

Requested by Representative TRAN

**PROPOSED AMENDMENTS TO
HOUSE BILL 3819**

1 On page 1 of the printed bill, line 2, delete “40.460,”.

2 Delete lines 3 and 4 and insert “419B.005, 687.011, 687.031, 687.081, 687.122,
3 687.250 and 687.991; and prescribing an effective date.”.

4 Delete lines 6 through 18 and delete pages 2 through 21 and insert:

5 **“SECTION 1. Section 2 of this 2025 Act is added to and made a part
6 of ORS 687.011 to 687.250.**

7 **“SECTION 2. (1) The State Board of Massage Therapists may issue
8 a temporary practice permit to a person who:**

9 **“(a) Applies to the board in a manner prescribed by the board;**

10 **“(b) Holds a valid authorization to practice massage issued by an-
11 other state or territory of the United States or by a foreign country;
12 and**

13 **“(c) Pays the temporary practice permit fee required under ORS
14 687.071.**

15 **“(2) A temporary practice permit issued under this section:**

16 **“(a) Allows the holder to practice massage for the purpose of:**

17 **“(A) Presenting educational or clinical programs, lectures, seminars
18 or workshops;**

19 **“(B) Furnishing massage services during an emergency as part of
20 a disaster relief team; or**

21 **“(C) Consulting with a massage therapist licensed in this state re-**

1 **garding massage practices or services.**

2 **“(b) Is valid for not more than 180 days in a calendar year.**

3 **“SECTION 3.** ORS 687.011 is amended to read:

4 “687.011. As used in ORS 687.011 to 687.250, 687.895 and 687.991:

5 “[*(1) ‘Board’ means the State Board of Massage Therapists.*]

6 “[*(2)*] (1) ‘Certified class’ means a class that is approved by the [*board*]
7 **State Board of Massage Therapists** and is offered:

8 “(a) By a person or institution licensed as a career school under ORS
9 345.010 to 345.340;

10 “(b) By a community college and approved by the Higher Education Co-
11 ordinating Commission;

12 “(c) By an accredited college or university; or

13 “(d) In another state and licensed or approved by the appropriate agency
14 in that state.

15 “[*(3)*] (2) ‘Manual’ means the use of the hands, feet or any other part of
16 the body in the performance of massage.

17 “[*(4)(a)*] (3)(a) ‘Massage,’ ‘massage therapy’ or ‘bodywork’ means the use
18 of pressure, friction, stroking, tapping or kneading on the human body, or
19 the use of vibration or stretching on the human body by manual or me-
20 chanical means or gymnastics, with or without appliances such as vibrators,
21 infrared heat, sun lamps or external baths, and with or without lubricants
22 such as salts, powders, liquids or creams, for the purpose of, but not limited
23 to, maintaining good health and establishing and maintaining good physical
24 condition.

25 “(b) ‘Massage,’ ‘massage therapy’ and ‘bodywork’ do not include the use
26 of high-velocity, short-amplitude manipulative thrusting procedures to the
27 articulations of the spine or extremities.

28 “[*(5)(a)*] (4)(a) ‘Massage facility’ means a facility where a person engages
29 in the practice of massage.

30 “(b) ‘Massage facility’ does not include:

1 “(A) A career school licensed under ORS 345.010 to 345.340;

2 “(B) An accredited college or university or a community college operated
3 under ORS chapter 341; or

4 “(C) A clinic or facility owned or operated by a person authorized to
5 practice a profession by a health professional regulatory board, as defined
6 in ORS 676.160.

7 “[6] (5) ‘Massage therapist’ means a person licensed under ORS 687.011
8 to 687.250, 687.895 and 687.991 to practice massage.

9 “[7] (6) ‘Practice of massage’ means the performance of massage:

10 “(a) For purposes other than sexual contact, as defined in ORS 167.002 (5);
11 and

12 “(b) For compensation.

13 “[8] (7) ‘Preceptor’ means a licensed massage therapist who contracts
14 with an approved school or program of massage to provide direct on-site
15 clinical supervision of a student enrolled in a certified class.

