

(Including Amendments to Resolve Conflicts)

# A-Engrossed House Bill 2668

Ordered by the Senate June 4  
Including Senate Amendments dated June 4

Sponsored by Representative FREDERICK (at the request of Commissioner of the Bureau of Labor and Industries Brad Avakian) (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.

Expands definition of "place of public accommodation" to include places owned or maintained by public body and services provided by public body. **Creates exceptions.**

## A BILL FOR AN ACT

1  
2 Relating to public accommodations; creating new provisions; and amending ORS 346.680 and  
3 659A.400.

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

5 **SECTION 1.** ORS 659A.400 is amended to read:

6 659A.400. (1) A place of public accommodation, subject to the [*exclusion*] **exclusions** in sub-  
7 section (2) of this section, means:

8 (a) Any place or service offering to the public accommodations, advantages, facilities or privi-  
9 leges whether in the nature of goods, services, lodgings, amusements or otherwise.

10 (b) **Any place that is open to the public and owned or maintained by a public body, as**  
11 **defined in ORS 174.109, regardless of whether the place is commercial in nature.**

12 (c) **Any service to the public that is provided by a public body, as defined in ORS 174.109,**  
13 **regardless of whether the service is commercial in nature.**

14 [*(2) However, a place of public accommodation does not include any institution, bona fide club or*  
15 *place of accommodation which is in its nature distinctly private.*]

16 (2) **A place of public accommodation does not include:**

17 (a) **A Department of Corrections institution as defined in ORS 421.005.**

18 (b) **A state hospital as defined in ORS 162.135.**

19 (c) **A youth correction facility as defined in ORS 420.005.**

20 (d) **A local correction facility or lockup as defined in ORS 169.005.**

21 (e) **An institution, bona fide club or place of accommodation that is in its nature dis-**  
22 **tinctly private.**

23 **SECTION 2.** ORS 346.680 is amended to read:

24 346.680. As used in ORS 346.680 to 346.690:

25 (1) "Assistance animal" means any animal trained to assist a person with a physical impairment  
26 in one or more daily life activities, including but not limited to:

**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 (a) Dog guides, as defined in ORS 346.610;
- 2 (b) Hearing ear dogs, as defined in ORS 346.640;
- 3 (c) An animal trained to pull a wheelchair;
- 4 (d) An animal trained to fetch dropped items; and
- 5 (e) An animal trained to perform balance work.

6 (2) "Assistance animal trainee" means any animal undergoing training to assist a person with  
7 a physical impairment.

8 (3) "Daily life activity" includes but is not limited to:

- 9 (a) Self-care;
- 10 (b) Ambulation;
- 11 (c) Communication; or
- 12 (d) Transportation.

13 (4) "Mode of transportation" means any mode of transportation operating within this state.

14 (5) "Person with a physical impairment" means any person who has a permanent physical  
15 impairment, whose physical impairment limits one or more of daily life activities and who has a re-  
16 cord of impairment and is regarded by health care practitioners as having such an impairment, re-  
17 quiring the use of an assistance animal including but not limited to blindness, deafness and complete  
18 or partial paralysis.

19 (6) "Public accommodation" means a place of public accommodation as defined in ORS 659A.400  
20 including but not limited to educational institutions, airlines and restaurants. The [exception] **ex-**  
21 **clusions** stated in ORS 659A.400 (2) [is not an exception] **are not exclusions** under ORS 90.390 and  
22 346.680 to 346.690.

23 **SECTION 3. If Senate Bill 610 becomes law, section 2 of this 2013 Act (amending ORS**  
24 **346.680) is repealed.**

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