839-006-0205
Definitions

(1) "Disability" means:
(a) A physical or mental impairment that substantially limits one or more major life activities of the individual.
(b) A record of having a physical or mental impairment that substantially limits one or more major life activities of the individual. An individual has a record of having a physical or mental impairment if the individual has a history of, or has been misclassified as having, a physical or mental impairment that substantially limits one or more major life activities of the individual.
(c) A physical or mental impairment that the individual is regarded as having.
(A) An individual is regarded as having a physical or mental impairment if the individual has been subjected to an action prohibited under ORS 659A.112 to 659A.139 because of an actual or perceived physical or mental impairment, whether or not the impairment limits or is perceived to limit a major life activity of the individual.
(B) An individual is not regarded as having a physical or mental impairment if the individual has an impairment that is minor and that has an actual or expected duration of six months or less.
(2) "Employer" means any person that employs six or more persons and includes the state, counties, cities, districts, authorities, public corporations and entities and their instrumentalities, except the Oregon National Guard, as provided in ORS 659A.106. The "six or more persons" need not be employed within Oregon.
(3) "Employment agency" includes any person undertaking to procure employees or opportunities to work.
(4) "Essential functions" are the fundamental duties of a position an individual with a disability holds or desires.
(a) A job function may be essential for any of several reasons, including but not limited to, the following:
(A) The position exists to perform that function;
(B) A limited number of employees is available to carry out the essential function; or
(C) The function is highly specialized so that the position incumbent was hired for the expertise or ability required to perform the function.
(b) Evidence of whether a particular function is essential includes but is not limited to:
(A) The amount of time spent performing the function;
(B) The consequences of not performing the function;
(C) The terms of a collective bargaining agreement;
(D) The work experience of past incumbents in the job; and
(E) The current work experience of incumbents in similar jobs.
(5) "Labor organization" includes any organization constituted for the purpose, in whole or in part, of collective bargaining or dealing with employers concerning grievances, terms or conditions of employment or of other mutual aid or protection in connection with employees.
(6) "Major life activity" includes, but is not limited to:
(a) Caring for oneself;
(b) Performing manual tasks;

(c) Seeing;
(d) Hearing;
(e) Eating;
(f) Drinking;
(g) Sleeping;
(h) Walking;
(i) Standing;
(j) Lifting;
(k) Bending;
(L) Twisting;
(m) Speaking;
(n) Breathing;
(o) Cognitive functioning;
(p) Learning;
(q) Education;
(r) Reading;
(s) Concentrating;
(t) Remembering;
(u) Thinking;
(v) Communicating;
(w) Working:
(A) To be substantially limited in the major life activity of working, an individual must be significantly restricted in the ability to perform a class of jobs or a broad range of jobs in various classes as compared to the ability of an average person with comparable skill, experience, education or other job-related requirements needed to perform those same positions;
(x) Socialization;
(y) Sitting;
(z) Reaching;
(aa) Interacting with others;
(bb) Sexual relations;
(cc) Employment;
(dd) Ambulation;
(ee) Transportation;
(ff) Operation of a major bodily function, including but not limited to:
(A) Functions of the immune system;
(B) Normal cell growth; and
(C) Digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions; and
(gg) Ability to acquire, rent or maintain property.
(7) "Medical," as used in ORS 659A.133 and 659A.136 and these rules, means any information, whether oral, written or electronic that:
(a) Is created or received by an employer; and
(b) Relates to the past, present, or future physical or mental health status or condition of an individual.

(8) "Misclassified," as used in ORS 659A.104(b), means an erroneous or unsupported medical diagnosis, report, certificate or evaluation.
(9) "Physical or mental impairment" means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, traumatic brain injury, emotional or mental illness, and specific learning disabilities.
(10) A “qualified individual with a disability" is an individual with a disability who satisfies the requisite skill, experience, education and other job-related requirements of a position that the individual holds or desires, and who can, with or without reasonable accommodation, perform the position's essential functions.
(11) "Reasonable accommodation" is defined in OAR 839-006-0206.
(12) "Substantially limits" means that an individual has an impairment, had an impairment or is perceived as having an impairment that restricts one or more major life activities of the individual **as compared to most people in the general population.**
(a) An impairment need not prevent, or significantly or severely restrict, the individual from performing a major life activity in order to be considered substantially limiting .
~~(a)~~(b) An impairment that substantially limits one major life activity of the individual need not limit other major life activities of the individual.
~~(b)~~(c) In determining whether an impairment substantially limits a major life activity, the ability of the individual with the impairment to perform that major life activity is compared to that of individuals in the general population.
~~(c)~~(d) Factors that could affect whether an impairment "substantially limits a major life activity" include, but are not limited to, the presence of other impairments that combine to make the impairment disabling.
~~(d)~~(e) An impairment that is episodic or in remission is considered to substantially limit a major life activity of the individual if the impairment would substantially limit a major life activity of the individual when the impairment is active **Nonetheless, not every impairment will constitute a disability within the meaning of this section.**