16 “[9] (8) ‘Supervision’ means:

17 “(a) The process of overseeing and directing the training of students en-
18 rolled in a certified class as set forth in the rules of the board;

19 “(b) The process of overseeing and directing a licensee, or a person that
20 has a permit to operate a massage facility, who is being disciplined by the
21 board; or

22 “(c) Voluntary consultation with, and education of, less experienced li-
23 censed massage therapists or practitioners in related fields.

24 “[10] (9) ‘Unprofessional or dishonorable conduct’ means a behavior,
25 practice or condition that is contrary to the ethical standards adopted by the
26 board.

27 **“SECTION 4.** ORS 687.031 is amended to read:

28 “687.031. (1) ORS 687.011 to 687.250, 687.895 and 687.991 do not apply to:

29 “(a) Persons licensed under any other law of this state to do any acts
30 included in the definition of massage in ORS 687.011 or persons working

1 under the direction of any such person.

2 “(b) Trainers of any amateur, semiprofessional or professional athlete or
3 athletic team.

4 “(c) Massage practiced at the athletic department of any institution
5 maintained by public funds of the state or of any of its political subdivisions.

6 “(d) Massage practiced at the athletic department of any school or col-
7 lege.

8 “(e) Massage clinics operated as part of a certified class for the purpose
9 of student training supervised by an approved instructor or preceptor if:

10 “(A) Any charge for the massage does not exceed the cost incurred in
11 providing the massage; and

12 “(B) The student is not compensated.

13 “(f) Students enrolled in a certified class when practicing massage tech-
14 niques in a nonclinical setting, at or away from massage school premises or
15 program sites, under the supervision of an approved instructor or preceptor,
16 if:

17 “(A) The student is clearly identified as a student to any member of the
18 public receiving massage services; and

19 “(B) The student is not compensated.

20 “(g) Nonresident practitioners holding a valid [*license, permit, certificate*
21 *or registration*] **authorization to practice massage** issued by any other
22 state or territory of the United States or by a foreign country and tempo-
23 rarily practicing massage in this state for a period not exceeding 30 days for
24 the purpose of:

25 “(A) Presenting educational or clinical programs, lectures, seminars or
26 workshops;

27 “(B) Furnishing massage services during an emergency as part of a dis-
28 aster response team; or

29 “(C) Consulting with a massage therapist licensed in this state regarding
30 massage practices or services.

1 “(h) Trained or licensed practitioners of psychotherapy or counseling
2 modalities that use physical techniques to access or support
3 psychotherapeutic processes when practicing within the scope of a license
4 or if the practitioner has an express oral or written agreement that the sole
5 intent in using the physical techniques is to render the psychotherapy or
6 counseling.

7 “(i) Practitioners of reflexology who do not claim expressly or implicitly
8 to be massage therapists and who limit their work to the practice of
9 reflexology through the application of pressure with the thumbs to reflex
10 points on the feet, hands and ears for the purpose of bringing the body into
11 balance, thereby promoting the well-being of clients.

12 “(j) Practitioners who:

13 “(A) Do not claim expressly or implicitly to be massage therapists;

14 “(B) Limit their work to one or more of the following practices:

15 “(i) Using touch, words and directed movement to deepen awareness of
16 existing patterns of movement and suggest new possibilities of movement;

17 “(ii) Using minimal touch over specific points on the body to facilitate
18 balance in the nervous system; or

19 “(iii) Using touch to affect the energy systems or channels of energy of
20 the body;

21 “(C) Are certified by a professional organization or credentialing agency
22 that:

23 “(i) Requires a minimum level of training, demonstration of competence
24 and adherence to an approved scope of practice and ethical standards; and

25 “(ii) Maintains disciplinary procedures to ensure adherence to the re-
26 quirements of the organization or agency; and

27 “(D) Provide contact information in the practitioner’s place of business
28 for any organization or agency that has certified the practitioner.

