of children in care, the number of the provider's children present, the length of  
 23 time a particular child is continuously cared for and the total amount of time a particular child is  
 24 cared for within a given unit of time. The rules must require compliance with the provisions of ORS  
 25 329A.600.

26 (3) In addition to rules adopted for and applied to a certified family child care home providing  
 27 child care for not more than 16 children, the council shall adopt and apply separate rules appro-  
 28 priate for any child care facility that is a child care center.

29 (4) Any person seeking to operate a child care facility may apply for a certification for the fa-  
 30 cility from the Office of Child Care and receive a certification upon meeting certification require-  
 31 ments.

32 (5) A facility described in ORS 329A.250 *[(5)(d)]* **(5)(e)** may, but is not required to, apply for a  
 33 certification under this section and receive a certification upon meeting certification requirements.

34 **SECTION 9.** ORS 329A.390, as amended by section 4, chapter 90, Oregon Laws 2022, is amended  
 35 to read:

36 329A.390. (1) Whenever an authorized representative of the Office of Child Care is advised or  
 37 has reason to believe that child care that is subject to regulation by the office is being provided  
 38 without a certification, registration, *[or]* record **or license**, the authorized representative may visit  
 39 and conduct an investigation of the facility at any reasonable time to determine whether the facility  
 40 is subject to the requirements of ORS 181A.200, 329A.030 and 329A.250 to 329A.450.

41 (2) At any reasonable time, an authorized representative of the Office of Child Care may conduct  
 42 an investigation of any certified or registered child care facility or program recorded **or licensed**  
 43 under ORS 329A.255 **or section 2 of this 2023 Act** to determine whether the child care facility or  
 44 program is in conformity with ORS 181A.200, 329A.030 and 329A.250 to 329A.450 and the rules  
 45 promulgated pursuant to ORS 181A.195, 181A.200, 181A.215, 329A.030 and 329A.250 to 329A.450.



1 (3) An authorized representative of the Office of Child Care shall conduct an investigation of  
 2 any certified or registered child care facility, of any program recorded **or licensed** under ORS  
 3 329A.255 **or section 2 of this 2023 Act** or of any other child care facility that is subject to regu-  
 4 lation by the office if the office receives a serious complaint about the child care facility or program.

5 (4) Complaints, including but not limited to serious complaints, made by individuals or entities  
 6 regarding certified or registered child care facilities, regulated subsidy facilities, preschool recorded  
 7 programs, [or] school-age recorded programs **or outdoor preschool programs** may be received and  
 8 investigated by the Office of Child Care. The name, address and other identifying information about  
 9 the individual or entity that made the complaint may not be disclosed.

10 (5) Any state agency that receives a complaint about a certified or registered child care facility,  
 11 a regulated subsidy facility, a preschool recorded program, [or] a school-age recorded program **or**  
 12 **an outdoor preschool program** shall notify the Office of Child Care about the complaint and any  
 13 subsequent action taken by the state agency based on that complaint.

14 (6) A director or operator of a child care facility, a regulated subsidy facility, a preschool re-  
 15 corded program, [or] a school-age recorded program **or an outdoor preschool program** shall permit  
 16 an authorized representative of the Office of Child Care to inspect records of the facility or program  
 17 and shall furnish promptly reports and information required by the office.

18 (7) In conducting an investigation under this section, the office may:

19 (a) Take evidence;

20 (b) Take the depositions of witnesses, including the person under investigation, in the manner  
 21 prescribed by law for depositions in civil actions;

22 (c) Compel the appearance of witnesses, including the person under investigation, in the manner  
 23 prescribed by law for appearances in civil actions;

24 (d) Require answers to interrogatories;

25 (e) Compel the production of books, papers, accounts, documents or testimony that pertains to  
 26 the matter under investigation;

27 (f) Issue subpoenas; and

28 (g) Inspect the premises of the facility under investigation.

29 (8) The Office of Child Care may share information regarding investigations or inspections con-  
 30 ducted under this section with other public entities when the office determines that sharing the in-  
 31 formation would support the health or safety of children in child care.

32 (9) The Office of Child Care shall make a reasonable attempt to identify any child care facility  
 33 or person or place providing child care about which the office receives a complaint, including but  
 34 not limited to a serious complaint, if the complaint includes, but is not limited to, any of the fol-  
 35 lowing information:

36 (a) The name of a child in the care of the child care facility or person or place providing child  
 37 care, or the child's parent;

38 (b) The name of a child care provider, a child care facility owner, operator or employee, or a  
 39 person or place providing child care;

40 (c) The name of the child care facility or person or place providing child care;

41 (d) The phone number of the child care facility or person or place providing child care; or

42 (e) The physical address of the child care facility or person or place providing child care.

43 (10) As used in this section:

44 (a)(A) "Serious complaint" has the meaning given that term by the Early Learning Council by  
 45 rule.

1 (B) "Serious complaint" includes notifications or reports of alleged child abuse received by the  
 2 Office of Child Care.

3 (b) "Regulated subsidy facility" has the meaning given that term by the Early Learning Council  
 4 by rule.

5 **SECTION 10.** ORS 181A.195 is amended to read:

6 181A.195. (1) As used in this section:

7 (a) "Authorized agency" means state government as defined in ORS 174.111, the Oregon State  
 8 Bar or a municipal tax collection agency in a city with a population of 250,000 or more. "Authorized  
 9 agency" does not include:

10 (A) The Oregon State Lottery Commission or the Oregon State Lottery; or

11 (B) A criminal justice agency, as defined in ORS 181A.010, that is authorized by federal law to  
 12 receive fingerprint-based criminal records checks from the Federal Bureau of Investigation.

13 (b) "Subject individual" means a person from whom an authorized agency may require finger-  
 14 prints pursuant to statute for the purpose of enabling the authorized agency to request a state or  
 15 nationwide criminal records check.

16 (2)(a) An authorized agency may request that the Department of State Police conduct a criminal  
 17 records check on a subject individual for noncriminal justice purposes.

18 (b) An authorized agency may request that the department conduct a criminal records check on  
 19 a subject individual who is a contractor or vendor and who provides services to the authorized  
 20 agency when access to criminal offender information is required to perform noncriminal justice ad-  
 21 ministrative functions on behalf of the authorized agency. Criminal records checks performed under  
 22 this paragraph are subject to state and federal criminal offender information access policies. An  
 23 authorized agency shall conduct fitness determinations for contractors and vendors in coordination  
 24 with the department.

25 (c) If a nationwide criminal records check of a subject individual is necessary, the authorized  
 26 agency may request that the department conduct the check, including fingerprint identification,  
 27 through the Federal Bureau of Investigation.

28 (3) The Department of State Police shall provide the results of a criminal records check con-  
 29 ducted pursuant to subsection (2) of this section to the authorized agency requesting the check.

30 (4) The Federal Bureau of Investigation shall return or destroy the fingerprint cards used to  
 31 conduct the criminal records check and may not keep any record of the fingerprints, except that the  
 32 Federal Bureau of Investigation may retain the fingerprint cards and records of the fingerprints for  
 33 purposes described in ORS 181A.205. If the federal bureau policy authorizing return or destruction  
 34 of the fingerprint cards is changed, the Department of State Police shall cease to send the cards to  
 35 the federal bureau but shall continue to process the information through other available resources.

36 (5) If the Federal Bureau of Investigation returns the fingerprint cards to the Department of  
 37 State Police, the Department of State Police shall destroy the fingerprint cards and may not retain  
 38 facsimiles or other material from which a fingerprint can be reproduced, except that the Department  
 39 of State Police may retain the fingerprint cards or create facsimiles for the purpose of providing  
 40 information under ORS 181A.205 and for purposes of data security under subsection (12) of this  
 41 section.

42 (6) If only a state criminal records check is conducted, after the criminal records check is  
 43 completed, the Department of State Police shall destroy the fingerprint cards and the results of the  
 44 criminal records check provided to the authorized agency and may not retain facsimiles or other  
 45 material from which a fingerprint can be reproduced, except that the Department of State Police

1 may retain the fingerprint cards and results or create facsimiles for the purpose of providing infor-  
2 mation under ORS 181A.205.

3 (7) An authorized agency may conduct criminal records checks on subject individuals through  
4 the Law Enforcement Data System maintained by the Department of State Police in accordance with  
5 rules adopted, and procedures established, by the Department of State Police.

6 (8) An authorized agency and the Department of State Police shall permit a subject individual  
7 for whom a fingerprint-based criminal records check was conducted to inspect the individual's own  
8 state and national criminal offender records and, if requested by the subject individual, provide the  
9 individual with a copy of the individual's own state and national criminal offender records.

10 (9) Each authorized agency, in consultation with the Department of State Police, may adopt  
11 rules to implement this section and other statutes relating to criminal offender information obtained  
12 through fingerprint-based criminal records checks. The rules may include but need not be limited to:

13 (a) Identifying applicable categories of subject individuals as specified by the Oregon Depart-  
14 ment of Administrative Services under ORS 181A.215 who are subject to criminal records checks  
15 by the authorized agency.

16 (b) Identifying applicable information that may be required from a subject individual to permit  
17 a criminal records check as specified by the Oregon Department of Administrative Services under  
18 ORS 181A.215.

19 (c) Specifying which programs or services are subject to this section.

20 (d) If the authorized agency uses criminal records checks for agency employment purposes:

21 (A) Determining when and under what conditions a subject individual may be hired on a pre-  
22 liminary basis pending a criminal records check; and

23 (B) Defining the conditions under which a subject individual may participate in training, orien-  
24 tation and work activities pending completion of a criminal records check.

25 (e) Establishing fees in an amount not to exceed the actual cost of acquiring and furnishing  
26 criminal offender information.

