

# SUMMARY OF LEGISLATION

2020

Third Special Session

LEGISLATIVE POLICY AND  
RESEARCH OFFICE  
80<sup>TH</sup> OREGON  
LEGISLATIVE ASSEMBLY



# 2020 THIRD SPECIAL SESSION SUMMARY OF LEGISLATION

80<sup>th</sup> Oregon Legislative Assembly

---

A publication of the  
Legislative Policy and Research Office



The Legislative Policy and Research Office (LPRO) provides centralized, professional, and nonpartisan research, issue analysis, and committee management services for the Legislative Assembly.

---

**Misty Mason Freeman**, Director

**Oliver Droppers**, Deputy Director for Policy Research

**Beth Patrino**, Deputy Director for Committee Services

**Patsy Wood**, Deputy Director for Administration

Kristi Arrington  
Patrick Brennan  
Amie Fender-Sosa  
Gillian Fischer  
Lisa Gezelter  
Isabel Hernandez  
Laura Kentnesse  
Samantha Koopman

Michael Lantz  
Zoe Larmer  
Tyler Larson  
Melissa Leoni  
Alethia Miller  
Sean Murphy  
Channa Newell  
Brian Niebuurt

Jan Nordlund  
Shelley Raszka  
Beth Reiley  
Mike Reiley  
C. Ross  
Danielle Ross  
Lisa Rybloom  
Jalaine WhiteHorse

## ABOUT THE SUMMARY OF LEGISLATION

The 2020 Third Special Session Summary of Legislation summarizes selected measures that were considered by the 80th Oregon Legislative Assembly during a one-day special session that was held December 21, 2020. Measure summaries are organized by policy areas. The summaries of selected measures follow in numerical order by chamber.

Each summary provides information on the chief sponsors, committees, background and current law, description of the measure, and date when the measure, if enacted, becomes effective. Each summary also includes a link to the measure on the [Oregon Legislative Information System \(OLIS\)](#), which provides a more comprehensive staff measure summary, all versions of the measure, amendments, public testimony, a complete measure history, and final vote tallies. Users may search for individual measures in the 2020 Third Special Session Summary of Legislation by keyword or measure number.

The 2020 Third Special Session Summary of Legislation focuses on policy measures. Information on revenue measures is available on the [Legislative Revenue Office website](#). Information on budget measures is available on the [Legislative Fiscal Office website](#).

# TABLE OF CONTENTS

---

**Business and Labor ..... 1**

**Education ..... 2**

**Health Care ..... 3**

**Housing ..... 4**

[Senate Bill 1801](#)

Effective Date: December 23, 2020

**Sale and Delivery of Alcoholic Beverages Off-premises**

**At the request of:** Joint Committee on the Third Special Session of 2020

**Chief Sponsor:** Sen. Courtney

**Committees:** Joint Committee on the Third Special Session of 2020

**Background and Current Law:** A full on-premises sales license ([ORS 471.175](#) (2019)) from the Oregon Liquor Control Commission (OLCC) allows the holder to sell wine, malt beverages, cider, and distilled liquor by the drink for consumption on the licensed premises with certain exceptions for consumption off the licensed premises only for malt beverages, wines, and cider. In March 2020, the OLCC created a streamlined application process for existing limited on-premises sales and full on-premises sales licensees (restaurants and bars) to sell malt beverages, wine, and cider to-go. In September 2020, the OLCC amended its rules to streamline the regulatory framework allowing for delivery of beer, wine, and cider to consumers, eliminating the distinction between “same-day” and “next-day” deliveries and allowing “curbside” delivery of beer, wine, and cider to consumers. Only factory-sealed containers or securely covered containers of malt beverages, wine, or cider may be sold “to-go” by eligible licensees.

**Bill Summary:** Senate Bill 1801 allows the OLCC to authorize a full on-premises sales licensee, during the declared COVID-19 pandemic state of emergency, to sell and deliver mixed drinks and single servings of wine in containers with a secure cap or lid for off-premises consumption. The measure also limits the fees that a third-party food platform may charge a restaurant for the facilitation of customer food and beverage orders.

