A-Bill for an Act

Relating to unlawful employment practices; amending ORS 659A.315; and declaring an emergency.

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

SECTION 1. ORS 659A.315 is amended to read:

659A.315. (1) It is an unlawful employment practice for any employer to require, as a condition of employment, that any employee or prospective employee refrain from using a substance that is lawful to use under the laws of this state during nonworking hours, except when the restriction relates to:

(a) A bona fide occupational qualification that relates to health and safety;

or

(b) The performance of work while impaired.

(2) Subsection (1) of this section does not apply if an applicable collective bargaining agreement prohibits off-duty use of tobacco products.

(2) Subsection (1) of this section does not apply:

(a) If an applicable collective bargaining agreement prohibits off-duty use of the substance;

(b) To federal contractors or employers that receive federal grants that are subject to the federal Drug-Free Workplace Act of 1988 (41 U.S.C. 8101 et seq.);

(c) If the employer is required by federal law or regulation to test employees or prospective employees for alcohol or drug use;

(d) To public safety personnel, as defined in ORS 181A.355, and other providers of emergency services, as defined in ORS 401.025;

(e) To a licensed health care professional, as defined in ORS 137.476;

(f) To an operator of a public transit vehicle, as defined in ORS 166.116, or a taxi, while the operator is in control of or operating the vehicle or taxi; or

(g) To employees who perform job functions that may involve a risk of injury to others,
including, but not limited to, construction work, the operation of heavy machinery or
equipment or the operation of a commercial vehicle, as defined in ORS 801.210, or a com-
mmercial motor vehicle, as defined in ORS 801.208.

SECTION 2. This 2019 Act being necessary for the immediate preservation of the public
peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect
on its passage.