27 (10)(a) Except as otherwise provided in ORS 181A.400, 181A.875, 342.143, 342.223, 443.735,  
28 475C.770 to 475C.919 and 703.090 and paragraph (d) of this subsection, an authorized agency, using  
29 the rules adopted by the Oregon Department of Administrative Services under ORS 181A.215, shall  
30 determine whether a subject individual is fit to hold a position, provide services, be employed or be  
31 granted a license, certification, registration or permit. If a subject individual is determined to be  
32 unfit, then the individual may not hold the position, provide services, be employed or be granted a  
33 license, certification, registration or permit.

34 (b)(A) Subject to subparagraph (B) of this paragraph, an authorized agency making a fitness  
35 determination of an individual under this subsection may request results of a previously made fitness  
36 determination from an authorized agency that has already made a fitness determination for the in-  
37 dividual. An authorized agency that receives a request under this paragraph shall provide the re-  
38 quested information.

39 (B) An authorized agency may make a request under this paragraph only for individuals:

40 (i) Who are applying to hold a position, provide services, be employed or be granted a license,  
41 certification, registration or permit;

42 (ii) Who are in a category of individuals as specified by the Oregon Department of Administra-  
43 tive Services by rule under ORS 181A.215; and

44 (iii) For whom a fitness determination has already been made.

45 (c) Except as otherwise provided in ORS 181A.400, in making the fitness determination under

1 this subsection, the authorized agency shall consider:

2 (A) The nature of the crime;

3 (B) The facts that support the conviction or pending indictment or that indicate the making of  
4 a false statement;

5 (C) The relevancy, if any, of the crime or the false statement to the specific requirements of the  
6 subject individual's present or proposed position, services, employment, license, certification or reg-  
7 istration; and

8 (D) Intervening circumstances relevant to the responsibilities and circumstances of the position,  
9 services, employment, license, certification, registration or permit, such as:

10 (i) The passage of time since the commission of the crime;

11 (ii) The age of the subject individual at the time of the crime;

12 (iii) The likelihood of a repetition of offenses or of the commission of another crime;

13 (iv) The subsequent commission of another relevant crime;

14 (v) Whether the conviction was set aside and the legal effect of setting aside the conviction; and

15 (vi) The recommendation of an employer.

16 (d) A subject individual is not entitled to a fitness determination under this subsection if the  
17 subject individual:

18 (A) Is or seeks to be employed in any capacity having contact with a recipient of support ser-  
19 vices or a resident of a residential facility or adult foster home, as provided in ORS 443.004 (3), and  
20 has been convicted of any crime listed in ORS 443.004 (3) or (5).

21 (B) Is prohibited by federal law from holding a position, providing services, being employed or  
22 being granted a license, certification, registration or permit for which the fitness determination is  
23 requested by an authorized agency.

24 (11)(a) In conducting a fitness determination regarding a subject individual other than an indi-  
25 vidual described in paragraph (b) of this subsection, the Department of Human Services or the  
26 Oregon Health Authority may not consider:

27 (A) A conviction that is more than 10 years old unless the conviction is for a crime listed in  
28 ORS 443.004 (3) or (5);

29 (B) A charge or arrest for which there was no conviction unless the charge or arrest is for a  
30 crime listed in ORS 443.004 (3) or (5);

31 (C) A conviction on a charge relating to marijuana if the charge is no longer a criminal offense;

32 (D) A conviction under ORS 813.010 or 830.325, or a misdemeanor conviction under a law in  
33 another jurisdiction that imposes criminal penalties for operating a vehicle or boat while under the  
34 influence of intoxicants, if the subject individual had no more than one conviction described in this  
35 subparagraph in the five-year period prior to the date of the criminal records check;

36 (E) A deferred sentence, conditional discharge or participation in a diversion program for any  
37 crime unless the crime is listed in ORS 443.004 (3) and (5); and

38 (F) A pending indictment for a crime unless the crime is listed in ORS 443.004 (3) or (5).

39 (b) The department or the authority may consider a charge, arrest, conviction, deferred sen-  
40 tence, conditional discharge, participation in a diversion program or pending indictment that may  
41 not be considered under paragraph (a) of this subsection in making a fitness determination for a  
42 subject individual who is:

43 (A) Described in ORS 418.016;

44 (B) An employee, volunteer, contractor or provider in, or an agent of, a proctor foster home as  
45 defined in ORS 418.205 or a child-caring agency as defined in ORS 418.205;

1 (C) An exempt family child care provider, as defined in ORS 329A.430, the provider's household  
2 members who are 16 years of age or older or a frequent visitor of a provider who is subject to a  
3 criminal records check;

4 (D) An employee or volunteer in a facility that:

5 (i) Provides care to children and is operated by:

6 (I) A school district, as defined in ORS 332.002[.];

7 (II) A political subdivision of this state[.];

8 (III) A preschool recorded program, as defined in ORS 329A.250[. or];

9 **(IV) An outdoor preschool program, as defined in ORS 329A.250; or**

10 (V) A government agency; and

11 (ii) Is not required to be certified under ORS 329A.280; or

12 (E) An emergency medical services provider, as defined in ORS 682.025, for the purpose of de-  
13 termining the fitness of the emergency medical services provider to receive or hold a license under  
14 ORS 670.280.

15 (12)(a) Criminal offender information is confidential. Authorized agencies and the Department  
16 of State Police shall adopt rules to restrict dissemination of information received under this section  
17 to persons with a demonstrated and legitimate need to know the information.

18 (b) For each employee, contractor or vendor of an authorized agency who is required to have  
19 access to or review criminal offender information for noncriminal justice purposes, the authorized  
20 agency shall:

21 (A) Conduct a state and nationwide fingerprint-based criminal records check;

22 (B) Ensure that the employee, contractor or vendor meets the security background check re-  
23 quirements of the Federal Bureau of Investigation Criminal Justice Information Services Security  
24 Policy for having unescorted access to criminal offender information; and

25 (C) Pay fees as required under subsection (9) of this section.

26 (13) If a subject individual refuses to consent to the criminal records check or refuses to be  
27 fingerprinted, the authorized agency shall deny the employment of the individual, or revoke or deny  
28 any applicable position, authority to provide services, license, certification, registration or permit.

29 (14) If an authorized agency requires a criminal records check of employees, prospective em-  
30 ployees, contractors, vendors or volunteers or applicants for a license, certification, registration or  
31 permit, the application forms of the authorized agency must contain a notice that the person is  
32 subject to fingerprinting and a criminal records check.

33 **SECTION 11.** ORS 215.213 is amended to read:

34 215.213. (1) In counties that have adopted marginal lands provisions under ORS 197.247 (1991  
35 Edition), the following uses may be established in any area zoned for exclusive farm use:

36 (a) Churches and cemeteries in conjunction with churches.

37 (b) The propagation or harvesting of a forest product.

38 (c) Utility facilities necessary for public service, including wetland waste treatment systems but  
39 not including commercial facilities for the purpose of generating electrical power for public use by  
40 sale or transmission towers over 200 feet in height. A utility facility necessary for public service  
41 may be established as provided in:

42 (A) ORS 215.275; or

43 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and  
44 469.300.

45 (d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of the

1 farm operator or the farm operator's spouse, which means a child, parent, stepparent, grandchild,  
 2 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm  
 3 operator does or will require the assistance of the relative in the management of the farm use and  
 4 the dwelling is located on the same lot or parcel as the dwelling of the farm operator.  
 5 Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size requirements under ORS  
 6 215.780, if the owner of a dwelling described in this paragraph obtains construction financing or  
 7 other financing secured by the dwelling and the secured party forecloses on the dwelling, the se-  
 8 cured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure  
 9 shall operate as a partition of the homesite to create a new parcel.

10 (e) Nonresidential buildings customarily provided in conjunction with farm use.

11 (f) Subject to ORS 215.279, primary or accessory dwellings customarily provided in conjunction  
 12 with farm use. For a primary dwelling, the dwelling must be on a lot or parcel that is managed as  
 13 part of a farm operation and is not smaller than the minimum lot size in a farm zone with a minimum  
 14 lot size acknowledged under ORS 197.251.

15 (g) Operations for the exploration for and production of geothermal resources as defined by ORS  
 16 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of  
 17 compressors, separators and other customary production equipment for an individual well adjacent  
 18 to the wellhead. Any activities or construction relating to such operations shall not be a basis for  
 19 an exception under ORS 197.732 (2)(a) or (b).

20 (h) Operations for the exploration for minerals as defined by ORS 517.750. Any activities or  
 21 construction relating to such operations shall not be a basis for an exception under ORS 197.732  
 22 (2)(a) or (b).

23 (i) One manufactured dwelling or recreational vehicle, or the temporary residential use of an  
 24 existing building, in conjunction with an existing dwelling as a temporary use for the term of a  
 25 hardship suffered by the existing resident or a relative of the resident. Within three months of the  
 26 end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demol-  
 27 ished or, in the case of an existing building, the building shall be removed, demolished or returned  
 28 to an allowed nonresidential use. The governing body or its designee shall provide for periodic re-  
 29 view of the hardship claimed under this paragraph. A temporary residence approved under this  
 30 paragraph is not eligible for replacement under paragraph (q) of this subsection.

31 (j) Climbing and passing lanes within the right of way existing as of July 1, 1987.

32 (k) Reconstruction or modification of public roads and highways, including the placement of  
 33 utility facilities overhead and in the subsurface of public roads and highways along the public right  
 34 of way, but not including the addition of travel lanes, where no removal or displacement of buildings  
 35 would occur, or no new land parcels result.

36 (L) Temporary public road and highway detours that will be abandoned and restored to original  
 37 condition or use at such time as no longer needed.