**Oregon Laws 2020:** Chapter 1

---

[House Bill 4402](#)

Effective Date: December 23, 2020

**Liability Protections for Schools during COVID-19 Emergency Period**

**At the request of:** Joint Committee on the Third Special Session of 2020

**Chief Sponsor:** Rep. Kotek

**Committees:** Joint Committee on the Third Special Session of 2020

**Background and Current Law:** In response to the COVID-19 pandemic and the Governor’s Executive Orders limiting in-person gatherings, Oregon’s public schools began operating primarily via comprehensive distance learning in April 2020. If school districts met specific metrics related to the prevalence of COVID-19 infections in the community, those schools could offer limited in-person instruction. Exemptions also existed for limited instruction of specific student groups, small remote schools, and other circumstances. In anticipation of some in-person instruction, the Oregon Department of Education (ODE) issued guidance, with input from school districts, on standards for public health protocols, including standards for cleaning, disinfection, ventilation, health services, and ways of limiting the risk of infection in a variety of scenarios. ODE also published guidance in the form of a toolkit to guide districts through COVID-19 scenarios.

**Bill Summary:** House Bill 4402 prohibits claims against school districts for damages arising from COVID-19 infections if the school’s act or omission was made in compliance with the Governor’s Executive Orders, rules, or other forms of guidance from kindergarten through grade 12 and community colleges. The measure does not prohibit causes of actions based on workers’ compensation, occupational health and safety, wage and hour laws, discrimination, retaliation, or specialized instruction laws. The measure provides whistleblower protections to third-party contractors, such as janitorial service providers, bus drivers, and food service providers. The measure sets up a mechanism for an early offramp for claims that may be barred, while allowing claims that show a genuine issue of material fact to continue through the court process.

**Oregon Laws 2020:** Chapter 4

---

[Senate Bill 1803](#)

Effective Date: **Not Enacted**

**Legal Liability for Health Care Organizations during COVID-19 Pandemic**

**At the request of:** Joint Committee on the Third Special Session of 2020

**Chief Sponsor:** Sen. Courtney

**Committees:** Joint Committee on the Third Special Session of 2020

**Background and Current Law:** On March 8, 2020, Governor Kate Brown declared a state of emergency due to COVID-19 infections. At the time, there were 14 presumptive or confirmed cases in the state. As of December 20th, there were nearly 103,000 cases and 1,341 deaths. On March 19th, Governor Brown issued [Executive Order 20-10](#), which required all care settings, including hospitals, outpatient clinics, and dental clinics, to cancel or reschedule all elective and nonurgent procedures to conserve personal protective equipment (PPE) and other health care resources.

**Bill Summary:** Senate Bill 1803 would have prohibited certain legal actions against health care providers complying with COVID-19 state emergency rules in the course of rendering health care services. Specified facilities would have been excluded from the protections of the measure: long-term care facilities, residential care facilities, domiciliary facilities, and facilities operated by the Department of Corrections. The liability protection also would not have applied to specified actions, including: negligence; reckless, wanton, or intentional misconduct; false claims; fraud; or deceptive acts or practices among health care providers. The measure would not have prohibited claims for other reasons, such as discrimination or retaliation. Senate Bill 1803 would have created a process for striking a barred claim early in the legal process and applied to claims arising during the COVID-19 emergency period.

---

[House Bill 4401](#)

Effective Date: December 23, 2020

**Extension of Temporary Halt on Evictions**

**At the request of:** Joint Committee on the Third Special Session of 2020

**Chief Sponsor:** Rep. Kotek

**Committees:** Joint Committee on the Third Special Session of 2020

**Background and Current Law:** On March 22, 2020, Governor Kate Brown issued [Executive Order 20-11](#), placing a temporary moratorium on residential and non-residential evictions for non-payment. During the First Special Session of 2020, the Legislative Assembly passed [House Bill 4213](#), which established an eviction moratorium for residential and nonresidential tenants through September 30, 2020, and allowed a six-month grace period for tenants to repay outstanding rent by March 31, 2021. The grace period established in House Bill 4213 applied to rent accrued between April 1, 2020 and September 30, 2020. On September 28, the Governor issued [Executive Order 20-56](#), extending the temporary moratorium on residential evictions for nonpayment to December 31, 2020. This second executive order did not apply the tenant grace period for repayment to rent accrued between October 1 and December 31, 2020, meaning that landlords could lawfully terminate a tenancy beginning in January 2021 for nonpayment of rent between October 2020 and January 2021.

**Bill Summary:** House Bill 4401 extends the moratorium on eviction without cause through June 30, 2021. The measure also extends the moratorium on eviction for nonpayment through June 30, 2021, for tenants who declare a hardship. It establishes a landlord compensation fund to cover rental assistance and authorizes Oregon Housing and Community Services to distribute rent assistance to recipients of CARES Act Emergency Solutions Grants, including community action agencies and culturally specific providers, which will make payments directly to landlords upon tenants' applications.

**Oregon Laws 2020:** Chapter 3

---