

# House Bill 2071

Sponsored by Representative NOSSE (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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act gives certain rights about certain acts related to blockchains. (Flesch Readability Score: 64.9).

Prohibits state and local governments from restricting certain activities related to blockchain protocols and digital assets.

Prohibits state and local governments from imposing charges on digital assets used as a method of payment.

Exempts certain activities related to blockchain protocols and digital assets from the Oregon Money Transmitters Act.

## A BILL FOR AN ACT

1 Relating to blockchains; creating new provisions; and amending ORS 260.011 and 717.210.

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

3 **SECTION 1. (1) The state government and local governments may not restrict or other-**  
4 **wise impair the ability of a person to:**

5 (a) **Accept digital assets as a method of payment for lawful goods and services;**

6 (b) **Perform, participate in or receive a peer-to-peer transaction via a blockchain network**  
7 **or digital asset network;**

8 (c) **Maintain independent control of digital assets using a self-hosted wallet or hardware**  
9 **wallet;**

10 (d) **Develop software on a blockchain protocol or a layer two blockchain protocol;**

11 (e) **Operate a node or series of nodes for the purpose of connecting to a blockchain pro-**  
12 **tol or a protocol built on top of a blockchain protocol; or**

13 (f) **Exchange digital assets for other digital assets using a blockchain protocol or a layer**  
14 **two blockchain protocol.**

15 (2)(a) **The state government and local governments may not impose a tax, withholding,**  
16 **assessment or other charge on digital assets used as a method of payment if such charge is**  
17 **based solely on the use of the digital asset as the method of payment.**

18 (b) **Nothing in this subsection prohibits the state government or local governments from**  
19 **imposing a tax, withholding, assessment or other charge that would otherwise be imposed if**  
20 **the transaction had taken place with United States dollars.**

21 (3) **Nothing in this section requires the state government or a local government to accept**  
22 **digital assets as a form of payment.**

23 (4) **As used in this section:**

24 (a) **“Blockchain” means data that is shared across a network:**

25 (A) **To create a ledger of verified transactions or information among network partic-**  
26 **ipants;**  
27

**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 (B) That uses cryptography to maintain the integrity of the ledger and to execute other  
2 functions; and

3 (C) That is distributed among network participants in an automated fashion to concur-  
4 rently update network participants on the state of the ledger and any other functions.

5 (b) "Blockchain protocol" means any executable software deployed to a blockchain com-  
6 posed of source code that is publicly available and accessible, including a smart contract or  
7 any network of smart contracts.

8 (c) "Digital asset" means:

9 (A) Virtual currency;

10 (B) Cryptocurrency;

11 (C) Natively electronic assets, including stablecoins and non-fungible tokens; and

12 (D) Any other digital-only asset that confers economic, proprietary or access rights or  
13 powers.

14 (d) "Hardware wallet" means a physical device that is not continuously connected to the  
15 Internet that allows an individual to secure and transfer digital assets and allows the owner  
16 of the digital assets to retain independent control over the digital assets.

17 (e) "Layer two blockchain protocol" means computer code that functions in conjunction  
18 with an existing blockchain protocol and that may provide extra functionality but records  
19 all final data on the existing blockchain protocol.

20 (f) "Local government" has the meaning given that term in ORS 174.116.

21 (g) "Node" means a computational device that:

22 (A) Communicates with other devices or participants on a blockchain to maintain con-  
23 sensus and integrity of that blockchain;

24 (B) Creates and validates transaction blocks; or

25 (C) Contains and updates a copy of a blockchain but does not exercise discretion over  
26 transactions initiated by end users of the blockchain protocol.

27 (h) "Peer-to-peer transaction" means the direct exchange or movement of assets, ser-  
28 vices or information between two or more parties, accounts or entities that are not reliant  
29 on a third party or intermediary for the transaction to be sent, processed or received.

30 (i) "Self-hosted wallet" means a digital interface that is used to secure and transfer dig-  
31 ital assets and that allows the owner of the digital assets to retain independent control over  
32 the digital assets.

33 (j) "Smart contract" means code on a blockchain that automatically executes actions on  
34 the blockchain, contingent on specified conditions.

35 (k) "Stablecoin" means a cryptocurrency whose value is pegged to that of another cur-  
36 rency, commodity or financial instrument.

37 (L) "State government" has the meaning given that term in ORS 174.111.

38 **SECTION 2.** ORS 717.210 is amended to read:

39 717.210. (1) ORS 717.200 to 717.320, 717.900 and 717.905 do not apply to:

40 (a) Any company that accepts deposits in this state and that is insured under the Federal De-  
41 posit Insurance Act, 12 U.S.C. 1811 et seq., as amended.

42 (b) Credit unions or trust companies.

43 (c) The United States Government or any department, agency or instrumentality thereof.

44 (d) The United States Postal Service.

45 (e) Any state or political subdivision of a state.

1 (f) The provision or electronic transfer of government benefits for any federal, state or county  
2 government or other agency as defined in the Federal Reserve Board Regulation E (12 C.F.R. part  
3 205), by a contractor for and on behalf of the United States Government or any department, agency  
4 or instrumentality of the United States, or any state or any political subdivision of a state.

5 (g) The provision or handling of electronic or other transfer of escrowed moneys by an escrow  
6 agent licensed under ORS 696.511 to the extent that the escrow agent is:

7 (A) Closing an escrow, as defined in ORS 696.505;

8 (B) Engaging in activity related to a collection escrow, as defined in ORS 696.505; or

9 (C) Serving as a trustee of a trust deed in accordance with ORS 86.713.

10 (h) Authorized delegates of a licensee, acting within the scope of authority conferred by a  
11 written contract as described in ORS 717.270.

12 (i) Any bank holding company as defined in the federal Bank Holding Company Act of 1956, 12  
13 U.S.C. 1841 et seq., as amended, or any financial holding company as defined in ORS 706.008.

14 (j) Any savings and loan holding company as defined in 12 U.S.C. 1467a (a)(1)(D), as amended.

15 **(k)(A) The operation of a node or series of nodes on a blockchain protocol;**

16 **(B) The exchange of a digital asset for another digital asset; or**

17 **(C) The development or use of software on a blockchain protocol or layer two blockchain**  
18 **protocol, the purpose of which is to effectuate the exchange of a digital asset for another**  
19 **digital asset.**

20 (2) The Director of the Department of Consumer and Business Services by rule or order may  
21 modify or waive the application of ORS 717.200 to 717.320, 717.900 and 717.905 to any person or  
22 group of persons if the director determines that adequate regulation of the person or group of per-  
23 sons is provided by law or by another agency of this state.

24 (3) The director by rule or order may temporarily suspend the application of ORS 717.200 to  
25 717.320, 717.900 and 717.905 to any person or group of persons while the director considers whether  
26 an exemption should be granted and during the pendency of any rulemaking proceeding proposing  
27 to create an exemption.

28 **(4) As used in this section, “blockchain protocol,” “digital asset,” “layer two blockchain**  
29 **protocol” and “node” have the meanings given those terms in section 1 of this 2025 Act.**

30 **SECTION 3.** ORS 260.011 is amended to read:

31 260.011. (1) **Notwithstanding section 1 of this 2025 Act**, a person may not make a contribution  
32 to a political candidate, a political committee or a petition committee using cryptocurrency.

33 (2) As used in this section, “cryptocurrency” means digital or virtual currency that relies on  
34 cryptography to effect transfers and a decentralized network to record transactions.

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