38 (m) Minor betterment of existing public road and highway related facilities, such as maintenance  
 39 yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous  
 40 public-owned property utilized to support the operation and maintenance of public roads and high-  
 41 ways.

42 (n) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has  
 43 been listed in a county inventory as historic property as defined in ORS 358.480.

44 (o) Creation, restoration or enhancement of wetlands.

45 (p) A winery, as described in ORS 215.452 or 215.453.

1 (q) Alteration, restoration or replacement of a lawfully established dwelling, as described in ORS  
2 215.291.

3 (r) Farm stands if:

4 (A) The structures are designed and used for the sale of farm crops or livestock grown on the  
5 farm operation, or grown on the farm operation and other farm operations in the local agricultural  
6 area, including the sale of retail incidental items and fee-based activity to promote the sale of farm  
7 crops or livestock sold at the farm stand if the annual sale of incidental items and fees from pro-  
8 motional activity do not make up more than 25 percent of the total annual sales of the farm stand;  
9 and

10 (B) The farm stand does not include structures designed for occupancy as a residence or for  
11 activity other than the sale of farm crops or livestock and does not include structures for banquets,  
12 public gatherings or public entertainment.

13 (s) An armed forces reserve center, if the center is within one-half mile of a community college.  
14 For purposes of this paragraph, “armed forces reserve center” includes an armory or National  
15 Guard support facility.

16 (t) A site for the takeoff and landing of model aircraft, including such buildings or facilities as  
17 may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor  
18 area or placed on a permanent foundation unless the building or facility preexisted the use approved  
19 under this paragraph. The site shall not include an aggregate surface or hard surface area unless  
20 the surface preexisted the use approved under this paragraph. An owner of property used for the  
21 purpose authorized in this paragraph may charge a person operating the use on the property rent  
22 for the property. An operator may charge users of the property a fee that does not exceed the  
23 operator’s cost to maintain the property, buildings and facilities. As used in this paragraph, “model  
24 aircraft” means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is  
25 used or intended to be used for flight and is controlled by radio, lines or design by a person on the  
26 ground.

27 (u) A facility for the processing of farm products as described in ORS 215.255.

28 (v) Fire service facilities providing rural fire protection services.

29 (w) Irrigation reservoirs, canals, delivery lines and those structures and accessory operational  
30 facilities, not including parks or other recreational structures and facilities, associated with a dis-  
31 trict as defined in ORS 540.505.

32 (x) Utility facility service lines. Utility facility service lines are utility lines and accessory fa-  
33 cilities or structures that end at the point where the utility service is received by the customer and  
34 that are located on one or more of the following:

35 (A) A public right of way;

36 (B) Land immediately adjacent to a public right of way, provided the written consent of all ad-  
37 jacent property owners has been obtained; or

38 (C) The property to be served by the utility.

39 (y) Subject to the issuance of a license, permit or other approval by the Department of Envi-  
40 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with  
41 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application  
42 of reclaimed water, agricultural or industrial process water or biosolids, or the onsite treatment of  
43 septage prior to the land application of biosolids, for agricultural, horticultural or silvicultural pro-  
44 duction, or for irrigation in connection with a use allowed in an exclusive farm use zone under this  
45 chapter. For the purposes of this paragraph, onsite treatment of septage prior to the land application

1 of biosolids is limited to treatment using treatment facilities that are portable, temporary and  
2 transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land  
3 application of biosolids is authorized under the license, permit or other approval.

4 (z) Dog training classes or testing trials, which may be conducted outdoors or in farm buildings  
5 in existence on January 1, 2019, when:

6 (A) The number of dogs participating in training does not exceed 10 dogs per training class and  
7 the number of training classes to be held on-site does not exceed six per day; and

8 (B) The number of dogs participating in a testing trial does not exceed 60 and the number of  
9 testing trials to be conducted on-site is limited to four or fewer trials per calendar year.

10 (aa) A cider business, as described in ORS 215.451.

11 (bb) A farm brewery, as described in ORS 215.449.

12 (2) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),  
13 the following uses may be established in any area zoned for exclusive farm use subject to ORS  
14 215.296:

15 (a) A primary dwelling in conjunction with farm use or the propagation or harvesting of a forest  
16 product on a lot or parcel that is managed as part of a farm operation or woodlot if the farm op-  
17 eration or woodlot:

18 (A) Consists of 20 or more acres; and

19 (B) Is not smaller than the average farm or woodlot in the county producing at least \$2,500 in  
20 annual gross income from the crops, livestock or forest products to be raised on the farm operation  
21 or woodlot.

22 (b) A primary dwelling in conjunction with farm use or the propagation or harvesting of a forest  
23 product on a lot or parcel that is managed as part of a farm operation or woodlot smaller than re-  
24 quired under paragraph (a) of this subsection, if the lot or parcel:

25 (A) Has produced at least \$20,000 in annual gross farm income in two consecutive calendar  
26 years out of the three calendar years before the year in which the application for the dwelling was  
27 made or is planted in perennials capable of producing upon harvest an average of at least \$20,000  
28 in annual gross farm income; or

29 (B) Is a woodlot capable of producing an average over the growth cycle of \$20,000 in gross an-  
30 nual income.

31 (c) Commercial activities that are in conjunction with farm use, including the processing of farm  
32 crops into biofuel not permitted under ORS 215.203 (2)(b)(K) or 215.255.

33 (d) Operations conducted for:

34 (A) Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas  
35 as defined by ORS 520.005, not otherwise permitted under subsection (1)(g) of this section;

36 (B) Mining, crushing or stockpiling of aggregate and other mineral and other subsurface re-  
37 sources subject to ORS 215.298;

38 (C) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement; and

39 (D) Processing of other mineral resources and other subsurface resources.

40 (e) Community centers owned by a governmental agency or a nonprofit community organization  
41 and operated primarily by and for residents of the local rural community, hunting and fishing pre-  
42 serves, public and private parks, playgrounds and campgrounds. Subject to the approval of the  
43 county governing body or its designee, a private campground may provide yurts for overnight  
44 camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include  
45 a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.



1 Upon request of a county governing body, the Land Conservation and Development Commission may  
2 provide by rule for an increase in the number of yurts allowed on all or a portion of the  
3 campgrounds in a county if the commission determines that the increase will comply with the stan-  
4 dards described in ORS 215.296 (1). A public park or campground may be established as provided  
5 under ORS 195.120. As used in this paragraph, “yurt” means a round, domed shelter of cloth or  
6 canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appli-  
7 ance.

8 (f) Golf courses on land determined not to be high-value farmland as defined in ORS 195.300.

9 (g) Commercial utility facilities for the purpose of generating power for public use by sale. If the  
10 area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power generation fa-  
11 cility may be established as a commercial utility facility as provided in ORS 215.447. A renewable  
12 energy facility as defined in ORS 215.446 may be established as a commercial utility facility.

13 (h) Personal-use airports for airplanes and helicopter pads, including associated hangar, main-  
14 tenance and service facilities. A personal-use airport as used in this section means an airstrip re-  
15 stricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional  
16 basis, by invited guests, and by commercial aviation activities in connection with agricultural op-  
17 erations. No aircraft may be based on a personal-use airport other than those owned or controlled  
18 by the owner of the airstrip. Exceptions to the activities permitted under this definition may be  
19 granted through waiver action by the Oregon Department of Aviation in specific instances. A  
20 personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted sub-  
21 ject to any applicable rules of the Oregon Department of Aviation.

22 (i) A facility for the primary processing of forest products, provided that such facility is found  
23 to not seriously interfere with accepted farming practices and is compatible with farm uses de-  
24 scribed in ORS 215.203 (2). Such a facility may be approved for a one-year period which is  
25 renewable. These facilities are intended to be only portable or temporary in nature. The primary  
26 processing of a forest product, as used in this section, means the use of a portable chipper or stud  
27 mill or other similar methods of initial treatment of a forest product in order to enable its shipment  
28 to market. Forest products, as used in this section, means timber grown upon a parcel of land or  
29 contiguous land where the primary processing facility is located.

30 (j) A site for the disposal of solid waste approved by the governing body of a city or county or  
31 both and for which a permit has been granted under ORS 459.245 by the Department of Environ-  
32 mental Quality together with equipment, facilities or buildings necessary for its operation.

33 (k)(A) Commercial dog boarding kennels; or

34 (B) Dog training classes or testing trials that cannot be established under subsection (1)(z) of  
35 this section.

36 (L) Residential homes as defined in ORS 197.660, in existing dwellings.

37 (m) The propagation, cultivation, maintenance and harvesting of aquatic species that are not  
38 under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species  
39 shall not include any species under quarantine by the State Department of Agriculture or the United  
40 States Department of Agriculture. The county shall provide notice of all applications under this  
41 paragraph to the State Department of Agriculture. Notice shall be provided in accordance with the  
42 county’s land use regulations but shall be mailed at least 20 calendar days prior to any administra-  
43 tive decision or initial public hearing on the application.

44 (n) Home occupations as provided in ORS 215.448.

45 (o) Transmission towers over 200 feet in height.

1 (p) Construction of additional passing and travel lanes requiring the acquisition of right of way  
2 but not resulting in the creation of new land parcels.

3 (q) Reconstruction or modification of public roads and highways involving the removal or dis-  
4 placement of buildings but not resulting in the creation of new land parcels.

5 (r) Improvement of public road and highway related facilities such as maintenance yards, weigh  
6 stations and rest areas, where additional property or right of way is required but not resulting in  
7 the creation of new land parcels.

8 (s) A destination resort that is approved consistent with the requirements of any statewide  
9 planning goal relating to the siting of a destination resort.

10 (t) Room and board arrangements for a maximum of five unrelated persons in existing resi-  
11 dences.

