



This Legislative Summary Report highlights Civil Law policy measures that received a public hearing in a policy committee during the 2023 regular legislative session. The report is organized by sub-topics and includes the measure number; the measure status: enacted [✓] or not enacted [✗]; and a brief description of the measure.

Civil Law policy sub-topics:

- [Animal Law](#)
- [Cannabis Regulation](#)
- [Civil Actions and Civil Procedure](#)
- [Family Law](#)
- [Fiduciary, Protective Proceedings, and Estates](#)

Animal Law

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| HB 3213 | ✓ | Prohibits the sale of a cosmetic that was, on or after January 1, 2024, developed or manufactured using cosmetic animal tests, with some exceptions. Allows for the donation of noncompliant cosmetics and permits the Attorney General to bring a civil action to impose a civil penalty or obtain an injunction for violating the measure. |
| HB 3214 | ✗ | Would have prohibited using specific types of animals in a traveling animal act and created certain exceptions. Would have allowed for court-ordered forfeiture of a person's rights to the animals and made violation a Class B misdemeanor, which allows for a maximum of \$2,500 fine, up to six months imprisonment, or both. |
| HB 3571 | ✗ | Would have created immunity from criminal prosecution and civil liability for animal holding agencies taking possession of a cat or dog; required the agencies to make certain postings and notifications and hold the cat or dog for a minimum number of days; and transferred ownership of the animal to the agency if no owner has appeared. |

Cannabis Regulation

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| SB 353 A | ✗ | Would have directed the Oregon Liquor and Cannabis Commission to establish a registration program for cannabinoid products, permitted rulemaking for artificial cannabinoids, allowed temporary permits for marijuana retail or laboratory workers, exempted marijuana and hemp seeds from prohibition on import and export, modified certain commercial marijuana offense factors, and modified cannabis researcher certifications and the medical marijuana program. |
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- SB 1061 A ✗ Would have required the Oregon Cannabis Commission (OCC), the Oregon Health Authority, and the Oregon Liquor and Cannabis Commission to work collaboratively to determine the optimal framework for continued administration of the medical marijuana program. Would have permitted OCC to directly consult with legislative committee chairpersons and make recommendations for legislation.
- HB 2931 ✓ Directs the Oregon Department of Agriculture to establish a cannabis reference laboratory, permits targeted compliance testing of products and law enforcement requests for testing, prohibits a laboratory license holder from holding a license to produce, process, or sell cannabis, and conforms cannabis laws to include references to testing provisions.

Civil Actions and Civil Procedure

- SB 305 ✓ Expands the types of protected activity that a special motion to strike may apply to; clarifies that during the automatic discovery stay, the court may rule on other motions in the case; allows for direct appeal of a denial of a special motion to strike; and specifies that if a party voluntarily dismisses their claim that is subject to a special motion to strike, the court may still consider a motion for fees and costs.
- SB 307 ✓ Specifies that a party who objects only to the costs or fees awarded in a court-annexed arbitration must raise any claims or defenses relating to offers of judgment when filing objections.
- SB 310 ✓ Increases civil and criminal penalties for violating Oregon's antitrust law, permits the Attorney General to pursue civil and criminal actions for a violation, and includes disgorgement of monetary gains as an equitable remedy.
- SB 311 ✓ Increases the maximum penalty for a False Claims Act violation, increases the time to bring an action to five years from the time the Attorney General discovers the violation, and provides certain confidentiality for materials or answers provided to the Attorney General during investigation or action.
- SB 614 A ✗ Would have prohibited a law enforcement agency from collecting and maintaining information about political, religious, or social views, associations or activities of any individual, group, association, organization, corporation, business, or partnership unless it directly relates to an investigation of criminal activity or per [ORS 133.741](#) (2021) or as otherwise authorized by law.
- SB 627 ✗ Would have appropriated money from the General Fund to support the statewide universal representation program.
Note: Provisions amended into [SB 5506](#) (2023).



