

D R A F T

SUMMARY

Prohibits public bodies and private entities from requiring person to receive COVID-19 vaccination or to possess COVID-19 immunity passport, immunity pass or other evidence certifying COVID-19 vaccination or immunity status.

Prohibits public bodies and private entities from discriminating against person based on non-receipt of COVID-19 vaccination or failure to possess COVID-19 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 COVID-19 pandemic.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to COVID-19; and declaring an emergency.

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

SECTION 1. The Legislative Assembly finds and declares:

(1) It is the policy of the State of Oregon always to protect human rights and constitutional liberties including during a public health crisis or other state of emergency.

(2) It is the policy of the State of Oregon to safeguard medical autonomy, privacy and liberty as to all persons, which includes protecting the public from coercive COVID-19 vaccination and disclosure of vaccination or immunity status. All persons may choose to receive vaccinations or not and to wear a face covering or mask or not as a matter of medical privacy and liberty.

(3) It is the policy of the State of Oregon to protect individual lib-

1 **erties including freedom of trade and commerce, freedom of religion**
2 **and the rights of free speech, assembly, petition and protest from un-**
3 **necessary restrictions.**

4 **(4) It is the policy of the State of Oregon to safeguard public health**
5 **and liberty in a reasonable and balanced manner and to curtail indi-**
6 **vidual liberties only to the extent necessary to protect the public**
7 **health and only where a direct threat can be shown to justify such**
8 **curtailment. Any curtailment of liberty to further public health must**
9 **be medically necessary and furthered by the least intrusive means**
10 **possible.**

11 **(5) It is the policy of the State of Oregon to prohibit all forms of**
12 **wrongful discrimination.**

13 **(6) Numerous individual liberty rights secured by the United States**
14 **Constitution and the Oregon Constitution have been unnecessarily and**
15 **oppressively infringed by certain COVID-19 restrictions and emergency**
16 **measures.**

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

22 **SECTION 2. As used in sections 1 to 4 of this 2021 Act:**

23 **(1) “Business affiliation” means a company, including the agents,**
24 **contractors and employees of the company, that contracts with or does**
25 **business with the State of Oregon or a public body or receives public**
26 **funds through any means including contracts, grants, loans or other**
27 **disbursements of taxpayer money from a public body.**

28 **(2)(a) “Company” means a corporation, limited liability corporation,**
29 **nonprofit corporation, partnership, limited partnership, limited liabil-**
30 **ity partnership, business trust, joint venture, domestic or foreign sole**
31 **proprietorship, other domestic or foreign entity or business association**

1 or any other business organization and includes any subsidiary or
2 parent company of any business organization.

3 (b) “Company” includes a private school or private university.

4 (3) “Direct threat” means a significant risk of substantial harm to
5 the health or safety of the individual or others that cannot be elimi-
6 nated or reduced by reasonable accommodation. The determination
7 that an individual poses a direct threat must be based on an individ-
8 ualized assessment of the individual’s present ability to safely perform
9 the essential functions of the job. This assessment must be based on
10 a reasonable medical judgment that relies on the most current medical
11 knowledge and on the best available objective evidence. In determining
12 whether an individual would pose a direct threat, the factors to be
13 considered include:

14 (a) The duration of the risk;

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

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

17 (d) The imminence of the potential harm.

18 (4) “Discrimination” means the following actions based on a
19 person’s COVID-19 vaccination or immunity status or refusal to dis-
20 close vaccination or immunity status, failure or refusal to wear a face
21 covering or mask or exercise of the person’s right to engage in com-
22 merce, practice religion or engage in free speech, assembly, petition,
23 protest or any other right:

24 (a) Refusal to hire, failure to promote, reassignment with signif-
25 icantly different responsibilities, reduction in pay, significant change
26 in benefits or employment termination;

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

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

31 (d) Refusal to allow a person to use any form of public or mass

1 transit including air, land or sea travel; and

2 (e) Any other action that deprives a person of the necessities of life
3 or government services including, but not limited to, police, fire and
4 mail services.

5 (5) “Incapacitated person” means a person who has reached the age
6 of majority but is unable to make or communicate decisions concern-
7 ing the person’s medical autonomy, physical health, safety or self-
8 care, including the decision whether to receive a COVID-19
9 vaccination.

10 (6) “Minor person” means a person who has not reached the age of
11 majority.

12 (7) “Person” means a natural person, including a minor person and
13 an incapacitated person.

14 (8) “Public body” has the meaning given that term in ORS 174.109,
15 and includes all agents, contractors, and employees of a public body.

16 SECTION 3. (1) A public body, a business affiliation and a company
17 are prohibited from requiring any person to receive a COVID-19
18 vaccination or to possess a COVID-19 immunity passport, immunity
19 pass or other evidence certifying COVID-19 vaccination or immunity
20 status.

21 (2) A public body, a business affiliation and a company may not
22 discriminate against any person based on non-receipt of a COVID-19
23 vaccination or failure to possess a COVID-19 immunity passport, im-
24 munity pass or other evidence certifying vaccination or immunity
25 status, whether the person’s medical prerogative is based on religion,
26 personal philosophy, a medical exemption, privacy or any other rea-
27 son.

28 (3)(a) Notwithstanding ORS 109.640, a minor person may not be re-
29 quired to receive a COVID-19 vaccination absent legally binding sub-
30 stituted consent by all parents with authority over the child’s medical
31 care or a legally recognized and official guardian of such minor person.

1 (b) An incapacitated person may not be required to receive a
2 COVID-19 vaccination absent legally binding substituted consent by a
3 legally recognized and official guardian of such incapacitated person.

4 (4) A public body may not enter into a contract or give a loan, grant
5 or any other disbursement of taxpayer money to a business affiliation
6 that requires a person to receive a COVID-19 vaccination or to possess
7 a COVID-19 immunity passport, immunity pass, or other evidence
8 certifying vaccination or immunity status.

9 (5) A business affiliation that violates this section materially
10 breaches its contract with the public body with which it is affiliated,
11 rendering the contract voidable by the public body.

12 (6) A company that violates this section is subject to revocation of
13 its accreditation, licenses, permits and all other government authority
14 to operate.

15 SECTION 4. (1) A public body, business affiliation and company
16 may not:

17 (a) Interfere with individual rights to practice religion, engage in
18 commerce or exercise the right of expression through speech, assem-
19 bly, petition or protest on account of risks presented by the COVID-19
20 pandemic.

21 (b) Discriminate against any person for exercising the rights de-
22 scribed in paragraph (a) of this subsection or any other right on ac-
23 count of risks presented by the COVID-19 pandemic.

24 (2) A public body may not enter into a contract or give a loan, grant
25 or any other disbursement of taxpayer money to a business affiliation
26 that restricts any person from exercising the rights described in sub-
27 section (1) of this section or any other liberty right secured by the
28 United States Constitution or Oregon Constitution on account of risks
29 presented by the COVID-19 pandemic.

30 (3) A business affiliation that violates this section materially
31 breaches its contract with the public body with which it is affiliated,

1 rendering the contract voidable by the State of Oregon or government
2 entity.

3 (4) A company that violates this section is subject to revocation of
4 its accreditation, licenses, permits and all other government authority
5 to operate.

6 SECTION 5. Sections 1 to 4 of this 2021 Act do not:

7 (1) Alter valid restrictions of activities that pose a direct threat to
8 others where the direct threat cannot be eliminated or reduced by
9 reasonable accommodation.

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

13 SECTION 6. This 2021 Act being necessary for the immediate pres-
14 ervation of the public peace, health and safety, an emergency is de-
15 clared to exist, and this 2021 Act takes effect on its passage.

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