12 (u) A living history museum related to resource based activities owned and operated by a gov-  
13 ernmental agency or a local historical society, together with limited commercial activities and fa-  
14 cilities that are directly related to the use and enjoyment of the museum and located within  
15 authentic buildings of the depicted historic period or the museum administration building, if areas  
16 other than an exclusive farm use zone cannot accommodate the museum and related activities or if  
17 the museum administration buildings and parking lot are located within one quarter mile of the  
18 metropolitan urban growth boundary. As used in this paragraph:

19 (A) "Living history museum" means a facility designed to depict and interpret everyday life and  
20 culture of some specific historic period using authentic buildings, tools, equipment and people to  
21 simulate past activities and events; and

22 (B) "Local historical society" means the local historical society, recognized as such by the  
23 county governing body and organized under ORS chapter 65.

24 (v) Operations for the extraction and bottling of water.

25 (w) An aerial fireworks display business that has been in continuous operation at its current  
26 location within an exclusive farm use zone since December 31, 1986, and possesses a wholesaler's  
27 permit to sell or provide fireworks.

28 (x) A landscape contracting business, as defined in ORS 671.520, or a business providing land-  
29 scape architecture services, as described in ORS 671.318, if the business is pursued in conjunction  
30 with the growing and marketing of nursery stock on the land that constitutes farm use.

31 (y) Public or private schools for kindergarten through grade 12, including all buildings essential  
32 to the operation of a school, primarily for residents of the rural area in which the school is located.

33 (z) Equine and equine-affiliated therapeutic and counseling activities, provided:

34 (A) The activities are conducted in existing buildings that were lawfully constructed on the  
35 property before January 1, 2019, or in new buildings that are accessory, incidental and subordinate  
36 to the farm use on the tract; and

37 (B) All individuals conducting therapeutic or counseling activities are acting within the proper  
38 scope of any licenses required by the state.

39 (aa) Child care facilities, preschool recorded programs, [or] school-age recorded programs **or**  
40 **outdoor preschool programs** that are:

41 (A) Authorized under ORS 329A.250 to 329A.450;

42 (B) Primarily for the children of residents and workers of the rural area in which the facility  
43 or program is located; and

44 (C) Colocated with a community center or a public or private school allowed under this sub-  
45 section.

1 (3) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),  
2 a single-family residential dwelling not provided in conjunction with farm use may be established  
3 on a lot or parcel with soils predominantly in capability classes IV through VIII as determined by  
4 the Agricultural Capability Classification System in use by the United States Department of Agri-  
5 culture Soil Conservation Service on October 15, 1983. A proposed dwelling is subject to approval  
6 of the governing body or its designee in any area zoned for exclusive farm use upon written findings  
7 showing all of the following:

8 (a) The dwelling or activities associated with the dwelling will not force a significant change in  
9 or significantly increase the cost of accepted farming practices on nearby lands devoted to farm use.

10 (b) The dwelling is situated upon generally unsuitable land for the production of farm crops and  
11 livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, location  
12 and size of the tract. A lot or parcel shall not be considered unsuitable solely because of its size  
13 or location if it can reasonably be put to farm use in conjunction with other land.

14 (c) Complies with such other conditions as the governing body or its designee considers neces-  
15 sary.

16 (4) In counties that have adopted marginal lands provisions under ORS 197.247 (1991 Edition),  
17 one single-family dwelling, not provided in conjunction with farm use, may be established in any  
18 area zoned for exclusive farm use on a lot or parcel described in subsection (7) of this section that  
19 is not larger than three acres upon written findings showing:

20 (a) The dwelling or activities associated with the dwelling will not force a significant change in  
21 or significantly increase the cost of accepted farming practices on nearby lands devoted to farm use;

22 (b) If the lot or parcel is located within the Willamette River Greenway, a floodplain or a  
23 geological hazard area, the dwelling complies with conditions imposed by local ordinances relating  
24 specifically to the Willamette River Greenway, floodplains or geological hazard areas, whichever is  
25 applicable; and

26 (c) The dwelling complies with other conditions considered necessary by the governing body or  
27 its designee.

28 (5) Upon receipt of an application for a permit under subsection (4) of this section, the governing  
29 body shall notify:

30 (a) Owners of land that is within 250 feet of the lot or parcel on which the dwelling will be es-  
31 tablished; and

32 (b) Persons who have requested notice of such applications and who have paid a reasonable fee  
33 imposed by the county to cover the cost of such notice.

34 (6) The notice required in subsection (5) of this section shall specify that persons have 15 days  
35 following the date of postmark of the notice to file a written objection on the grounds only that the  
36 dwelling or activities associated with it would force a significant change in or significantly increase  
37 the cost of accepted farming practices on nearby lands devoted to farm use. If no objection is re-  
38 ceived, the governing body or its designee shall approve or disapprove the application. If an ob-  
39 jection is received, the governing body shall set the matter for hearing in the manner prescribed in  
40 ORS 215.402 to 215.438. The governing body may charge the reasonable costs of the notice required  
41 by subsection (5)(a) of this section to the applicant for the permit requested under subsection (4) of  
42 this section.

43 (7) Subsection (4) of this section applies to a lot or parcel lawfully created between January 1,  
44 1948, and July 1, 1983. For the purposes of this section:

45 (a) Only one lot or parcel exists if:

1 (A) A lot or parcel described in this section is contiguous to one or more lots or parcels de-  
2 scribed in this section; and

3 (B) On July 1, 1983, greater than possessory interests are held in those contiguous lots, parcels  
4 or lots and parcels by the same person, spouses or a single partnership or business entity, separately  
5 or in tenancy in common.

6 (b) "Contiguous" means lots, parcels or lots and parcels that have a common boundary, including  
7 but not limited to, lots, parcels or lots and parcels separated only by a public road.

8 (8) A person who sells or otherwise transfers real property in an exclusive farm use zone may  
9 retain a life estate in a dwelling on that property and in a tract of land under and around the  
10 dwelling.

11 (9) No final approval of a nonfarm use under this section shall be given unless any additional  
12 taxes imposed upon the change in use have been paid.

13 (10) Roads, highways and other transportation facilities and improvements not allowed under  
14 subsections (1) and (2) of this section may be established, subject to the approval of the governing  
15 body or its designee, in areas zoned for exclusive farm use subject to:

16 (a) Adoption of an exception to the goal related to agricultural lands and to any other applicable  
17 goal with which the facility or improvement does not comply; or

18 (b) ORS 215.296 for those uses identified by rule of the Land Conservation and Development  
19 Commission as provided in section 3, chapter 529, Oregon Laws 1993.

20 (11) The following agri-tourism and other commercial events or activities that are related to and  
21 supportive of agriculture may be established in any area zoned for exclusive farm use:

22 (a) A county may authorize a single agri-tourism or other commercial event or activity on a  
23 tract in a calendar year by an authorization that is personal to the applicant and is not transferred  
24 by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial event  
25 or activity meets any local standards that apply and:

26 (A) The agri-tourism or other commercial event or activity is incidental and subordinate to ex-  
27 isting farm use on the tract;

28 (B) The duration of the agri-tourism or other commercial event or activity does not exceed 72  
29 consecutive hours;

30 (C) The maximum attendance at the agri-tourism or other commercial event or activity does not  
31 exceed 500 people;

32 (D) The maximum number of motor vehicles parked at the site of the agri-tourism or other  
33 commercial event or activity does not exceed 250 vehicles;

34 (E) The agri-tourism or other commercial event or activity complies with ORS 215.296;

35 (F) The agri-tourism or other commercial event or activity occurs outdoors, in temporary  
36 structures, or in existing permitted structures, subject to health and fire and life safety require-  
37 ments; and

38 (G) The agri-tourism or other commercial event or activity complies with conditions established  
39 for:

40 (i) Planned hours of operation;

41 (ii) Access, egress and parking;

42 (iii) A traffic management plan that identifies the projected number of vehicles and any antic-  
43 ipated use of public roads; and

44 (iv) Sanitation and solid waste.

45 (b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize,

1 through an expedited, single-event license, a single agri-tourism or other commercial event or ac-  
 2 tivity on a tract in a calendar year by an expedited, single-event license that is personal to the ap-  
 3 plicant and is not transferred by, or transferable with, a conveyance of the tract. A decision  
 4 concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015.  
 5 To approve an expedited, single-event license, the governing body of a county or its designee must  
 6 determine that the proposed agri-tourism or other commercial event or activity meets any local  
 7 standards that apply, and the agri-tourism or other commercial event or activity:

8 (A) Must be incidental and subordinate to existing farm use on the tract;

9 (B) May not begin before 6 a.m. or end after 10 p.m.;

10 (C) May not involve more than 100 attendees or 50 vehicles;

11 (D) May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;

12 (E) May not require or involve the construction or use of a new permanent structure in con-  
 13 nection with the agri-tourism or other commercial event or activity;

14 (F) Must be located on a tract of at least 10 acres unless the owners or residents of adjoining  
 15 properties consent, in writing, to the location; and

16 (G) Must comply with applicable health and fire and life safety requirements.

