

House Bill 2002

Sponsored by Representatives VALDERRAMA, NELSON, Senators LIEBER, STEINER; Senators CAMPOS, DEMBROW, FREDERICK, GELSER BLOUIN, GOLDEN, GORSEK, JAMA, MANNING JR, MEEK, PATTERSON, PROZANSKI, SOLLMAN, TAYLOR, WAGNER, WOODS

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 **as introduced**.

Modifies provisions relating to reproductive health rights.

Modifies provisions relating to access to reproductive health care and gender-affirming treatment.

Modifies provisions relating to protections for providers of and individuals receiving reproductive and gender-affirming health care services.

Creates crime of interfering with a health care facility. Punishes by maximum of 364 days' imprisonment, \$6,250 fine, or both. Creates right of action for person or health care provider aggrieved by interference with health care facility.

Repeals criminal provisions relating to concealing birth.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to health; creating new provisions; amending ORS 109.640, 109.650, 161.005, 192.345, 192.820, 192.822, 192.826, 243.144, 243.877, 418.307, 435.215, 435.225, 436.225, 659.880, 676.177, 677.190, 677.225, 677.320, 678.111, 685.110, 689.405 and 743A.067 and section 10, chapter 45, Oregon Laws 2022; repealing ORS 109.610, 109.660, 167.820, 435.200 and 435.435; and declaring an emergency.

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

REPRODUCTIVE HEALTH RIGHTS

SECTION 1. ORS 435.205 to 435.235 and 659.880 are added to and made a part of sections 2 to 4 of this 2023 Act.

SECTION 2. As used in sections 2 to 4 of this 2023 Act:

(1) "Contraception" includes:

(a) Steroidal, chemical, physical or barrier, natural or permanent methods for preventing the union of an ovum with the spermatozoon, or for preventing the subsequent implantation of the fertilized ovum in the uterus;

(b) All postcoital methods, drugs or devices to prevent pregnancy; and

(c) Any other process, device or method to prevent pregnancy.

(2) "Public body" has the meaning given that term in ORS 174.109.

(3) "Reproductive health" means reproductive processes, functions and systems at all stages of life.

(4) "Reproductive health care" includes family planning and contraception, pregnancy termination services, prenatal, postnatal and delivery care, miscarriage management, fertility care, sterilization services, treatments for sexually transmitted infections and reproductive cancers and any other health care and medical services related to reproductive

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 health.

2 **SECTION 3.** Every individual has a fundamental right to make decisions about the
3 individual's reproductive health, including the right to make decisions about the individual's
4 reproductive health care, to use or refuse contraception, to continue the individual's preg-
5 nancy and give birth or to terminate the individual's pregnancy.

6 **SECTION 4.** (1) Any person may bring a civil action in a court of competent jurisdiction
7 against a public body, or an officer, employee or agent of a public body, to enforce the re-
8 quirements of ORS 109.650 (1) or sections 2 to 4 of this 2023 Act. The court may grant
9 injunctive relief in any action under this section.

10 (2) The court may award reasonable attorney fees and costs to a prevailing plaintiff in
11 an action under this section.

12 **SECTION 5.** ORS 659.880 is amended to read:

13 659.880. (1) A public body [*as defined in ORS 174.109*] or, except as provided in ORS 435.225,
14 an officer, employee or agent of a public body may not:

15 [(1)] (a) Deprive a consenting individual of the choice of [*terminating the individual's*
16 *pregnancy*] **exercising the individual's reproductive health rights under section 3 of this 2023**
17 **Act;**

18 [(2)] (b) Interfere with or restrict, in the regulation or provision of benefits, facilities, services
19 or information, the choice of a consenting individual to [*terminate the individual's pregnancy*] **exer-**
20 **cise the individual's reproductive health rights under section 3 of this 2023 Act;**

21 [(3)] (c) Prohibit a health care provider, who is acting within the scope of the health care
22 provider's license, from [*terminating or assisting in the termination of a patient's pregnancy*] **provid-**
23 **ing reproductive health care information and services to a consenting individual;** [*or*]

24 [(4)] (d) Interfere with or restrict, in the regulation or provision of benefits, facilities, services
25 or information, the choice of a health care provider, who is acting within the scope of the health
26 care provider's license, [*to terminate or assist in the termination of a patient's pregnancy.*] **to provide**
27 **reproductive health care information and services to a consenting individual;**

28 (e) Subject an individual to criminal or civil liability or penalty, or otherwise deprive the
29 individual of any rights, based on the individual's actions or omissions in exercising the
30 individual's reproductive health rights under section 3 of this 2023 Act, including any action
31 or omission affecting an actual, potential or alleged pregnancy outcome; or

32 (f) Subject any person to criminal or civil liability or penalty, or otherwise deprive any
33 person of the person's rights, based solely on the person's actions in the provision of aid,
34 assistance, resources or support to an individual in the exercise of the individual's repro-
35 ductive health rights, provided that the person's actions do not otherwise violate the laws
36 of this state.

37 (2) Nothing in this section is intended to prevent the application of laws, rules, ordi-
38 nances or taxes that affect the method or manner of sales or distribution of contraceptive
39 devices, provided the laws, rules, ordinances or taxes are designed to promote public health
40 and safety and do not unreasonably burden public access to contraception.