29 “(2) The State Board of Massage Therapists has the authority to verify
30 that a practitioner claiming to be exempt from application of ORS 687.011

1 to 687.250, 687.895 and 687.991 under subsection (1)(j) of this section is cer-
2 tified by a professional organization or credentialing agency as required by
3 subsection (1)(j)(C) of this section.

4 “[(3) *A nonresident practitioner performing massage under subsection (1)(g)*
5 *of this section must obtain a temporary practice permit if practicing in this*
6 *state for a total of more than 30 days in a calendar year. Applications must*
7 *be accompanied by the application fee provided for in ORS 687.071. A tempo-*
8 *rary practice permit shall allow the nonresident practitioner to practice mas-*
9 *sage in this state for a maximum of 180 days in a calendar year.*]

10 **“SECTION 5.** ORS 687.081 is amended to read:

11 “687.081. (1) The State Board of Massage Therapists may discipline a
12 person, deny, suspend, revoke or refuse to renew a license to practice mas-
13 sage or a permit to operate a massage facility and issue a reprimand to or
14 censure or place on probation a licensee or permittee, if the person:

15 “(a) Has violated a provision of ORS 687.011 to 687.250, 687.895 and
16 687.991 or any rule of the board adopted under ORS 687.121.

17 “(b) Has made a false representation or statement to the board in order
18 to induce or prevent action by the board.

19 “(c) Is licensed under ORS 687.051 or holds a permit under ORS 687.059
20 and has a physical or mental condition that makes the licensee or permittee
21 unable to conduct safely the practice of massage or operation of a massage
22 facility.

23 “(d) Is licensed under ORS 687.051 or holds a permit under ORS 687.059
24 and is habitually intemperate in the use of alcoholic beverages or is addicted
25 to the use of habit-forming drugs or controlled substances.

26 “(e) Has misrepresented to a patron services rendered.

27 “(f) Has been convicted of a crime that bears a demonstrable relationship
28 to the practice of massage or operation of a massage facility.

29 “(g) Whether licensed to practice massage or applying for a license to
30 practice massage, fails to meet a requirement under ORS 687.051.

1 “(h) Whether permitted to operate a massage facility or applying for a
2 permit to operate a massage facility, fails to meet a requirement under ORS
3 687.059.

4 “(i) Violates a provision of ORS 167.002 to 167.027.

5 “(j) Engages in unprofessional or dishonorable conduct.

6 “(k) Has been the subject of disciplinary action as a massage therapist
7 or operator of a massage facility by another state or territory of the United
8 States or by a foreign country and the board determines that the cause of
9 the disciplinary action would be a violation under ORS 687.011 to 687.250,
10 687.895 or 687.991 or the rules of the board if the cause of the disciplinary
11 action had occurred in this state.

12 “(2) If the board places a licensee or permittee on probation pursuant to
13 subsection (1) of this section, the board may impose and at any time modify
14 the following conditions of probation:

15 “(a) Limitation on the scope of the practice of massage or the operation
16 of a massage facility.

17 “(b) Referral to the impaired health professional program established un-
18 der ORS 676.190.

19 “(c) Individual or peer supervision.

20 “(d) Any other condition that the board considers necessary for the pro-
21 tection of the public or the rehabilitation of the licensee or permittee.

22 “(3) If the board determines that the continued practice of massage by a
23 licensee or the continued operation of a massage facility by a permittee
24 constitutes a serious danger to the public, the board may impose an emer-
25 gency suspension of the license or permit without a hearing. Simultaneous
26 with the order of suspension, the board shall institute proceedings for a
27 hearing as provided under ORS 687.011 to 687.250, 687.895 and 687.991. The
28 suspension shall continue unless and until the licensee or permittee obtains
29 injunctive relief from a court of competent jurisdiction or the board deter-
30 mines that the suspension is no longer necessary for the protection of the

1 public.

2 “(4) In addition to or instead of the discipline described in subsection (1)
3 of this section, the board may impose a civil penalty under ORS 687.250. Civil
4 penalties under this subsection shall be imposed pursuant to ORS 183.745.