17 (c) In the alternative to paragraphs (a) and (b) of this subsection, a county may authorize up to  
 18 six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited  
 19 use permit that is personal to the applicant and is not transferred by, or transferable with, a  
 20 conveyance of the tract. The agri-tourism or other commercial events or activities must meet any  
 21 local standards that apply, and the agri-tourism or other commercial events or activities:

22 (A) Must be incidental and subordinate to existing farm use on the tract;

23 (B) May not, individually, exceed a duration of 72 consecutive hours;

24 (C) May not require that a new permanent structure be built, used or occupied in connection  
 25 with the agri-tourism or other commercial events or activities;

26 (D) Must comply with ORS 215.296;

27 (E) May not, in combination with other agri-tourism or other commercial events or activities  
 28 authorized in the area, materially alter the stability of the land use pattern in the area; and

29 (F) Must comply with conditions established for:

30 (i) The types of agri-tourism or other commercial events or activities that are authorized during  
 31 each calendar year, including the number and duration of the agri-tourism or other commercial  
 32 events and activities, the anticipated daily attendance and the hours of operation;

33 (ii) The location of existing structures and the location of proposed temporary structures to be  
 34 used in connection with the agri-tourism or other commercial events or activities;

35 (iii) The location of access and egress and parking facilities to be used in connection with the  
 36 agri-tourism or other commercial events or activities;

37 (iv) Traffic management, including the projected number of vehicles and any anticipated use of  
 38 public roads; and

39 (v) Sanitation and solid waste.

40 (d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism  
 41 or other commercial events or activities that occur more frequently or for a longer period or that  
 42 do not otherwise comply with paragraphs (a) to (c) of this subsection if the agri-tourism or other  
 43 commercial events or activities comply with any local standards that apply and the agri-tourism or  
 44 other commercial events or activities:

45 (A) Are incidental and subordinate to existing commercial farm use of the tract and are neces-

1 sary to support the commercial farm uses or the commercial agricultural enterprises in the area;

2 (B) Comply with the requirements of paragraph (c)(C), (D), (E) and (F) of this subsection;

3 (C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;  
4 and

5 (D) Do not exceed 18 events or activities in a calendar year.

6 (12) A holder of a permit authorized by a county under subsection (11)(d) of this section must  
7 request review of the permit at four-year intervals. Upon receipt of a request for review, the county  
8 shall:

9 (a) Provide public notice and an opportunity for public comment as part of the review process;  
10 and

11 (b) Limit its review to events and activities authorized by the permit, conformance with condi-  
12 tions of approval required by the permit and the standards established by subsection (11)(d) of this  
13 section.

14 (13) For the purposes of subsection (11) of this section:

15 (a) A county may authorize the use of temporary structures established in connection with the  
16 agri-tourism or other commercial events or activities authorized under subsection (11) of this sec-  
17 tion. However, the temporary structures must be removed at the end of the agri-tourism or other  
18 event or activity. The county may not approve an alteration to the land in connection with an  
19 agri-tourism or other commercial event or activity authorized under subsection (11) of this section,  
20 including, but not limited to, grading, filling or paving.

21 (b) The county may issue the limited use permits authorized by subsection (11)(c) of this section  
22 for two calendar years. When considering an application for renewal, the county shall ensure com-  
23 pliance with the provisions of subsection (11)(c) of this section, any local standards that apply and  
24 conditions that apply to the permit or to the agri-tourism or other commercial events or activities  
25 authorized by the permit.

26 (c) The authorizations provided by subsection (11) of this section are in addition to other au-  
27 thorizations that may be provided by law, except that “outdoor mass gathering” and “other gather-  
28 ing,” as those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other commercial  
29 events and activities.

30 **SECTION 12.** ORS 215.283 is amended to read:

31 215.283. (1) The following uses may be established in any area zoned for exclusive farm use:

32 (a) Churches and cemeteries in conjunction with churches.

33 (b) The propagation or harvesting of a forest product.

34 (c) Utility facilities necessary for public service, including wetland waste treatment systems but  
35 not including commercial facilities for the purpose of generating electrical power for public use by  
36 sale or transmission towers over 200 feet in height. A utility facility necessary for public service  
37 may be established as provided in:

38 (A) ORS 215.275; or

39 (B) If the utility facility is an associated transmission line, as defined in ORS 215.274 and  
40 469.300.

41 (d) A dwelling on real property used for farm use if the dwelling is occupied by a relative of the  
42 farm operator or the farm operator’s spouse, which means a child, parent, stepparent, grandchild,  
43 grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin of either, if the farm  
44 operator does or will require the assistance of the relative in the management of the farm use and  
45 the dwelling is located on the same lot or parcel as the dwelling of the farm operator.

1 Notwithstanding ORS 92.010 to 92.192 or the minimum lot or parcel size requirements under ORS  
2 215.780, if the owner of a dwelling described in this paragraph obtains construction financing or  
3 other financing secured by the dwelling and the secured party forecloses on the dwelling, the se-  
4 cured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure  
5 shall operate as a partition of the homesite to create a new parcel.

6 (e) Subject to ORS 215.279, primary or accessory dwellings and other buildings customarily  
7 provided in conjunction with farm use.

8 (f) Operations for the exploration for and production of geothermal resources as defined by ORS  
9 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of  
10 compressors, separators and other customary production equipment for an individual well adjacent  
11 to the wellhead. Any activities or construction relating to such operations shall not be a basis for  
12 an exception under ORS 197.732 (2)(a) or (b).

13 (g) Operations for the exploration for minerals as defined by ORS 517.750. Any activities or  
14 construction relating to such operations shall not be a basis for an exception under ORS 197.732  
15 (2)(a) or (b).

16 (h) Climbing and passing lanes within the right of way existing as of July 1, 1987.

17 (i) Reconstruction or modification of public roads and highways, including the placement of  
18 utility facilities overhead and in the subsurface of public roads and highways along the public right  
19 of way, but not including the addition of travel lanes, where no removal or displacement of buildings  
20 would occur, or no new land parcels result.

21 (j) Temporary public road and highway detours that will be abandoned and restored to original  
22 condition or use at such time as no longer needed.

23 (k) Minor betterment of existing public road and highway related facilities such as maintenance  
24 yards, weigh stations and rest areas, within right of way existing as of July 1, 1987, and contiguous  
25 public-owned property utilized to support the operation and maintenance of public roads and high-  
26 ways.

27 (L) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has  
28 been listed in a county inventory as historic property as defined in ORS 358.480.

29 (m) Creation, restoration or enhancement of wetlands.

30 (n) A winery, as described in ORS 215.452 or 215.453.

31 (o) Farm stands if:

32 (A) The structures are designed and used for the sale of farm crops or livestock grown on the  
33 farm operation, or grown on the farm operation and other farm operations in the local agricultural  
34 area, including the sale of retail incidental items and fee-based activity to promote the sale of farm  
35 crops or livestock sold at the farm stand if the annual sale of incidental items and fees from pro-  
36 motional activity do not make up more than 25 percent of the total annual sales of the farm stand;  
37 and

38 (B) The farm stand does not include structures designed for occupancy as a residence or for  
39 activity other than the sale of farm crops or livestock and does not include structures for banquets,  
40 public gatherings or public entertainment.

41 (p) Alteration, restoration or replacement of a lawfully established dwelling, as described in ORS  
42 215.291.

43 (q) A site for the takeoff and landing of model aircraft, including such buildings or facilities as  
44 may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor  
45 area or placed on a permanent foundation unless the building or facility preexisted the use approved

1 under this paragraph. The site shall not include an aggregate surface or hard surface area unless  
2 the surface preexisted the use approved under this paragraph. An owner of property used for the  
3 purpose authorized in this paragraph may charge a person operating the use on the property rent  
4 for the property. An operator may charge users of the property a fee that does not exceed the  
5 operator's cost to maintain the property, buildings and facilities. As used in this paragraph, "model  
6 aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is  
7 used or intended to be used for flight and is controlled by radio, lines or design by a person on the  
8 ground.

9 (r) A facility for the processing of farm products as described in ORS 215.255.

10 (s) Fire service facilities providing rural fire protection services.

11 (t) Irrigation reservoirs, canals, delivery lines and those structures and accessory operational  
12 facilities, not including parks or other recreational structures and facilities, associated with a dis-  
13 trict as defined in ORS 540.505.

14 (u) Utility facility service lines. Utility facility service lines are utility lines and accessory fa-  
15 cilities or structures that end at the point where the utility service is received by the customer and  
16 that are located on one or more of the following:

17 (A) A public right of way;

18 (B) Land immediately adjacent to a public right of way, provided the written consent of all ad-  
19 jacent property owners has been obtained; or

20 (C) The property to be served by the utility.

21 (v) Subject to the issuance of a license, permit or other approval by the Department of Envi-  
22 ronmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with  
23 rules adopted under ORS 468B.095, and as provided in ORS 215.246 to 215.251, the land application  
24 of reclaimed water, agricultural or industrial process water or biosolids, or the onsite treatment of  
25 septage prior to the land application of biosolids, for agricultural, horticultural or silvicultural pro-  
26 duction, or for irrigation in connection with a use allowed in an exclusive farm use zone under this  
27 chapter. For the purposes of this paragraph, onsite treatment of septage prior to the land application  
28 of biosolids is limited to treatment using treatment facilities that are portable, temporary and  
29 transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land  
30 application of biosolids is authorized under the license, permit or other approval.

31 (w) A county law enforcement facility that lawfully existed on August 20, 2002, and is used to  
32 provide rural law enforcement services primarily in rural areas, including parole and post-prison  
33 supervision, but not including a correctional facility as defined under ORS 162.135.

34 (x) Dog training classes or testing trials, which may be conducted outdoors or in preexisting  
35 farm buildings, when:

36 (A) The number of dogs participating in training does not exceed 10 dogs per training class and  
37 the number of training classes to be held on-site does not exceed six per day; and

38 (B) The number of dogs participating in a testing trial does not exceed 60 and the number of  
39 testing trials to be conducted on-site is limited to four or fewer trials per calendar year.

40 (y) A cider business, as described in ORS 215.451.

41 (z) A farm brewery, as described in ORS 215.449.