Stat. Auth.: ORS 659A.805
Stats. Implemented: ORS 659A.103 - 659A.142, **H.B. 2111, 77th Leg., Reg. Session (Or. 2013)**

839-006-0212
Determining Whether an [*Individual*] Impairment [*Is*] Substantially [*Limited*] Limits a Major Life Activity

(1) When determining whether an impairment substantially limits a major life activity of an individual, the determination shall be made without regard to the ameliorative effects of mitigating measures, including:
(a) Medication;

(b) Medical supplies, equipment or appliances;
(c) Low vision devices or other devices that magnify, enhance or otherwise augment a visual image, except that ordinary eyeglasses or contact lenses or other similar lenses that are intended to fully correct visual acuity or eliminate refractive error may be considered when determining whether an impairment substantially limits a major life activity of an individual;
(d) Prosthetics, including limbs and devices;
(e) Hearing aids, cochlear implants or other implantable hearing devices;
(f) Mobility devices;
(g) Oxygen therapy equipment or supplies;
(h) Assistive technology;
(i) Reasonable accommodations or auxiliary aids or services; or
(j) Learned behavioral or adaptive neurological modifications.
(2) The non-ameliorative effects of mitigating measures, such as negative side effects of medication or burdens associated with following a particular treatment regimen, may be considered when determining whether an individual's impairment substantially limits a major life activity.
[*(2)*] **(3)** The determination of whether a person is substantially limited in a major life activity must be made on a case-by-case basis.

Stat. Auth.: ORS 659A.805
Stats. Implemented: ORS 659A.103 - 659A.142

839-006-0270
Purpose and Scope: State Government

(1) ORS 659A.103 provides that it is the policy of the State of Oregon to guarantee individuals the fullest possible participation in the social and economic life of the state, including participating in and receiving the benefits of the services, programs and activities of state government, without discrimination on the basis of disability.
(2) ORS 659A.142(5) provides that:
(a) [*it*] **It** is an unlawful practice for state government to exclude an individual from participation in or deny an individual the benefits of the services, programs or activities of state government or to make any distinction, discrimination or restriction because the individual has a disability[.]**;**
[(3)]**(b)** State government shall make reasonable modifications in services, programs or activities, including but not limited to policies and procedures, when the modifications are necessary for state government to comply with ORS 659A.142(5). [*unless state government can demonstrate that making the modifications would result in a fundamental alteration in the nature of the service, program, or activity or would result in undue financial or administrative burdens on state government. This will be determined on a case by case basis.*
(c) State government shall provide auxiliary aids and services when necessary to ensure equal access to state government programs, services, and activities.
(4) ORS 659A.142(5) and these rules are not intended to:

(a) Create an independent entitlement to any service, program or activity of state government; or
(b) Require state government to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program or activity or would result in undue financial or administrative burdens, as determined on a case-by-case basis.
(5) In determining whether financial and administrative burdens are undue for purposes of ORS 659A.142(5) and these rules, all resources available for use in the funding and operation of the service, program, or activity will be considered.
(6) Nothing in ORS 659A.142(5) or these rules prohibits state government from providing benefits, services, or advantages to individuals with disabilities beyond those required by 659A.142(5) or these rules.]
(3) Theories applied in cases of alleged discrimination under ORS 659A.142(5) are found in OAR 839-006-0340.
[*(7)*] **(4)** An individual claiming a violation of ORS 659A.142(5) may file a complaint with the Civil Rights Division as provided in OAR 839-003-0025.

