

Senate Bill 383

Sponsored by Senator THATCHER; Senator WEBER, Representatives LEVY B, RESCHKE (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 would limit the power of the government or private person to make people get some medical care that they do not want. The Act would ban the government or private persons from treating people who choose not to get some medical care differently. (Flesch Readability Score: 61.7).

Prohibits public bodies and private entities from requiring a person to receive an experimental medical intervention or vaccination or to possess an immunity passport, immunity pass or other evidence certifying a vaccination or immunity status.

Prohibits public bodies and private entities from discriminating against a person because the person chooses not to receive an experimental medical intervention or vaccination or fails to possess an 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 a pandemic.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to medical interventions; and declaring an emergency.

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

SECTION 1. The Legislative Assembly finds and declares:

4
5 **(1) It is the policy of the State of Oregon to always 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 medical inter-**
9 **ventions and disclosure of vaccination or immunity status. All persons may choose to receive**
10 **medical interventions or not and to wear a face covering or mask or not as a matter of**
11 **medical 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 prohibit all forms of wrongful discrimination.**

16 **(5) Numerous individual liberty rights secured by the United States Constitution and the**
17 **Oregon Constitution were unnecessarily and oppressively infringed by certain COVID-19 re-**
18 **strictions and emergency measures. Similar threats may arise in the future.**

19 **(6) The risks to individual liberty, freedom of speech and protest, religious freedom,**
20 **commerce, individual autonomy and self-actualization outweighed the risks presented by the**
21 **COVID-19 pandemic when individuals were unnecessarily and oppressively restricted from**
22 **exercising protected constitutional rights or any other liberty interest.**

SECTION 2. As used in sections 1 to 4 of this 2025 Act:

23 **(1) "Business affiliation" means a company, including the agents, contractors and em-**
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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 employees of the company, that contracts with or does business with the State of Oregon or a
 2 public body or receives public funds through any means including contracts, grants, loans
 3 or other disbursements of taxpayer moneys from a public body.

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

9 (b) "Company" includes a private school or private university.

10 (3) "Direct threat" means a significant risk of substantial harm to the health or safety
 11 of the individual or others that cannot be eliminated or reduced by reasonable accommo-
 12 dation. The determination that an individual poses a direct threat must be based on an in-
 13 dividualized assessment of the individual's present ability to safely perform the essential
 14 functions of the job. This assessment must be based on a reasonable medical judgment that
 15 relies on the most current medical knowledge and on the best available objective evidence.
 16 In determining whether an individual would pose a direct threat, the factors to be considered
 17 include:

18 (a) The duration of the risk;

19 (b) The nature and severity of the potential harm;

20 (c) The likelihood that the potential harm will occur; and

21 (d) The imminence of the potential harm.

22 (4) "Discrimination" means the following actions based on a person's exercise of personal
 23 medical autonomy, vaccination status, immunity status or refusal to disclose vaccination or
 24 immunity status, failure or refusal to wear a face covering or mask or exercise of the
 25 person's right to engage in commerce, practice religion or engage in free speech, assembly,
 26 petition, protest or any other right:

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

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

30 (c) Refusal to admit a person into a school, child care facility, sport activity or any other
 31 extracurricular activity;

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

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

36 (5) "Incapacitated person" means a person who has reached the age of majority but is
 37 unable to make or communicate decisions concerning the person's medical autonomy, phys-
 38 ical health, safety or self-care, including the decision whether to receive a vaccination.

39 (6) "Minor person" means a person who has not reached the age of majority.

40 (7) "Person" means a natural person, including a minor person and an incapacitated
 41 person.

42 (8) "Public body" has the meaning given that term in ORS 174.109, and includes all
 43 agents, contractors, and employees of a public body.

44 **SECTION 3.** (1) Notwithstanding a declaration by the Governor under ORS 401.165 or
 45 433.441:

1 (a) A public body, a business affiliation and a company are prohibited from requiring any
2 person to receive an experimental medication intervention or vaccination or to possess an
3 immunity passport, immunity pass or other evidence certifying vaccination or immunity
4 status.

5 (b) A public body, a business affiliation and a company may not discriminate against any
6 person because the person exercises personal medical autonomy not to receive an exper-
7 imental medical intervention or vaccination or fails to possess an immunity passport, im-
8 munity pass or other evidence certifying vaccination or immunity status, whether the
9 person's medical prerogative is based on religion, personal philosophy, a medical exemption,
10 privacy or any other reason.

11 (c) A minor person may not be required to receive an experimental medical intervention
12 or vaccination absent legally binding substituted consent by all parents with authority over
13 the child's medical care or a legally recognized and official guardian of such minor person,
14 notwithstanding ORS 109.640.

15 (d) An incapacitated person may not be required to receive an experimental medical
16 intervention or vaccination absent legally binding substituted consent by a legally recognized
17 and official guardian of such incapacitated person.

18 (e) 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 requires a person to receive an
20 experimental medical intervention or vaccination or to possess an immunity passport, im-
21 munity pass, or other evidence certifying vaccination or immunity status.

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

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

26 **SECTION 4.** (1) Notwithstanding a declaration by the Governor under ORS 401.165 or
27 433.441, a public body, business affiliation and company may not:

28 (a) Interfere with individual rights to practice religion, engage in commerce or exercise
29 the right of expression through speech, assembly, petition or protest on account of risks
30 presented by a pandemic.

31 (b) Discriminate against any person for exercising the rights described in paragraph (a)
32 of this subsection or any other right on account of risks presented by a pandemic.

33 (2) Notwithstanding a declaration by the Governor under ORS 401.165 or 433.441, a public
34 body may not enter into a contract or give a loan, grant or any other disbursement of tax-
35 payer moneys to a business affiliation that restricts any person from exercising the rights
36 described in subsection (1) of this section or any other liberty right secured by the United
37 States Constitution or Oregon Constitution on account of risks presented by a pandemic.

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

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

43 **SECTION 5.** Sections 1 to 4 of this 2025 Act do not:

44 (1) Alter valid restrictions of activities that pose a direct threat to others where the di-
45 rect threat cannot be eliminated or reduced by reasonable accommodation.

1 **(2) Alter common law or statutory penalties and remedies for negligent or intentional**
2 **transmission of a communicable disease to another person.**

3 **SECTION 6.** **This 2025 Act being necessary for the immediate preservation of the public**
4 **peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect**
5 **on its passage.**

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