42 (2) The following nonfarm uses may be established, subject to the approval of the governing body  
43 or its designee in any area zoned for exclusive farm use subject to ORS 215.296:

44 (a) Commercial activities that are in conjunction with farm use, including the processing of farm  
45 crops into biofuel not permitted under ORS 215.203 (2)(b)(K) or 215.255.



1 (b) Operations conducted for:

2 (A) Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas  
3 as defined by ORS 520.005 not otherwise permitted under subsection (1)(f) of this section;

4 (B) Mining, crushing or stockpiling of aggregate and other mineral and other subsurface re-  
5 sources subject to ORS 215.298;

6 (C) Processing, as defined by ORS 517.750, of aggregate into asphalt or portland cement; and

7 (D) Processing of other mineral resources and other subsurface resources.

8 (c) Private parks, playgrounds, hunting and fishing preserves and campgrounds. Subject to the  
9 approval of the county governing body or its designee, a private campground may provide yurts for  
10 overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller,  
11 may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent  
12 foundation. Upon request of a county governing body, the Land Conservation and Development  
13 Commission may provide by rule for an increase in the number of yurts allowed on all or a portion  
14 of the campgrounds in a county if the commission determines that the increase will comply with the  
15 standards described in ORS 215.296 (1). As used in this paragraph, "yurt" means a round, domed  
16 shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or  
17 internal cooking appliance.

18 (d) Parks and playgrounds. A public park may be established consistent with the provisions of  
19 ORS 195.120.

20 (e) Community centers owned by a governmental agency or a nonprofit community organization  
21 and operated primarily by and for residents of the local rural community. A community center au-  
22 thorized under this paragraph may provide services to veterans, including but not limited to emer-  
23 gency and transitional shelter, preparation and service of meals, vocational and educational  
24 counseling and referral to local, state or federal agencies providing medical, mental health, disability  
25 income replacement and substance abuse services, only in a facility that is in existence on January  
26 1, 2006. The services may not include direct delivery of medical, mental health, disability income  
27 replacement or substance abuse services.

28 (f) Golf courses on land:

29 (A) Determined not to be high-value farmland, as defined in ORS 195.300 (10); or

30 (B) Determined to be high-value farmland described in ORS 195.300 (10)(c) if the land:

31 (i) Is not otherwise described in ORS 195.300 (10);

32 (ii) Is surrounded on all sides by an approved golf course; and

33 (iii) Is west of U.S. Highway 101.

34 (g) Commercial utility facilities for the purpose of generating power for public use by sale. If the  
35 area zoned for exclusive farm use is high-value farmland, a photovoltaic solar power generation fa-  
36 cility may be established as a commercial utility facility as provided in ORS 215.447. A renewable  
37 energy facility as defined in ORS 215.446 may be established as a commercial utility facility.

38 (h) Personal-use airports for airplanes and helicopter pads, including associated hangar, main-  
39 tenance and service facilities. A personal-use airport, as used in this section, means an airstrip re-  
40 stricted, except for aircraft emergencies, to use by the owner, and, on an infrequent and occasional  
41 basis, by invited guests, and by commercial aviation activities in connection with agricultural op-  
42 erations. No aircraft may be based on a personal-use airport other than those owned or controlled  
43 by the owner of the airstrip. Exceptions to the activities permitted under this definition may be  
44 granted through waiver action by the Oregon Department of Aviation in specific instances. A  
45 personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted sub-

1 ject to any applicable rules of the Oregon Department of Aviation.

2 (i) Home occupations as provided in ORS 215.448.

3 (j) A facility for the primary processing of forest products, provided that such facility is found  
4 to not seriously interfere with accepted farming practices and is compatible with farm uses de-  
5 scribed in ORS 215.203 (2). Such a facility may be approved for a one-year period which is  
6 renewable. These facilities are intended to be only portable or temporary in nature. The primary  
7 processing of a forest product, as used in this section, means the use of a portable chipper or stud  
8 mill or other similar methods of initial treatment of a forest product in order to enable its shipment  
9 to market. Forest products, as used in this section, means timber grown upon a parcel of land or  
10 contiguous land where the primary processing facility is located.

11 (k) A site for the disposal of solid waste approved by the governing body of a city or county or  
12 both and for which a permit has been granted under ORS 459.245 by the Department of Environ-  
13 mental Quality together with equipment, facilities or buildings necessary for its operation.

14 (L) One manufactured dwelling or recreational vehicle, or the temporary residential use of an  
15 existing building, in conjunction with an existing dwelling as a temporary use for the term of a  
16 hardship suffered by the existing resident or a relative of the resident. Within three months of the  
17 end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demol-  
18 ished or, in the case of an existing building, the building shall be removed, demolished or returned  
19 to an allowed nonresidential use. The governing body or its designee shall provide for periodic re-  
20 view of the hardship claimed under this paragraph. A temporary residence approved under this  
21 paragraph is not eligible for replacement under subsection (1)(p) of this section.

22 (m) Transmission towers over 200 feet in height.

23 (n)(A) Commercial dog boarding kennels; or

24 (B) Dog training classes or testing trials that cannot be established under subsection (1)(x) of  
25 this section.

26 (o) Residential homes as defined in ORS 197.660, in existing dwellings.

27 (p) The propagation, cultivation, maintenance and harvesting of aquatic species that are not  
28 under the jurisdiction of the State Fish and Wildlife Commission or insect species. Insect species  
29 shall not include any species under quarantine by the State Department of Agriculture or the United  
30 States Department of Agriculture. The county shall provide notice of all applications under this  
31 paragraph to the State Department of Agriculture. Notice shall be provided in accordance with the  
32 county's land use regulations but shall be mailed at least 20 calendar days prior to any administra-  
33 tive decision or initial public hearing on the application.

34 (q) Construction of additional passing and travel lanes requiring the acquisition of right of way  
35 but not resulting in the creation of new land parcels.

36 (r) Reconstruction or modification of public roads and highways involving the removal or dis-  
37 placement of buildings but not resulting in the creation of new land parcels.

38 (s) Improvement of public road and highway related facilities, such as maintenance yards, weigh  
39 stations and rest areas, where additional property or right of way is required but not resulting in  
40 the creation of new land parcels.

41 (t) A destination resort that is approved consistent with the requirements of any statewide  
42 planning goal relating to the siting of a destination resort.

43 (u) Room and board arrangements for a maximum of five unrelated persons in existing resi-  
44 dences.

45 (v) Operations for the extraction and bottling of water.

1 (w) Expansion of existing county fairgrounds and activities directly relating to county  
2 fairgrounds governed by county fair boards established pursuant to ORS 565.210.

3 (x) A living history museum related to resource based activities owned and operated by a gov-  
4 ernmental agency or a local historical society, together with limited commercial activities and fa-  
5 cilities that are directly related to the use and enjoyment of the museum and located within  
6 authentic buildings of the depicted historic period or the museum administration building, if areas  
7 other than an exclusive farm use zone cannot accommodate the museum and related activities or if  
8 the museum administration buildings and parking lot are located within one quarter mile of an ur-  
9 ban growth boundary. As used in this paragraph:

10 (A) "Living history museum" means a facility designed to depict and interpret everyday life and  
11 culture of some specific historic period using authentic buildings, tools, equipment and people to  
12 simulate past activities and events; and

13 (B) "Local historical society" means the local historical society recognized by the county gov-  
14 erning body and organized under ORS chapter 65.

15 (y) An aerial fireworks display business that has been in continuous operation at its current  
16 location within an exclusive farm use zone since December 31, 1986, and possesses a wholesaler's  
17 permit to sell or provide fireworks.

18 (z) A landscape contracting business, as defined in ORS 671.520, or a business providing land-  
19 scape architecture services, as described in ORS 671.318, if the business is pursued in conjunction  
20 with the growing and marketing of nursery stock on the land that constitutes farm use.

21 (aa) Public or private schools for kindergarten through grade 12, including all buildings essential  
22 to the operation of a school, primarily for residents of the rural area in which the school is located.

23 (bb) Equine and equine-affiliated therapeutic and counseling activities, provided:

24 (A) The activities are conducted in existing buildings that were lawfully constructed on the  
25 property before January 1, 2019, or in new buildings that are accessory, incidental and subordinate  
26 to the farm use on the tract; and

27 (B) All individuals conducting therapeutic or counseling activities are acting within the proper  
28 scope of any licenses required by the state.

29 (cc) Guest ranches in eastern Oregon, as described in ORS 215.461.

30 (dd) Child care facilities, preschool recorded programs, [or] school-age recorded programs **or**  
31 **outdoor preschool programs** that are:

32 (A) Authorized under ORS 329A.250 to 329A.450;

33 (B) Primarily for the children of residents and workers of the rural area in which the facility  
34 or program is located; and

35 (C) Colocated with a community center or a public or private school allowed under this sub-  
36 section.

37 (3) Roads, highways and other transportation facilities and improvements not allowed under  
38 subsections (1) and (2) of this section may be established, subject to the approval of the governing  
39 body or its designee, in areas zoned for exclusive farm use subject to:

40 (a) Adoption of an exception to the goal related to agricultural lands and to any other applicable  
41 goal with which the facility or improvement does not comply; or

42 (b) ORS 215.296 for those uses identified by rule of the Land Conservation and Development  
43 Commission as provided in section 3, chapter 529, Oregon Laws 1993.

