

BRAD AVAKIAN
COMMISSIONER



CHRISTIE HAMMOND
DEPUTY COMMISSIONER

BUREAU OF LABOR AND INDUSTRIES

March 6, 2018

Senator Peter Courtney, Senate President
Representative Tina Kotek, Speaker of the House
900 Court Street, NE
Salem, Oregon 97301

Dear President Courtney and Speaker Kotek,

As you may know, several national retailers have recently adopted policies to refuse to sell firearms and ammunition to anyone under 21. This private-sector initiative has promoted questions of our agency about whether the retailer's policies violate state public accommodations law. We're writing to share our analysis, given the public policy implications.

Generally, retail stores are places of public accommodation under ORS 659A.400(1)(a). Places of public accommodation cannot discriminate against people because of their age, with exemptions that include alcohol and marijuana sales under ORS 659A.403. Places of public accommodation are also precluded from giving notice that they intend to discriminate in such a manner under ORS 659A.409. A person believing their rights have been violated under these statutes can file with the Bureau of Labor and Industries or go to civil court.

Every case must be decided on its own merits, but we see nothing that would preclude an individual from filing a complaint with BOLI if they believe a retailer unfairly denied them service in the purchase of a gun. The bureau will, therefore, accept such complaints from individuals who have been denied a purchase if they believe their rights have been violated.

The retailers' policies to deny gun sales to those under 21 represents a common sense effort to make public places safer. As such, they enhance the comfort level of all people to visit malls, attend school, go to a neighborhood park, and generally go about their daily lives with an increased confidence that their public spaces are safe and freely accessible. Given the public safety interest in allowing retailers to limit gun sales to young people, we believe it appropriate to consider adding firearm sales as an age exemption to ORS 659A.403 and ORS 659A.409. The bureau will present such a bill for you to consider in the 2019 session.

In addition, to further keep our public places safe, accessible, and free from gun violence, we also encourage the legislature to pass additional gun safety measures, including licensing requirements for all firearm owners, registration for all firearms, requirements for safe storage, and a ban on military-style assault rifles and high capacity magazines.

Sincerely,

Brad Avakian
Labor Commissioner
Bureau of Labor and Industries

Cc: Senator Jackie Winters, Senate Minority Leader
Senator Ginny Burdick, Senate Majority Leader
Representative Mike McLane, House Minority Leader
Representative Jennifer Williamson, House Majority Leader