5 “(5) Prior to imposing a sanction authorized under this section, the board
6 shall consider, but is not limited to considering, the following factors:

7 “(a) The person’s past history in observing the provisions of ORS 687.011
8 to 687.250, 687.895 and 687.991 and the rules of the board;

9 “(b) The effect of the violation on public safety and welfare;

10 “(c) The degree to which the action subject to sanction violates profes-
11 sional ethics and standards of practice;

12 “(d) The economic and financial condition of the person subject to sanc-
13 tion; and

14 “(e) Any mitigating **or aggravating** factors that the board may choose
15 to consider.

16 “(6) In addition to the sanctions authorized by this section, the board may
17 assess against a person the reasonable costs of a disciplinary action taken
18 against the person.

19 “(7) The board shall adopt a code of ethical standards for massage thera-
20 pists and shall take appropriate measures to ensure that all applicants and
21 massage therapists are aware of those standards.

22 “(8) Upon receipt of a complaint under ORS 687.011 to 687.250, 687.895 and
23 687.991, the board shall conduct an investigation as described under ORS
24 676.165.

25 “(9) Information that the board obtains as part of an investigation into
26 the conduct of a person or as part of a contested case proceeding, consent
27 order or stipulated agreement involving the conduct of a person is confi-
28 dential as provided under ORS 676.175.

29 **“SECTION 6.** ORS 687.122 is amended to read:

30 “687.122. (1) Upon the complaint of any [*citizen*] **resident** of this state,

1 or upon its own motion, the State Board of Massage Therapists may inves-
2 tigate any alleged violation of ORS 687.011 to 687.250, 687.895 and 687.991.

3 “(2) In the conduct of investigations, the board may:

4 “(a) Take evidence;

5 “(b) Take the depositions of witnesses, including the person charged, in
6 the manner provided by law in civil cases;

7 “(c) Compel the appearance of witnesses, including the person charged,
8 before the board in person the same as in civil cases;

9 “(d) Require answers to interrogatories; and

10 “(e) Compel the production of books, papers, accounts, documents and
11 testimony pertaining to the matter under investigation.

12 “(3) In exercising its authority under subsection (2) of this section, the
13 board may issue subpoenas over the signature of the board chairperson and
14 the seal of the board in the name of the State of Oregon.

15 “(4) If a person fails to comply with a subpoena issued under this section,
16 the judge of the circuit court shall compel obedience by proceedings for
17 contempt as in the case of disobedience of the requirements of a subpoena
18 issued from the court.

19 **“SECTION 7.** ORS 687.250 is amended to read:

20 “687.250. (1) The State Board of Massage Therapists shall report to the
21 proper district attorney all cases that in the judgment of the board warrant
22 criminal prosecution under ORS 687.991.

23 “(2) The board may, in its own name, assess a civil penalty against a
24 person who violates a provision of ORS 687.011 to 687.250, 687.895 and
25 687.991. The board may assess the civil penalty instead of or in addition to
26 disciplinary action under ORS 687.081, an injunction issued under ORS
27 687.021 or criminal prosecution by the district attorney under this section.
28 The amount of the civil penalty may not exceed [~~\$1,000~~] **\$5,000** for any single
29 violation.

30 “(3) Except as the board may otherwise provide under ORS 182.462 (1)(e),

1 moneys collected through the assessment of civil penalties by the board un-
2 der [*this subsection*] **subsection (2) of this section** or ORS 687.081 shall be
3 deposited into the account created by the board pursuant to ORS 182.470 and
4 are continuously appropriated to the board for carrying out the provisions
5 of ORS 687.011 to 687.250, 687.895 and 687.991.

6 “(4) Upon a determination by the board that a massage facility is
7 in violation of ORS 687.021 and employs or contracts with persons to
8 practice massage who are not licensed under ORS 687.011 to 687.250,
9 687.895 and 687.991, in addition to any other disciplinary action, the
10 board may post on the exterior of the premises a placard that states
11 the massage facility is in violation of ORS 687.021 and that contains
12 any other information required by the board. In addition to any other
13 civil penalty or disciplinary action allowed under ORS 687.011 to
14 687.250, 687.895 and 687.991, the board may assess a civil penalty against
15 a massage facility described in this subsection that removes a placard
16 posted by the board in an amount not to exceed \$100 per day during
17 which the placard is removed.