44 (4) The following agri-tourism and other commercial events or activities that are related to and  
45 supportive of agriculture may be established in any area zoned for exclusive farm use:

1 (a) A county may authorize a single agri-tourism or other commercial event or activity on a  
 2 tract in a calendar year by an authorization that is personal to the applicant and is not transferred  
 3 by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial event  
 4 or activity meets any local standards that apply and:

5 (A) The agri-tourism or other commercial event or activity is incidental and subordinate to ex-  
 6 isting farm use on the tract;

7 (B) The duration of the agri-tourism or other commercial event or activity does not exceed 72  
 8 consecutive hours;

9 (C) The maximum attendance at the agri-tourism or other commercial event or activity does not  
 10 exceed 500 people;

11 (D) The maximum number of motor vehicles parked at the site of the agri-tourism or other  
 12 commercial event or activity does not exceed 250 vehicles;

13 (E) The agri-tourism or other commercial event or activity complies with ORS 215.296;

14 (F) The agri-tourism or other commercial event or activity occurs outdoors, in temporary  
 15 structures, or in existing permitted structures, subject to health and fire and life safety require-  
 16 ments; and

17 (G) The agri-tourism or other commercial event or activity complies with conditions established  
 18 for:

19 (i) Planned hours of operation;

20 (ii) Access, egress and parking;

21 (iii) A traffic management plan that identifies the projected number of vehicles and any antic-  
 22 ipated use of public roads; and

23 (iv) Sanitation and solid waste.

24 (b) In the alternative to paragraphs (a) and (c) of this subsection, a county may authorize,  
 25 through an expedited, single-event license, a single agri-tourism or other commercial event or ac-  
 26 tivity on a tract in a calendar year by an expedited, single-event license that is personal to the ap-  
 27 plicant and is not transferred by, or transferable with, a conveyance of the tract. A decision  
 28 concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015.  
 29 To approve an expedited, single-event license, the governing body of a county or its designee must  
 30 determine that the proposed agri-tourism or other commercial event or activity meets any local  
 31 standards that apply, and the agri-tourism or other commercial event or activity:

32 (A) Must be incidental and subordinate to existing farm use on the tract;

33 (B) May not begin before 6 a.m. or end after 10 p.m.;

34 (C) May not involve more than 100 attendees or 50 vehicles;

35 (D) May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;

36 (E) May not require or involve the construction or use of a new permanent structure in con-  
 37 nection with the agri-tourism or other commercial event or activity;

38 (F) Must be located on a tract of at least 10 acres unless the owners or residents of adjoining  
 39 properties consent, in writing, to the location; and

40 (G) Must comply with applicable health and fire and life safety requirements.

41 (c) In the alternative to paragraphs (a) and (b) of this subsection, a county may authorize up to  
 42 six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited  
 43 use permit that is personal to the applicant and is not transferred by, or transferable with, a  
 44 conveyance of the tract. The agri-tourism or other commercial events or activities must meet any  
 45 local standards that apply, and the agri-tourism or other commercial events or activities:

- 1 (A) Must be incidental and subordinate to existing farm use on the tract;
- 2 (B) May not, individually, exceed a duration of 72 consecutive hours;
- 3 (C) May not require that a new permanent structure be built, used or occupied in connection  
4 with the agri-tourism or other commercial events or activities;
- 5 (D) Must comply with ORS 215.296;
- 6 (E) May not, in combination with other agri-tourism or other commercial events or activities  
7 authorized in the area, materially alter the stability of the land use pattern in the area; and
- 8 (F) Must comply with conditions established for:
- 9 (i) The types of agri-tourism or other commercial events or activities that are authorized during  
10 each calendar year, including the number and duration of the agri-tourism or other commercial  
11 events and activities, the anticipated daily attendance and the hours of operation;
- 12 (ii) The location of existing structures and the location of proposed temporary structures to be  
13 used in connection with the agri-tourism or other commercial events or activities;
- 14 (iii) The location of access and egress and parking facilities to be used in connection with the  
15 agri-tourism or other commercial events or activities;
- 16 (iv) Traffic management, including the projected number of vehicles and any anticipated use of  
17 public roads; and
- 18 (v) Sanitation and solid waste.
- 19 (d) In addition to paragraphs (a) to (c) of this subsection, a county may authorize agri-tourism  
20 or other commercial events or activities that occur more frequently or for a longer period or that  
21 do not otherwise comply with paragraphs (a) to (c) of this subsection if the agri-tourism or other  
22 commercial events or activities comply with any local standards that apply and the agri-tourism or  
23 other commercial events or activities:
- 24 (A) Are incidental and subordinate to existing commercial farm use of the tract and are neces-  
25 sary to support the commercial farm uses or the commercial agricultural enterprises in the area;
- 26 (B) Comply with the requirements of paragraph (c)(C), (D), (E) and (F) of this subsection;
- 27 (C) Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size;  
28 and
- 29 (D) Do not exceed 18 events or activities in a calendar year.
- 30 (5) A holder of a permit authorized by a county under subsection (4)(d) of this section must re-  
31 quest review of the permit at four-year intervals. Upon receipt of a request for review, the county  
32 shall:
- 33 (a) Provide public notice and an opportunity for public comment as part of the review process;  
34 and
- 35 (b) Limit its review to events and activities authorized by the permit, conformance with condi-  
36 tions of approval required by the permit and the standards established by subsection (4)(d) of this  
37 section.
- 38 (6) For the purposes of subsection (4) of this section:
- 39 (a) A county may authorize the use of temporary structures established in connection with the  
40 agri-tourism or other commercial events or activities authorized under subsection (4) of this section.  
41 However, the temporary structures must be removed at the end of the agri-tourism or other event  
42 or activity. The county may not approve an alteration to the land in connection with an agri-tourism  
43 or other commercial event or activity authorized under subsection (4) of this section, including, but  
44 not limited to, grading, filling or paving.
- 45 (b) The county may issue the limited use permits authorized by subsection (4)(c) of this section

1 for two calendar years. When considering an application for renewal, the county shall ensure com-  
 2 pliance with the provisions of subsection (4)(c) of this section, any local standards that apply and  
 3 conditions that apply to the permit or to the agri-tourism or other commercial events or activities  
 4 authorized by the permit.

5 (c) The authorizations provided by subsection (4) of this section are in addition to other au-  
 6 thorizations that may be provided by law, except that “outdoor mass gathering” and “other gather-  
 7 ing,” as those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other commercial  
 8 events and activities.

9 **SECTION 13.** ORS 419B.005, as amended by section 58, chapter 631, Oregon Laws 2021, section  
 10 16, chapter 27, Oregon Laws 2022, and section 7, chapter 90, Oregon Laws 2022, is amended to read:  
 11 419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

12 (1)(a) “Abuse” means:

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

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

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

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

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

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

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

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

36 (G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm  
 37 to the child’s health or welfare.

38 (H) Buying or selling a person under 18 years of age as described in ORS 163.537.

39 (I) Permitting a person under 18 years of age to enter or remain in or upon premises where  
 40 methamphetamines are being manufactured.

41 (J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, or to the unlawful  
 42 manufacturing of a cannabinoid extract, as defined in ORS 475C.009, that subjects a child to a sub-  
 43 stantial risk of harm to the child’s health or safety.

44 (b) “Abuse” does not include reasonable discipline unless the discipline results in one of the  
 45 conditions described in paragraph (a) of this subsection.

- 1 (2) "Child" means an unmarried person who:  
2 (a) Is under 18 years of age; or  
3 (b) Is under 21 years of age and residing in or receiving care or services at a child-caring  
4 agency as that term is defined in ORS 418.205.
- 5 (3) "Higher education institution" means:  
6 (a) A community college as defined in ORS 341.005;  
7 (b) A public university listed in ORS 352.002;  
8 (c) The Oregon Health and Science University; and  
9 (d) A private institution of higher education located in Oregon.
- 10 (4)(a) "Investigation" means a detailed inquiry into or assessment of the safety of a child alleged  
11 to have experienced abuse.  
12 (b) "Investigation" does not include screening activities conducted upon the receipt of a report.
- 13 (5) "Law enforcement agency" means:  
14 (a) A city or municipal police department.  
15 (b) A county sheriff's office.  
16 (c) The Oregon State Police.  
17 (d) A police department established by a university under ORS 352.121 or 353.125.  
18 (e) A county juvenile department.
- 19 (6) "Public or private official" means:  
20 (a) Physician or physician assistant licensed under ORS chapter 677 or naturopathic physician,  
21 including any intern or resident.  
22 (b) Dentist.  
23 (c) School employee, including an employee of a higher education institution.  
24 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide  
25 or employee of an in-home health service.  
26 (e) Employee of the Department of Human Services, Oregon Health Authority, Department of  
27 Early Learning and Care, Department of Education, Youth Development Division, Office of Child  
28 Care, the Oregon Youth Authority, a local health department, a community mental health program,  
29 a community developmental disabilities program, a county juvenile department, a child-caring  
30 agency as that term is defined in ORS 418.205 or an alcohol and drug treatment program.
- 31 (f) Peace officer.  
32 (g) Psychologist.  
33 (h) Member of the clergy.  
34 (i) Regulated social worker.  
35 (j) Optometrist.  
36 (k) Chiropractor.  
37 (L) Certified provider of foster care, or an employee thereof.  
38 (m) Attorney.  
39 (n) Licensed professional counselor.  
40 (o) Licensed marriage and family therapist.  
41 (p) Firefighter or emergency medical services provider.  
42 (q) A court appointed special advocate, as defined in ORS 419A.004.  
43 (r) A child care provider registered or certified under ORS 329A.250 to 329A.450.  
44 (s) An elected official of a branch of government of this state or a state agency, board, com-  
45 mission or department of a branch of government of this state or of a city, county or other political

1 subdivision in this state.

2 (t) Physical, speech or occupational therapist.

3 (u) Audiologist.

4 (v) Speech-language pathologist.

5 (w) Employee of the Teacher Standards and Practices Commission directly involved in investi-  
6 gations or discipline by the commission.

7 (x) Pharmacist.

8 (y) An operator of a preschool recorded program under ORS 329A.255.

9 (z) An operator of a school-age recorded program under ORS 329A.255.