Stat. Auth.: ORS 659A.805
Stats. Implemented: ORS [*659A.103, 659A.104, 659A.106, 659A.109, 659A.139,*] 659A.142**(5)**

839-006-0290
Other Statutes, Regulations and Agencies Governing Access by or Discrimination Against Persons with Disabilities

(1) Public transportation services, programs, and activities of public entities are subject to Title II of the federal Americans with Disabilities Act and regulated by the U.S. Department of Transportation. See 42 USC 12141 § 221 and 49 CFR [¦]**§** 37. **Public transportation is covered by ORS 659A.142(4)**.
(2) Accessibility of government facilities is subject to Title II of the Americans with Disabilities Act, 42 USC [¦]**§**12131. The U.S. Department of Justice regulates existing government facilities (28 CFR § 35.150) and new construction and alterations to government facilities (28 CFR § 35.151). The Oregon Department of Consumer and Business Services has jurisdiction over disability access to state and local government facilities in Oregon. See ORS 447.210 to 447.310 and administrative rules and standards adopted pursuant thereto.
(3) The federal Rehabilitation Act provides that no otherwise qualified individual with a disability in the United States shall, solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance or under any program or activity conducted by any federal executive agency or by the United States Postal Service. 29 USC § 794.
(4) Discrimination against individuals with disabilities in employment is subject to ORS 659A.103 to [*659A.142*] **659A.139** and OAR 839-006-0200 to 0265.

(5) Discrimination against individuals with disabilities [*with respect to goods and services offered in a commercial manner*] by places of public accommodation is subject to ORS 659A.142**(4)** and OAR 839-006-0300 to 0335.
(6) Assistance animals in places of public accommodation or access to state government are subject to S.B. 610, 77th Leg., Reg. Session (Or. 2013) and OAR 839-006-0345.
[(6)] (**7**) Discrimination against individuals with disabilities in real property transactions is subject to ORS 659A.142, 659A.145 and OAR 839-005-0195 to 839-005-0220.

Stat. Auth.: ORS 659A.805
Stats. Implemented: ORS [*659A.100, 659A.103*, *&*] **659A.103 - .139,** 659A.142**, H.B. 2668, 77th Leg., Reg. Session (Or. 2013) and S.B. 610, 77th Leg., Reg. Session (Or. 2013)**

839-006-0291
Reasonable Modifications: State Government

(1) State government shall make reasonable modifications in services, programs or activities, including but not limited to policies and procedures, when the modifications are necessary for state government to comply with ORS 659A.142(5) unless state government can demonstrate that making the modifications would result in a fundamental alteration in the nature of the service, program, or activity or would result in undue financial or administrative burdens on state government. This will be determined on a case by case basis.
(2) ORS 659A.142(5) and these rules are not intended to:
(a) Create an independent entitlement to any service, program or activity of state government; or
(b) Require state government to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program or activity or would result in undue financial or administrative burdens, as determined on a case-by-case basis.
(3) In determining whether financial and administrative burdens are undue for purposes of ORS 659A.142(5) and these rules, all resources available for use in the funding and operation of the service, program, or activity will be considered.
(4) Nothing in ORS 659A.142(5) or these rules prohibits state government from providing benefits, services, or advantages to individuals with disabilities beyond those required by 659A.142(5) or these rules.

Stat.Auth.: ORS 659A.805
Stats. Implemented: ORS 659A.142(5)

839-006-0292
Definitions - Auxiliary Aids and Services: State Government

(1) "Qualified interpreter" means an interpreter who, via a video remote interpreting (VRI) service or an on-site appearance, is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include, for example, sign language interpreters, oral transliterators, and cued-language transliterators.
(2) "Qualified reader" means a person who is able to read effectively, accurately, and impartially using any necessary specialized vocabulary.
(3) "Video remote interpreting (VRI) service" means an interpreting service that uses video conferencing technology over dedicated lines or wireless technology offering high-speed, wide- bandwidth video connection that delivers high-quality video images.

Stat.Auth.: ORS 659A.805
Stats. Implemented: ORS 659A.142

839-006-0295
Provision of Auxiliary Aids and Services: State Government

(1) Except as provided for in subsection (3) of this section, state government must provide auxiliary aids and services when necessary to ensure equal access **for individuals with disabilities** to state government programs, services, and activities.
(2) Auxiliary aids and services may include**, but are not limited to**:
(a) Qualified interpreters, note takers, **real-time computer-aided transcription services**, transcription services, written materials, **exchange of written notes**, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning **including real-time captioning, voice, text and video-based telecommunications products and systems, including test telephones (TTYs), videophones, and captioned telephones,** telecommunications devices for deaf persons (TDDs), videotext displays, computer aided real time captioning (CART), **accessible electronic and information technology,** or other effective methods of making aurally delivered materials available to individuals with hearing impairments;
(b) Qualified readers, taped texts, audio recordings, brailed materials **and displays, screen reader software, magnification software, optical readers, secondary auditory programs (SAP),** large print materials, **accessible electronic and information technology including** e-mail, or other effective methods of making visually delivered materials available to individuals with visual impairments;
(c) Acquisition or modification of equipment or devices; and
(d) Other similar services and actions.
(3) State government is not required to provide auxiliary aids or services that state government can demonstrate would result in a fundamental alteration in the nature of a service, program or activity of state government or would result in undue financial or