18 “**SECTION 8.** ORS 687.991 is amended to read:

19 “687.991. (1) Violation of ORS 687.021 or of any rule adopted under ORS
20 687.121 is a [*Class A misdemeanor*] **Class C felony**.

21 “(2) Violation of ORS 687.410 is a Class A misdemeanor.

22 “**SECTION 9.** ORS 419B.005, as amended by section 64, chapter 73,
23 Oregon Laws 2024, is amended to read:

24 “419B.005. As used in ORS 419B.005 to 419B.050, unless the context re-
25 quires otherwise:

26 “(1)(a) ‘Abuse’ means:

27 “(A) Any assault, as defined in ORS chapter 163, of a child and any
28 physical injury to a child that has been caused by other than accidental
29 means, including any injury that appears to be at variance with the expla-
30 nation given of the injury.

1 “(B) Any mental injury to a child, which shall include only cruel or
2 unconscionable acts or statements made, or threatened to be made, to a child
3 if the acts, statements or threats result in severe harm to the child’s psy-
4 chological, cognitive, emotional or social well-being and functioning.

5 “(C) Rape of a child, which includes but is not limited to rape, sodomy,
6 unlawful sexual penetration and incest, as those acts are described in ORS
7 chapter 163.

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

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

10 “(i) Contributing to the sexual delinquency of a minor, as defined in ORS
11 chapter 163, and any other conduct that allows, employs, authorizes, permits,
12 induces or encourages a child to engage in the performing for people to ob-
13 serve or the photographing, filming, tape recording or other exhibition that,
14 in whole or in part, depicts sexual conduct or contact, as defined in ORS
15 167.002 or described in ORS 163.665 and 163.670, sexual abuse involving a
16 child or rape of a child, but not including any conduct that is part of any
17 investigation conducted pursuant to ORS 419B.020 or that is designed to
18 serve educational or other legitimate purposes; and

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

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

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

28 “(H) Buying or selling a person under 18 years of age as described in ORS
29 163.537.

30 “(I) Permitting a person under 18 years of age to enter or remain in or

1 upon premises where methamphetamines are being manufactured.

2 “(J) Unlawful exposure to a controlled substance, as defined in ORS
3 475.005, or to the unlawful manufacturing of a cannabinoid extract, as de-
4 fined in ORS 475C.009, that subjects a child to a substantial risk of harm to
5 the child’s health or safety.

6 “(K) The restraint or seclusion of a child in violation of ORS 339.285,
7 339.288, 339.291, 339.303 or 339.308.

8 “(L) The infliction of corporal punishment on a child in violation of ORS
9 339.250 (9).

10 “(b) ‘Abuse’ does not include reasonable discipline unless the discipline
11 results in one of the conditions described in paragraph (a) of this subsection.

12 “(2) ‘Child’ means an unmarried person who:

13 “(a) Is under 18 years of age; or

14 “(b) Is a child in care, as defined in ORS 418.257.

15 “(3) ‘Higher education institution’ means:

16 “(a) A community college as defined in ORS 341.005;

17 “(b) A public university listed in ORS 352.002;

18 “(c) The Oregon Health and Science University; and

19 “(d) A private institution of higher education located in Oregon.

20 “(4)(a) ‘Investigation’ means a detailed inquiry into or assessment of the
21 safety of a child alleged to have experienced abuse.

22 “(b) ‘Investigation’ does not include screening activities conducted upon
23 the receipt of a report.

24 “(5) ‘Law enforcement agency’ means:

25 “(a) A city or municipal police department.

26 “(b) A county sheriff’s office.

27 “(c) The Oregon State Police.

28 “(d) A police department established by a university under ORS 352.121
29 or 353.125.

30 “(e) A county juvenile department.

