

Senate Bill 813

Sponsored by Senator LINTHICUM

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**.

Prohibits public bodies and private entities from requiring person to receive COVID-19 vaccination or to possess COVID-19 immunity passport, immunity pass or other evidence certifying COVID-19 vaccination or immunity status.

Prohibits public bodies and private entities from discriminating against person based on nonreceipt of COVID-19 vaccination or failure to possess COVID-19 immunity passport, immunity pass or other evidence certifying vaccination or immunity status.

Prohibits public bodies and private entities from interfering with certain rights on account of risks presented by COVID-19 pandemic.

A BILL FOR AN ACT

1
2 Relating to discrimination regarding COVID-19.

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

4 **SECTION 1. The Legislative Assembly finds and declares that:**

5 (1) **It is the policy of the State of Oregon always to protect human rights and constitu-**
6 **tional liberties, including during a public health crisis or other state of emergency.**

7 (2) **It is the policy of the State of Oregon to safeguard medical autonomy, privacy and**
8 **liberty as to all persons, which includes protecting the public from coercive COVID-19**
9 **vaccination and disclosure of vaccination or immunity status. All persons may choose to**
10 **receive vaccinations or not and to wear a face covering or mask or not as a matter of med-**
11 **ical privacy and liberty.**

12 (3) **It is the policy of the State of Oregon to protect individual liberties including freedom**
13 **of trade and commerce, freedom of religion and the rights of free speech, assembly, petition**
14 **and protest from unnecessary restrictions.**

15 (4) **It is the policy of the State of Oregon to safeguard public health and liberty in a**
16 **reasonable and balanced manner. Any curtailment of liberty to further public health must**
17 **be medically necessary and furthered by the least intrusive means possible.**

18 (5) **It is the policy of the State of Oregon to prohibit all forms of wrongful discrimination.**

19 (6) **Numerous individual liberty rights secured by the United States Constitution and the**
20 **Oregon Constitution have been unnecessarily and oppressively infringed by certain COVID-19**
21 **restrictions and emergency measures.**

22 (7) **The risks to individual liberty, freedom of speech and protest, religious freedom,**
23 **commerce, individual autonomy and self-actualization outweigh the risks presented by the**
24 **COVID-19 pandemic when individuals are unnecessarily and oppressively restricted from ex-**
25 **ercising protected constitutional rights or any other liberty interest.**

26 **SECTION 2. As used in sections 1 to 4 of this 2023 Act:**

27 (1) **“Business affiliation” means a company, including the agents, contractors and em-**
28 **ployees of the company, that contracts with or does business with the State of Oregon or a**

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 public body or receives public funds through any means including contracts, grants, loans
 2 or other disbursements of taxpayer moneys from a public body.

3 (2)(a) “Company” means a corporation, limited liability corporation, nonprofit corpo-
 4 ration, partnership, limited partnership, limited liability partnership, business trust, joint
 5 venture, domestic or foreign sole proprietorship, other domestic or foreign entity or business
 6 association or any other business organization and includes any subsidiary or parent com-
 7 pany of any business organization.

8 (b) “Company” includes a private school or private university.

9 (3) “Discrimination” means the following actions based on a person’s COVID-19
 10 vaccination or immunity status or refusal to disclose vaccination or immunity status, failure
 11 or refusal to wear a face covering or mask or exercise of the person’s right to engage in
 12 commerce, practice religion or engage in free speech, assembly, petition, protest or any
 13 other right:

14 (a) Refusal to hire, failure to promote, reassignment with significantly different respon-
 15 sibilities, reduction in pay, significant change in benefits or employment termination;

16 (b) Refusal to allow a person to enter, matriculate to or patronize any establishment;

17 (c) Refusal to admit a person into a school, childcare facility, sport activity or any other
 18 extracurricular activity;

19 (d) Refusal to allow a person to use any form of public or mass transit including air, land
 20 or sea travel; and

21 (e) Any other action that deprives a person of the necessities of life or government ser-
 22 vices including, but not limited to, police, fire and mail services.

23 (4) “Incapacitated person” means a person who has reached the age of majority but is
 24 unable to make or communicate decisions concerning the person’s medical autonomy, phys-
 25 ical health, safety or self-care, including the decision whether to receive a COVID-19
 26 vaccination.

27 (5) “Minor person” means a person who has not reached the age of majority.

28 (6) “Person” means a natural person, including a minor person and an incapacitated
 29 person.

30 (7) “Public body” has the meaning given that term in ORS 174.109 and includes all agents,
 31 contractors and employees of a public body.

32 **SECTION 3.** (1) A public body, a business affiliation and a company are prohibited from
 33 requiring any person to receive a COVID-19 vaccination or to possess a COVID-19 immunity
 34 passport, immunity pass or other evidence certifying COVID-19 vaccination or immunity
 35 status.

36 (2) A public body, a business affiliation and a company may not discriminate against any
 37 person based on nonreceipt of a COVID-19 vaccination or failure to possess a COVID-19 im-
 38 munity passport, immunity pass or other evidence certifying vaccination or immunity status,
 39 whether the person’s medical prerogative is based on religion, personal philosophy, a medical
 40 exemption, privacy or any other reason.

41 (3)(a) Notwithstanding ORS 109.640, a minor person may not be required to receive a
 42 COVID-19 vaccination absent legally binding substituted consent by all parents with author-
 43 ity over the child’s medical care or a legally recognized and official guardian of such minor
 44 person.

45 (b) An incapacitated person may not be required to receive a COVID-19 vaccination ab-

1 sent legally binding substituted consent by a legally recognized and official guardian of such
2 incapacitated person.

3 (4) A public body may not enter into a contract or give a loan, grant or any other dis-
4 bursement of taxpayer moneys to a business affiliation that requires a person to receive a
5 COVID-19 vaccination or to possess a COVID-19 immunity passport, immunity pass or other
6 evidence certifying vaccination or immunity status.

7 (5) A business affiliation that violates this section materially breaches its contract with
8 the public body with which it is affiliated, rendering the contract voidable by the public body.

9 (6) A company that violates this section is subject to revocation of its accreditation, li-
10 censes, permits and all other government authority to operate.

11 **SECTION 4.** (1) A public body, business affiliation and company may not:

12 (a) Interfere with individual rights to practice religion, engage in commerce or exercise
13 the right of expression through speech, assembly, petition or protest on account of risks
14 presented by the COVID-19 pandemic.

15 (b) Discriminate against any person for exercising the rights described in paragraph (a)
16 of this subsection or any other right on account of risks presented by the COVID-19
17 pandemic.

18 (2) A public body may not enter into a contract or give a loan, grant or any other dis-
19 bursement of taxpayer moneys to a business affiliation that restricts any person from exer-
20 cising the rights described in subsection (1) of this section or any other liberty right secured
21 by the United States Constitution or Oregon Constitution on account of risks presented by
22 the COVID-19 pandemic.

23 (3) A business affiliation that violates this section materially breaches its contract with
24 the public body with which it is affiliated, rendering the contract voidable by the State of
25 Oregon or government entity.

26 (4) A company that violates this section is subject to revocation of its accreditation, li-
27 censes, permits and all other government authority to operate.

28 **SECTION 5.** Sections 1 to 4 of this 2023 Act do not alter common law or statutory pen-
29 alties and remedies for negligent or intentional transmission of a communicable disease to
30 another person.

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