administrative burdens on state government. This will be determined on a case by case basis.
(4) State government may not place a surcharge on an individual with a disability to cover the costs of measures, such as the provision of auxiliary aids or program accessibility, that are required to provide that individual with the nondiscriminatory treatment required by ORS 659A.142(5).

Stat. Auth.: ORS 659A.805
Stats. Implemented: ORS [*659A.103, 659A.104, 659A.106, 659A.109, 659A.139,*] 659A.142

839-006-0305
Definitions: Places of Public Accommodation

(1) "Disability" has the meaning given in OAR 839-006-0205[*(1) and (8)*].
(2) "Major life activity" has the meaning given in OAR 839-006-0205(6).
(3) "Physical or mental impairment" has the meaning given in OAR 839-006-0205[*(10)*] **(9)**.
(4) "Place[*s*] of public accommodation" means:
(a) Any place[*s*] or service[*s*] offering **to** the public accommodations, advantages, facilities or privileges whether in the nature of goods, services, lodgings, amusements**, transportation** or otherwise[.]**;**
(b) Any place that is open to the public and owned or maintained by a public body, as defined in ORS 174.109, regardless of whether the place is commercial in nature; or
(c) Any service to the public that is provided by a public body, as defined in ORS 174.109, regardless of whether the service is commercial in nature.
(5) A place of public accommodation does not include:
(a) A Department of Corrections institution as defined in ORS 421.005;
(b) A state hospital as defined in ORS 162.135;
(c) A youth correction facility as defined in ORS 420.005;
(d) A local correction facility or lockup as defined in ORS 169.005; or
(e) An institution, bona fide club or place of accommodation that is in its nature distinctly private. [*However, places of public accommodation do not include institutions, bona fide clubs or places of accommodation that are in their nature distinctly private.*]
[(5)]**(6)** "Substantially limits" has the meaning given in OAR 839-006-0205(12).

Stat. Auth.: ORS 659A.805
Stats. Implemented: ORS [*30.675, 659A.100, 659A.103,*] 659A.142**,** [*& 659A.121,*] **H.B. 2668, 77th Leg., Reg. Session (Or. 2013)**

Theories of Discrimination: State Government and Places of Public Accommodation

[*839-006-0307*] **839-006-0340**
Discrimination Theories: Discrimination Against Individuals with Disabilities by State Government or Places of Public Accommodation [*of Individuals with Disabilities*]

(1) A violation of discrimination laws against individuals with disabilities may involve either intentional or unintentional discrimination. Discrimination against individuals with disabilities need not be intentional to be unlawful. Unintentional discrimination may occur**, for example,** in situations involving adverse impact**.**[*, the failure to permit reasonable modifications, the refusal to make reasonable accommodations, the failure to design and construct covered buildings under applicable rules**,** or the failure to remove physical barriers from facilities as provided in OAR 839-006-0310*.] To be protected from discrimination based on disability, an individual must have a disability, as [*described*] **defined** in ORS 659A.104 and the relevant rules. [*Reasonable modifications in services, programs or activities, provision of auxiliary aids, services by state government, removal of barriers to facilities, goods and services and provision of auxiliary aids by public accommodation[s] are covered by ORS 659A.142 and these rules*.]
(2) Substantial evidence of intentional unlawful discrimination **against an individual** exists if the **Civil Rights** [*d*]**D**ivision's **("division's")** investigation reveals evidence that a reasonable person would accept as sufficient to support the following elements:
(a) The respondent is a respondent as defined by ORS 659A.001(10) and OAR 839-005-0003(12) of these rules;
(b) The **individual has** [*complainant is an individual with*] a disability;
(c) The [*complainant*] **individual** was harmed by an action of the respondent; and
(d) The [*complainant's*] **individual's** disability was the motivating factor for the respondent's action. In determining whether the [*complainant's*] **individual's** disability was the motivating factor for the respondent's action, the division uses whichever of the following theories applies:
(A) Specific Intent Theory: The respondent knowingly and purposefully discriminates against an individual because that individual has a disability.
(B) Different or Unequal Treatment Theory: The respondent treats individuals with disabilities differently than others who do not have disabilities. When the respondent makes this differentiation because of the individual's disability and not because of legitimate, non-discriminatory reasons, unlawful discrimination exists. In establishing a case of different or unequal treatment:
(i) There must be substantial evidence that the [*complainant*] **individual** was harmed by an action of the respondent under circumstances that make it appear that the respondent treated the [*complainant*] **individual** differently than comparably situated individuals who do not have disabilities. Substantial evidence of discrimination exists if the division's investigation reveals evidence that a reasonable person would accept as sufficient to support that an individual's disability was a motivating factor for the respondent's alleged unlawful action. If the respondent fails to rebut this evidence with