1 “(6) ‘Public or private official’ means:
2 “(a) Physician or physician associate licensed under ORS chapter 677 or
3 naturopathic physician, including any intern or resident.
4 “(b) Dentist.
5 “(c) School employee, including an employee of a higher education insti-
6 tution.
7 “(d) Licensed practical nurse, registered nurse, nurse practitioner, nurse’s
8 aide, home health aide or employee of an in-home health service.
9 “(e) Employee of the Department of Human Services, Oregon Health Au-
10 thority, Department of Early Learning and Care, Department of Education,
11 Youth Development Division, the Oregon Youth Authority, a local health
12 department, a community mental health program, a community develop-
13 mental disabilities program, a county juvenile department, a child-caring
14 agency as that term is defined in ORS 418.205 or an alcohol and drug treat-
15 ment program.
16 “(f) Peace officer.
17 “(g) Psychologist.
18 “(h) Member of the clergy.
19 “(i) Regulated social worker.
20 “(j) Optometrist.
21 “(k) Chiropractor.
22 “(L) Certified provider of foster care, or an employee thereof.
23 “(m) Attorney.
24 “(n) Licensed professional counselor.
25 “(o) Licensed marriage and family therapist.
26 “(p) Firefighter or emergency medical services provider.
27 “(q) Court appointed special advocate, as defined in ORS 419A.004.
28 “(r) Child care provider registered or certified under ORS 329A.250 to
29 329A.450.
30 “(s) Elected official of a branch of government of this state or a state

1 agency, board, commission or department of a branch of government of this
2 state or of a city, county or other political subdivision in this state.

3 “(t) Physical, speech or occupational therapist.

4 “(u) Audiologist.

5 “(v) Speech-language pathologist.

6 “(w) Employee of the Teacher Standards and Practices Commission di-
7 rectly involved in investigations or discipline by the commission.

8 “(x) Pharmacist.

9 “(y) Operator of a preschool recorded program under ORS 329A.255.

10 “(z) Operator of a school-age recorded program under ORS 329A.255.

11 “(aa) Employee of a private agency or organization facilitating the pro-
12 vision of respite services, as defined in ORS 418.205, for parents pursuant to
13 a properly executed power of attorney under ORS 109.056.

14 “(bb) Employee of a public or private organization providing child-related
15 services or 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, super-
22 vision or auspices of a religious, public or private educational system or a
23 community service organization; and

24 “(B) Excluding an employee of a qualified victim services program as de-
25 fined in ORS 147.600 that provides confidential, direct services to victims of
26 domestic violence, sexual assault, stalking or human trafficking.

27 “(cc) Coach, assistant coach or trainer of an amateur, semiprofessional
28 or professional athlete, if compensated and if the athlete is a child.

29 “(dd) Personal support worker, as defined in ORS 410.600.

30 “(ee) Home care worker, as defined in ORS 410.600.

1 “(ff) Animal control officer, as defined in ORS 609.500.

2 “(gg) Member of a school district board, an education service district
3 board or a public charter school governing body.

4 “(hh) Individual who is paid by a public body, in accordance with ORS
5 430.215, to provide a service identified in an individualized service plan of a
6 child with a developmental disability.

7 “(ii) Referral agent, as defined in ORS 418.351.

8 “(jj) Parole and probation officer, as defined in ORS 181A.355.

9 “(kk) Behavior analyst or assistant behavior analyst licensed under ORS
10 676.810 or behavior analysis interventionist registered by the Health Licens-
11 ing Office under ORS 676.815.

12 “**(LL) Massage therapist, as defined in ORS 687.011.**

13 “**SECTION 10.** ORS 419B.005, as amended by section 6, chapter 581,
14 Oregon Laws 2023, and section 65, chapter 73, Oregon Laws 2024, is amended
15 to read:

16 “419B.005. As used in ORS 419B.005 to 419B.050, unless the context re-
17 quires otherwise:

18 “(1)(a) ‘Abuse’ means:

19 “(A) Any assault, as defined in ORS chapter 163, of a child and any
20 physical injury to a child that has been caused by other than accidental
21 means, including any injury that appears to be at variance with the expla-
22 nation given of the injury.