- SB 754 ✗ Would have allowed recreational operators to require a release of liability for ordinary negligence from a person who participates in a sport, fitness, or recreational activity, rents equipment, or volunteers.
- SB 848 A ✗ Would have limited a professional consultant's duty to defend a public body in a construction agreement to the professional's proportionate fault after that fault has been determined in an adjudication or other resolution.
- SB 864 ✓ Extends civil immunity to individual volunteers engaging in efforts to fight wildfire on private forestland.
- HB 2130 ✓ Eliminates the requirement that the Attorney General appoint a provider and makes rules for a nonbinding environmental claims mediation program.
- HB 2324 ✓ Modifies requirements for submitting a timely and valid notice of appeal by mail.
- HB 2330 ✓ Clarifies that nonfraudulent transfers are included in the act and are therefore voidable, specifies that creditors bear the burden of proof, except as to defenses, and implements a choice-of-law rule.
- HB 2688 ✗ Would have allowed a private right of action by a property owner against a person who flies an unmanned aircraft system over the property without permission to do so, with certain exceptions and without requiring prior notification to the person.
- HB 2519 ✓ Prohibits a person from displaying human remains to the public for profit, with specified exemptions for legitimate ceremonial and educational purposes, and creates a civil action that may be filed against a person who violates the prohibition.
- HB 2572 ✓ Creates a new civil action that may be brought by a person injured as a result of paramilitary activity and provides authority to the Oregon Attorney General to intervene and investigate upon reasonable cause to believe that a person or group of persons has engaged in, or is about to engage in, paramilitary activity as part of, or on behalf of, a private paramilitary organization.
- HB 3148 ✓ Creates a process for a peace officer to request a court order (instead of a subpoena) if a peace officer can demonstrate a person is unlikely to comply with a subpoena or has refused to comply with a subpoena. Mandates that evidence obtained from the subpoena or court order may not be used for a criminal investigation or prosecution of the missing individual.
- HB 3242 B ✗ Would have allowed an insured person to bring a civil action against an insurer for unfair claim settlement practices, for which the insured may have recovered up to three times the actual damages plus attorneys' fees. **(Bill is also included in Summary of Legislation Summary Report on Business and Consumer Protection)**



- HB 3243 A ✗ Would have made unfair claims settlement practices subject to enforcement under the Unlawful Trade Practices Act. (See also Summary of Legislation Summary Report on Business and Consumer Protection).
- HB 3294 ✓ Directs a county clerk to replace a recorded instrument (e.g., a deed) for real property with a court-ordered version that redacts illegal discriminatory language and provides for the retention of original documents for archival purposes.

Family Law

- SB 313 ✗ Would have added a requirement to consider the preferences of a child when making a custody determination. If certain factors were met and the child is 14 years or older, it would have given the child the right to choose the parent with which they will reside, including parenting time between the parents. If a child is younger than 14, and sufficiently mature, would have directed the court to give considerable weight to the child's preferences.
- SB 806 ✓ Permits a person who is obligated to retain or purchase life insurance for the purpose of protecting their child support responsibilities to ask the court to modify the judgment requiring the policy in certain circumstances.

Fiduciary, Protective Proceedings, and Estates

- SB 308 ✓ Modifies the small affidavit procedure to allow the transfer of assets to a trust created by the decedent and changes the small estate process term “small estate affidavit” to “simple estate affidavit.”
- SB 309 ✓ Reduces the number of times publication of a probate notice is required from three times to one time and reduces the number of words needed to be published.
- SB 380 A ✗ Would have appropriated \$1,696,450 from the General Fund to the Oregon Public Guardian and Conservator (OPGC) and directed the OPGC to develop and administer a program to provide guardianship services to defendants whose criminal cases may be, or have been, suspended or dismissed by a determination of fitness to proceed.
- SB 528 A ✗ Would have directed the director of public defense services to contract with the designated advocacy system (which is currently Disability Rights Oregon) to provide legal services to respondents and protected persons in protective proceedings, and to provide education services to courts and visitors regarding the rights of respondents and protected persons with a disability to court-appointed counsel in protective proceedings.



- SB 793 ✗ Would have allowed a guardian to make medical decisions on behalf of a protected person and created a rebuttable presumption that a protected person consents to ordinary, necessary, and preventive medical care (that is judged as reasonably necessary by the treating health care provider).
- HB 2329 ✓ Allows for a notary to execute the appointment of a person to make decisions regarding the disposition of remains and for a declaration of mental health treatment.
- HB 2479 ✗ Would have granted civil immunity to child advocacy centers and their employees or agents for good-faith participation in child abuse assessments and related judicial proceedings, with the exception for gross negligence or reckless, wanton, or intentional misconduct.
- HB 2509 ✓ Clarifies how a person can transfer a recorded livestock brand when the brand's owner dies. A person with a right to the brand has six months to submit a request to the Oregon Department of Agriculture (ODA). The person must provide copies of certain probate documents, a simple estate affidavit, or an ODA affidavit form for when the owner died without a will.
- HB 2950 ✗ Would have barred creditors' claims against estate property if no small estate affidavit or petition to appoint a personal representative is filed within 18 months of death and permitted interested persons to petition for a determination of descent after that time.
- HB 3218 ✗ Would have allowed for a person to execute a will with the witness physically or virtually present.

Staff

Adrienne Anderson, Legislative Analyst

Amie Fender-Sosa, Legislative Analyst

Gillian Fischer, Legislative Analyst

Patricia Pascone, Legislative Analyst

Legislative Policy and Research Office

Oregon State Capitol | (503) 986-1813 | www.oregonlegislature.gov/lpro

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