evidence of a legitimate non-discriminatory reason, the division will conclude that substantial evidence of unlawful discrimination exists.
(I) Pretext: If the respondent rebuts the evidence with evidence of a legitimate non-discriminatory reason, but there is substantial evidence that the respondent's reason is a pretext for discrimination, the division will conclude there is substantial evidence of unlawful discrimination.
(II) Mixed Motive: If the respondent presents substantial evidence that a legitimate, non-discriminatory reason contributed to the respondent's action, but the division finds the individual's disability was also a substantial factor in the respondent's action, the division will determine there is substantial evidence of discrimination.
(ii) The [*complainant*] **individual with a disability** at all times has the burden of proving that the [*complainant's*] **individual's** disability was the motivating factor for the respondent's unlawful action.
(3) Adverse impact by a place of **public** accommodation **or by state government** on the basis of disability: Substantial evidence of adverse impact discrimination does not require establishment of intentional discrimination as provided in (2) of this rule. Adverse impact discrimination exists if the division's investigation reveals evidence that a reasonable person would accept as sufficient to support the following elements:
(a) The respondent is a respondent as defined by ORS 659A.001(10) and OAR 839-005-0003(12) of these rules;
(b) The respondent has a standard or policy that is applied equally.
(c) The standard or policy has the effect of screening out or otherwise affecting members of a protected class at a significantly higher rate than others who are not members of that protected class; and
(d) The complainant is a member of the protected class adversely affected by the respondent's standard or policy and has been harmed by the respondent's application of the standard or policy.
(4) Harassment by a place of public accommodation **or by state government** on the basis of disability:
(a) Conduct of a verbal or physical nature on the basis of disability is unlawful when substantial evidence of the elements of intentional discrimination, as described in section (2) of this rule, is shown and:
(A) Such conduct is sufficiently severe or pervasive to have the purpose or effect of creating an intimidating, hostile or offensive environment; or
(B) Submission to such conduct is made either explicitly or implicitly a term or condition of **receiving services, accommodations, advantages, facilities or privileges from a place of** public accommodation **or services, programs or activities of state government**; or
(C) Submission to or rejection of such conduct is used as the basis for decisions affecting that individual.
(b) The standard for determining whether harassment is sufficiently severe or pervasive to create a hostile, intimidating or offensive environment is whether a reasonable person in the circumstances of the individual against whom the harassment is directed would so perceive it.

Stat. Auth.: ORS 659A.805
Stats. Implemented: ORS 659A.103 & 659A.142

Assistance Animals in Places of Public Accommodation or Access to State Government

839-006-0345
Assistance Animals

(1) "Assistance animal" means a dog or other animal designated by administrative rule that has been individually trained to do work or perform tasks for the benefit of an individual.
(2) "Assistance animal trainee" means an animal that is undergoing a course of development and training to do work or perform tasks for the benefit of an individual that directly relate to the disability of the individual.
(3) "Assistance animal trainer" means an individual exercising care, custody and control over an assistance animal trainee during a course of training designed to develop the trainee into an assistance animal.
(4) A place of public accommodation or of access to state government services, programs or activities may not:
(a) Ask an individual about the nature or extent of a disability that the individual has or may have;
(b) Require an individual to provide documentation proving that an animal is an assistance animal or an assistance animal trainee; or
(c) Notwithstanding any fee or admission charge imposed for pets, require that a person with a disability or an assistance animal trainer pay a fee or admission charge for an assistance animal or assistance animal trainee.
(5) A place of public accommodation or of access to state government services, programs or activities may:
(a) Ask whether an animal is required due to a disability; and
(b) Ask about the nature of the work or task that an animal is trained to do or perform or is being trained to do or perform, unless it is readily apparent that the animal performs or is being trained to perform work or a task for the benefit of a person with a disability.
(6) If a place of public accommodation or of access to state government services, programs or activities customarily charges a person for damages that the person causes to the place, the place may charge a person with a disability or an assistance animal trainer for damages that an assistance animal or assistance animal trainee causes to the place.
(7) A person with a disability or an assistance animal trainer must maintain control of an assistance animal or assistance animal trainee. Except as provided in this subsection, control shall be exerted by means of a harness, leash or other tether. If the use of a harness, leash or other tether would interfere with the ability of the animal to do the work or perform the tasks for which the animal is trained or is