23 “(B) Any mental injury to a child, which shall include only cruel or
24 unconscionable acts or statements made, or threatened to be made, to a child
25 if the acts, statements or threats result in severe harm to the child’s psy-
26 chological, cognitive, emotional or social well-being and functioning.

27 “(C) Rape of a child, which includes but is not limited to rape, sodomy,
28 unlawful sexual penetration and incest, as those acts are described in ORS
29 chapter 163.

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

1 “(E) Sexual exploitation, including but not limited to:
2 “(i) Contributing to the sexual delinquency of a minor, as defined in ORS
3 chapter 163, and any other conduct that allows, employs, authorizes, permits,
4 induces or encourages a child to engage in the performing for people to ob-
5 serve or the photographing, filming, tape recording or other exhibition that,
6 in whole or in part, depicts sexual conduct or contact, as defined in ORS
7 167.002 or described in ORS 163.665 and 163.670, sexual abuse involving a
8 child or rape of a child, but not including any conduct that is part of any
9 investigation conducted pursuant to ORS 419B.020 or that is designed to
10 serve educational or other legitimate purposes; and
11 “(ii) Allowing, permitting, encouraging or hiring a child to engage in
12 prostitution as described in ORS 167.007 or a commercial sex act as defined
13 in ORS 163.266, to purchase sex with a minor as described in ORS 163.413
14 or to engage in commercial sexual solicitation as described in ORS 167.008.
15 “(F) Negligent treatment or maltreatment of a child, including but not
16 limited to the failure to provide adequate food, clothing, shelter or medical
17 care that is likely to endanger the health or welfare of the child.
18 “(G) Threatened harm to a child, which means subjecting a child to a
19 substantial risk of harm to the child’s health or welfare.
20 “(H) Buying or selling a person under 18 years of age as described in ORS
21 163.537.
22 “(I) Permitting a person under 18 years of age to enter or remain in or
23 upon premises where methamphetamines are being manufactured.
24 “(J) Unlawful exposure to a controlled substance, as defined in ORS
25 475.005, or to the unlawful manufacturing of a cannabinoid extract, as de-
26 fined in ORS 475C.009, that subjects a child to a substantial risk of harm to
27 the child’s health or safety.
28 “(K) The infliction of corporal punishment on a child in violation of ORS
29 339.250 (9).
30 “(b) ‘Abuse’ does not include reasonable discipline unless the discipline

1 results in one of the conditions described in paragraph (a) of this subsection.

2 “(2) ‘Child’ means an unmarried person who:

3 “(a) Is under 18 years of age; or

4 “(b) Is a child in care, as defined in ORS 418.257.

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
11 safety of a child alleged to have experienced abuse.

12 “(b) ‘Investigation’ does not include screening activities conducted upon
13 the receipt of a report.

14 “(5) ‘Law enforcement agency’ means:

15 “(a) A city or municipal police department.

16 “(b) A county sheriff’s office.

17 “(c) The Oregon State Police.

18 “(d) A police department established by a university under ORS 352.121
19 or 353.125.

20 “(e) A county juvenile department.

21 “(6) ‘Public or private official’ means:

22 “(a) Physician or physician associate licensed under ORS chapter 677 or
23 naturopathic physician, including any intern or resident.

24 “(b) Dentist.

25 “(c) School employee, including an employee of a higher education insti-
26 tution.

27 “(d) Licensed practical nurse, registered nurse, nurse practitioner, nurse’s
28 aide, home health aide or employee of an in-home health service.

29 “(e) Employee of the Department of Human Services, Oregon Health Au-
30 thority, Department of Early Learning and Care, Department of Education,

1 Youth Development Division, the Oregon Youth Authority, a local health
2 department, a community mental health program, a community develop-
3 mental disabilities program, a county juvenile department, a child-caring
4 agency as that term is defined in ORS 418.205 or an alcohol and drug treat-
5 ment program.