10 **(aa) An operator of an outdoor preschool program under section 2 of this 2023 Act.**

11 [(aa)] **(bb)** Employee of a private agency or organization facilitating the provision of respite  
12 services, as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney  
13 under ORS 109.056.

14 [(bb)] **(cc)** An employee of a public or private organization providing child-related services or  
15 activities:

16 (A) Including but not limited to an employee of a:

17 (i) Youth group or center;

18 (ii) Scout group or camp;

19 (iii) Summer or day camp;

20 (iv) Survival camp; or

21 (v) Group, center or camp that is operated under the guidance, supervision or auspices of a re-  
22 ligious, public or private educational system or a community service organization; and

23 (B) Excluding an employee of a qualified victim services program as defined in ORS 147.600 that  
24 provides confidential, direct services to victims of domestic violence, sexual assault, stalking or hu-  
25 man trafficking.

26 [(cc)] **(dd)** A coach, assistant coach or trainer of an amateur, semiprofessional or professional  
27 athlete, if compensated and if the athlete is a child.

28 [(dd)] **(ee)** Personal support worker, as defined in ORS 410.600.

29 [(ee)] **(ff)** Home care worker, as defined in ORS 410.600.

30 [(ff)] **(gg)** Animal control officer, as defined in ORS 609.500.

31 [(gg)] **(hh)** Member of a school district board, an education service district board or a public  
32 charter school governing body.

33 [(hh)] **(ii)** An individual who is paid by a public body, in accordance with ORS 430.215, to pro-  
34 vide a service identified in an individualized written service plan of a child with a developmental  
35 disability.

36 [(ii)] **(jj)** Referral agent, as defined in ORS 418.351.

37 **SECTION 14.** ORS 419B.035, as amended by section 10, chapter 27, Oregon Laws 2022, and  
38 section 9, chapter 90, Oregon Laws 2022, is amended to read:

39 419B.035. (1) Notwithstanding the provisions of ORS 192.001 to 192.170, 192.210 to 192.478 and  
40 192.610 to 192.810 relating to confidentiality and accessibility for public inspection of public records  
41 and public documents, reports and records compiled under the provisions of ORS 419B.010 to  
42 419B.050 are confidential and may not be disclosed except as provided in this section. The Depart-  
43 ment of Human Services shall make the records available to:

44 (a) Any law enforcement agency or a child abuse registry in any other state for the purpose of  
45 subsequent investigation of child abuse;



1 (b) Any physician, physician assistant licensed under ORS 677.505 to 677.525 or nurse practi-  
 2 tioner licensed under ORS 678.375 to 678.390, at the request of the physician, physician assistant  
 3 or nurse practitioner, regarding any child brought to the physician, physician assistant or nurse  
 4 practitioner or coming before the physician, physician assistant or nurse practitioner for examina-  
 5 tion, care or treatment;

6 (c) Attorneys of record for the child or child’s parent or guardian in any juvenile court pro-  
 7 ceeding;

8 (d) Citizen review boards established by the Judicial Department for the purpose of periodically  
 9 reviewing the status of children, youths and adjudicated youths under the jurisdiction of the juvenile  
 10 court under ORS 419B.100 and 419C.005. Citizen review boards may make such records available to  
 11 participants in case reviews;

12 (e) A court appointed special advocate in any juvenile court proceeding in which it is alleged  
 13 that a child has been subjected to child abuse or neglect;

14 (f) The Early Learning Division for the purpose of carrying out the functions of the division,  
 15 including the certification, registration or regulation of child care facilities and child care providers  
 16 and the administration of enrollment in the Central Background Registry;

17 (g) The Office of Children’s Advocate;

18 (h) The Teacher Standards and Practices Commission for investigations conducted under ORS  
 19 339.390 or 342.176 involving any child or any student;

20 (i) Any person, upon request to the Department of Human Services, if the reports or records  
 21 requested regard an incident in which a child, as the result of abuse, died or suffered serious phys-  
 22 ical injury as defined in ORS 161.015. Reports or records disclosed under this paragraph must be  
 23 disclosed in accordance with ORS 192.311 to 192.478;

24 (j) The Office of Child Care for purposes of applications described in ORS 329A.030 (10)(c)(G) to  
 25 [(J)] **(K)**;

26 (k) With respect to a report of abuse occurring at a school or in an educational setting that  
 27 involves a child with a disability, Disability Rights Oregon;

28 (L) The Department of Education for purposes of investigations conducted under ORS 339.391;  
 29 and

30 (m) An education provider for the purpose of making determinations under ORS 339.388.

31 (2)(a) When disclosing reports and records pursuant to subsection (1)(i) of this section, the De-  
 32 partment of Human Services may exempt from disclosure the names, addresses and other identifying  
 33 information about other children, witnesses, victims or other persons named in the report or record  
 34 if the department determines, in written findings, that the safety or well-being of a person named in  
 35 the report or record may be jeopardized by disclosure of the names, addresses or other identifying  
 36 information, and if that concern outweighs the public’s interest in the disclosure of that information.

37 (b) If the Department of Human Services does not have a report or record of abuse regarding  
 38 a child who, as the result of abuse, died or suffered serious physical injury as defined in ORS  
 39 161.015, the department may disclose that information.

40 (3) The Department of Human Services may make reports and records compiled under the pro-  
 41 visions of ORS 419B.010 to 419B.050 available to any person, administrative hearings officer, court,  
 42 agency, organization or other entity when the department determines that such disclosure is neces-  
 43 sary to administer its child welfare services and is in the best interests of the affected child, or that  
 44 such disclosure is necessary to investigate, prevent or treat child abuse and neglect, to protect  
 45 children from abuse and neglect or for research when the Director of Human Services gives prior

1 written approval. The Department of Human Services shall adopt rules setting forth the procedures  
2 by which it will make the disclosures authorized under this subsection or subsection (1) or (2) of this  
3 section. The name, address and other identifying information about the person who made the report  
4 may not be disclosed pursuant to this subsection and subsection (1) of this section.

5 (4) A law enforcement agency may make reports and records compiled under the provisions of  
6 ORS 419B.010 to 419B.050 available to other law enforcement agencies, district attorneys, city at-  
7 torneys with criminal prosecutorial functions and the Attorney General when the law enforcement  
8 agency determines that disclosure is necessary for the investigation or enforcement of laws relating  
9 to child abuse and neglect or necessary to determine a claim for crime victim compensation under  
10 ORS 147.005 to 147.367.

11 (5) A law enforcement agency, upon completing an investigation and closing the file in a specific  
12 case relating to child abuse or neglect, shall make reports and records in the case available upon  
13 request to any law enforcement agency or community corrections agency in this state, to the De-  
14 partment of Corrections, to the Oregon Youth Authority or to the State Board of Parole and Post-  
15 Prison Supervision for the purpose of managing and supervising offenders in custody or on  
16 probation, parole, post-prison supervision or other form of conditional or supervised release. A law  
17 enforcement agency may make reports and records compiled under the provisions of ORS 419B.010  
18 to 419B.050 available to the Oregon Youth Authority, law enforcement, community corrections,  
19 corrections or parole agencies in an open case when the law enforcement agency determines that  
20 the disclosure will not interfere with an ongoing investigation in the case. The name, address and  
21 other identifying information about the person who made the report may not be disclosed under this  
22 subsection or subsection (6)(b) of this section.

23 (6)(a) Any record made available to a law enforcement agency or community corrections agency  
24 in this state, to the Department of Corrections, the Oregon Youth Authority or the State Board of  
25 Parole and Post-Prison Supervision or to a physician, physician assistant or nurse practitioner in  
26 this state, as authorized by subsections (1) to (5) of this section, shall be kept confidential by the  
27 agency, department, board, physician, physician assistant or nurse practitioner. Any record or report  
28 disclosed by the Department of Human Services to other persons or entities pursuant to subsections  
29 (1) and (3) of this section shall be kept confidential.

30 (b) Notwithstanding paragraph (a) of this subsection:

31 (A) A law enforcement agency, a community corrections agency, the Department of Corrections,  
32 the Oregon Youth Authority and the State Board of Parole and Post-Prison Supervision may disclose  
33 records made available to them under subsection (5) of this section to each other, to law enforce-  
34 ment, community corrections, corrections and parole agencies of other states and to authorized  
35 treatment providers for the purpose of managing and supervising offenders in custody or on pro-  
36 bation, parole, post-prison supervision or other form of conditional or supervised release.

37 (B) The Department of Corrections and the Oregon Youth Authority may disclose records made  
38 available to them under subsection (5) of this section regarding a person in the custody of the De-  
39 partment of Corrections or the Oregon Youth Authority to each other, to the court, to the district  
40 attorney and to the person's attorney for the purpose of the person's hearing under ORS 420A.200  
41 to 420A.206.

42 (C) A person may disclose records made available to the person under subsection (1)(i) of this  
43 section if the records are disclosed for the purpose of advancing the public interest.

44 (7) Except as provided by ORS 339.389, an officer or employee of the Department of Human  
45 Services or of a law enforcement agency or any person or entity to whom disclosure is made pur-

1 suant to subsections (1) to (6) of this section may not release any information not authorized by  
2 subsections (1) to (6) of this section.

3 (8) As used in this section, “law enforcement agency” has the meaning given that term in ORS  
4 181A.010.

5 (9) A person who violates subsection (6)(a) or (7) of this section commits a Class A violation.

6 **SECTION 15. The amendments to ORS 181A.195, 215.213, 215.283, 329A.030, 329A.250,**  
7 **329A.252, 329A.275, 329A.280, 329A.390, 419B.005 and 419B.035 by sections 4 to 14 of this 2023**  
8 **Act become operative July 1, 2025.**

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