

SB 680 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 2/26

WHAT THE MEASURE DOES:

The measure defines "environmental marketing claim," "net zero claim," and "reputational advertising" and makes it an unlawful trade practice to publish or cause to be published an environmental marketing claim, net zero claim, or reputational advertising that is materially false, misleading, deceptive, or fraudulent, and makes a person doing so liable for damages up to \$200.

What the Measure Does

Prohibits a person from publishing or causing to be published an environmental marketing claim, net zero claim, or reputational advertising that is materially false, misleading, deceptive, or fraudulent and establishes doing so as a new unlawful trade practice under ORS 646.607. Makes a person who commits that unlawful trade practice liable for damages of not more than \$200 to a plaintiff who can show that:

- They were a recipient of the claim or reputational advertisement; and
- They purchased a product or service from the person based on a reliance on the materially false, misleading, deceptive or fraudulent claim or reputational advertising.

Establishes when an environmental marketing claim, net zero claim, or reputational advertising is "materially false misleading, deceptive or fraudulent," which requires, among other things, either an intent for or reasonable actual reliance of the intended recipient on the claim or advertising in deciding to patronize the person or purchase the person's product or services. Requires the claim or advertising to meet additional specified requirements to be "materially false, misleading, deceptive or fraudulent," including, for example, that the claim contains provably false material information, lacks support by competent and reliable scientific evidence, or is so overbroad that the claim is unable to be substantiated.

Defines "environmental marketing claim," "net zero balance," "net zero claim," "reasonable resident," "reputational advertising," and "resident."

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

ORS 646.607, part of Oregon's Unlawful Trade Practices Act, provides that a person engages in an unlawful trade practice if they engage in certain listed conduct in the course of the person's business, vocation or occupation. Such conduct includes, for example, violating price gouging laws (ORS 401.965(2)), employing unconscionable tactics in connection with selling goods or services, and violating the student information protection act (ORS 336.184).