6 “(f) Peace officer.

7 “(g) Psychologist.

8 “(h) Member of the clergy.

9 “(i) Regulated social worker.

10 “(j) Optometrist.

11 “(k) Chiropractor.

12 “(L) Certified provider of foster care, or an employee thereof.

13 “(m) Attorney.

14 “(n) Licensed professional counselor.

15 “(o) Licensed marriage and family therapist.

16 “(p) Firefighter or emergency medical services provider.

17 “(q) Court appointed special advocate, as defined in ORS 419A.004.

18 “(r) Child care provider registered or certified under ORS 329A.250 to
19 329A.450.

20 “(s) Elected official of a branch of government of this state or a state
21 agency, board, commission or department of a branch of government of this
22 state or of a city, county or other political subdivision in this state.

23 “(t) Physical, speech or occupational therapist.

24 “(u) Audiologist.

25 “(v) Speech-language pathologist.

26 “(w) Employee of the Teacher Standards and Practices Commission di-
27 rectly involved in investigations or discipline by the commission.

28 “(x) Pharmacist.

29 “(y) Operator of a preschool recorded program under ORS 329A.255.

30 “(z) Operator of a school-age recorded program under ORS 329A.255.

1 “(aa) Employee of a private agency or organization facilitating the pro-
2 vision of respite services, as defined in ORS 418.205, for parents pursuant to
3 a properly executed power of attorney under ORS 109.056.

4 “(bb) Employee of a public or private organization providing child-related
5 services or activities:

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

7 “(i) Youth group or center;

8 “(ii) Scout group or camp;

9 “(iii) Summer or day camp;

10 “(iv) Survival camp; or

11 “(v) Group, center or camp that is operated under the guidance, super-
12 vision or auspices of a religious, public or private educational system or a
13 community service organization; and

14 “(B) Excluding an employee of a qualified victim services program as de-
15 fined in ORS 147.600 that provides confidential, direct services to victims of
16 domestic violence, sexual assault, stalking or human trafficking.

17 “(cc) Coach, assistant coach or trainer of an amateur, semiprofessional
18 or professional athlete, if compensated and if the athlete is a child.

19 “(dd) Personal support worker, as defined in ORS 410.600.

20 “(ee) Home care worker, as defined in ORS 410.600.

21 “(ff) Animal control officer, as defined in ORS 609.500.

22 “(gg) Member of a school district board, an education service district
23 board or a public charter school governing body.

24 “(hh) Individual who is paid by a public body, in accordance with ORS
25 430.215, to provide a service identified in an individualized service plan of a
26 child with a developmental disability.

27 “(ii) Referral agent, as defined in ORS 418.351.

28 “(jj) Parole and probation officer, as defined in ORS 181A.355.

29 “(kk) Behavior analyst or assistant behavior analyst licensed under ORS
30 676.810 or behavior analysis interventionist registered by the Health Licens-

1 ing Office under ORS 676.815.

2 “(LL) Massage therapist, as defined in ORS 687.011.

3 **“SECTION 11. (1) Section 2 of this 2025 Act and the amendments to**
4 **ORS 419B.005, 687.011, 687.031, 687.081, 687.122, 687.250 and 687.991 by**
5 **sections 3 to 10 of this 2025 Act become operative on January 1, 2026.**

6 **“(2) The State Board of Massage Therapists may take any action**
7 **before the operative date specified in subsection (1) of this section that**
8 **is necessary to enable the board to exercise, on and after the operative**
9 **date specified in subsection (1) of this section, all of the duties, func-**
10 **tions and powers conferred on the board by section 2 of this 2025 Act**
11 **and the amendments to ORS 419B.005, 687.011, 687.031, 687.081, 687.122,**
12 **687.250 and 687.991 by sections 3 to 10 of this 2025 Act.**

13 **“SECTION 12. This 2025 Act takes effect on the 91st day after the**
14 **date on which the 2025 regular session of the Eighty-third Legislative**
15 **Assembly adjourns sine die.”.**

16