being trained, control may be exerted by the effective use of voice commands, signals or other means. If an animal is not under control as required in this subsection, a place of public accommodation or of access to state government services, programs or activities may consider the animal to be out of control for purposes of subsection (5) of this section.

(8)(a) Except as provided in this subsection, a place of public accommodation or of access to state government services, programs or activities may not deny a person with a disability or an assistance animal trainer the right to be accompanied by an assistance animal or assistance animal trainee in any area of the place that is open to the public or to business invitees. A place of public accommodation or of access to state government services, programs or activities may require a person with a disability or an assistance animal trainer to remove an assistance animal or assistance animal trainee if:

(A) The animal is not housebroken; or

(B) The animal is out of control and effective action is not taken to control the animal.

(b) A place of public accommodation or of access to state government services, programs or activities may impose legitimate requirements necessary for the safe operations of the place of public accommodation or the services, programs or activities. The place of public accommodation or of access to state government services, programs or activities shall ensure that the safety requirements are based on actual risks, not on speculation, stereotypes or generalizations about persons with disabilities.

(9) A place of public accommodation or of access to state government services, programs or activities shall make reasonable modifications as necessary to allow an opportunity for a person with a disability who is benefited by the use of an assistance animal to obtain goods, services and the use of the advantages, facilities and privileges of the place or the advantages, facilities and privileges of the state government services, programs or activities. For purposes of this subsection, except as provided in subsections (5) and (7) of this section, in addition to any other applicable accommodation requirement, allowing the presence of the assistance animal is a reasonable modification.

(10) If a place of public accommodation or of access to state government services, programs or activities requires a person with a disability to remove an assistance animal under subsection (8) of this section, the place or state government shall give the person with a disability a reasonable opportunity to obtain goods, services and the use of the advantages, facilities and privileges of the place or the advantages, facilities and privileges of the state government services, programs or activities without the assistance animal's presence.

(11) A place of public accommodation or of access to state government services, programs or activities is not required to provide care or supervision for an assistance animal or assistance animal trainee.

(12) The protection granted under this section to a person with a disability or an assistance animal trainer does not invalidate or limit the remedies, rights and procedures of any other federal, state or local laws that provide equal or greater

protection of the rights of a person with a disability, an assistance animal trainer or individuals associated with a person with a disability.

Stat. Auth.: ORS 659A.805
Stats. Implemented: S.B. 610, 77th Leg., Reg. Session (Or. 2013)

Requirements for Transient Lodging

[*839-006-0332***] 839-006-0350**
Lift Systems for Transient Lodging

(1) A transient lodging provider shall ensure that in transient lodging facilities of 175 or more rooms or suite of rooms that at least one room or suite of rooms has a lift system or multiple lift systems that enable an individual with a disability to access a bed, a toilet, and a shower or bathtub in the room or suite of rooms occupied by the individual with a disability.
(a) "Lift system" means a system that:
(A) Is used to transfer a person to a bed, toilet, shower or bathtub, but does not provide the individual with independent mobility;
(B) May be a manual lift, an electronic lift or a lift that uses a track system; and
(C) May require operation by an assistant.
(b) "Transient lodging" means a unit consisting of a room or suite of rooms that: (A) Is not occupied as a principal residence;
(B) Is typically occupied for a period of fewer than 30 consecutive days; and
(C) Includes services that are part of the regularly charged cost of occupancy, including maid and linen services.
(2) Additional information regarding the requirement described in section (3) of this rule is available at ORS 659A.144.
(3) Any violation of section (1) of this rule or of the authorizing statutes is an unlawful practice.

Stat. Auth.: ORS 659A.805
Stats. Implemented: ORS [*659A.103*,] **659A.144**[, *659A.411* - *659A.417*]