41 **SECTION 6.** ORS 435.215 is amended to read:

42 435.215. [*The refusal of any person to accept family planning and birth control services shall in*
43 *no way affect the right of such person to receive public assistance, medical assistance, as defined in*
44 *ORS 414.025, or any other public benefit and every person to whom such services are offered shall be*
45 *so advised initially both orally and in writing. Employees engaged in the administration of ORS*

1 435.205 to 435.235 shall recognize that the right to make decisions concerning family planning and
 2 birth control is a fundamental personal right of the individual and nothing in ORS 435.205 to 435.235
 3 shall in any way abridge such individual right, nor shall any individual be required to state the reason
 4 for refusing the offer of family planning and birth control services.]

5 **(1) An individual's acceptance or refusal to accept reproductive health care information**
 6 **and services may not:**

7 **(a) Be grounds for the loss of any privilege or immunity to which the individual is oth-**
 8 **erwise entitled; or**

9 **(b) Affect the individual's right to receive public assistance, medical assistance, as de-**
 10 **finied in ORS 414.025, or any other public benefit.**

11 **(2) An officer, employee or agent of a public body who is engaged in the provision of re-**
 12 **productive health care information and services:**

13 **(a) Shall advise every individual to whom the officer, employee or agent of a public body**
 14 **provides reproductive health care information and services, both orally and in writing, of the**
 15 **rights described under subsection (1) of this section;**

16 **(b) Shall recognize that the right to make decisions concerning reproductive health care**
 17 **is a fundamental personal right of the individual and that nothing in ORS 435.475 or 435.485**
 18 **or sections 2 to 4 of this 2023 Act or ORS chapter 436 in any way abridges that right; and**

19 **(c) May not require any individual to state the reason for accepting or refusing the offer**
 20 **of reproductive health care information and services.**

21 **SECTION 7.** ORS 435.225 is amended to read:

22 435.225. (1) [Any employee of the Oregon Health Authority] **An officer, employee or agent of**
 23 **a public body** may refuse to accept the duty of offering [family planning and birth control] **repro-**
 24 **ductive health care information and** services to the extent that such duty is contrary to the
 25 personal or religious beliefs of the [employee] **officer, employee or agent.** However, such
 26 [employee] **officer, employee or agent** shall notify the immediate supervisor in writing of such re-
 27 fusial in order that arrangements may be made for eligible [persons] **individuals** to obtain such in-
 28 formation and services from another **officer, employee or agent.**

29 **(2) If an officer, employee or agent of a public body refuses to provide reproductive health**
 30 **care information and services as provided in subsection (1) of this section, the public body**
 31 **shall immediately make arrangements for an individual to receive reproductive health care**
 32 **information and services from another officer, employee or agent of the public body.**

33 **(3) [Such refusal shall] The refusal of an officer, employee or agent of a public body to**
 34 **provide reproductive health care information and services under subsection (1) of this sec-**
 35 **tion may** not be grounds for any disciplinary action, for dismissal, for any interdepartmental
 36 transfer, for any other discrimination in employment, or for suspension from employment, or for any
 37 loss in pay or other benefits.

38 **SECTION 8.** ORS 109.640, as amended by section 14, chapter 349, Oregon Laws 2021, is
 39 amended to read:

40 109.640. (1)(a) **As used in this subsection, "reproductive health care" has the meaning**
 41 **given that term in section 2 of this 2023 Act, except that "reproductive health care" does not**
 42 **include the voluntary sterilization of a minor under 15 years of age.**

43 **(b)** A physician, physician assistant licensed under ORS 677.505 to 677.525, nurse practitioner
 44 licensed under ORS 678.375 to 678.390, **pharmacist licensed under ORS chapter 689** or
 45 naturopathic physician licensed under ORS chapter 685 may provide [birth control] **reproductive**

1 **health care** information and services to any person without regard to the age of the person.

2 (2) A minor 15 years of age or older may give consent, without the consent of a parent or
3 guardian of the minor, to:

4 (a) Hospital care, medical or surgical diagnosis or treatment by a physician licensed by the
5 Oregon Medical Board or a naturopathic physician licensed under ORS chapter 685, and dental or
6 surgical diagnosis or treatment by a dentist licensed by the Oregon Board of Dentistry[, *except as*
7 *provided by ORS 109.660*].

8 (b) Diagnosis or treatment by a physician assistant who is licensed under ORS 677.505 to 677.525
9 and who is acting pursuant to a collaboration agreement as defined in ORS 677.495.

10 (c) Diagnosis and treatment by a nurse practitioner who is licensed by the Oregon State Board
11 of Nursing under ORS 678.375 and who is acting within the scope of practice for a nurse practi-
12 tioner.

13 (d) Except when the minor is obtaining contact lenses for the first time, diagnosis and treatment
14 by an optometrist who is licensed by the Oregon Board of Optometry under ORS 683.010 to 683.340
15 and who is acting within the scope of practice for an optometrist.

16 **SECTION 9.** ORS 109.650 is amended to read:

17 109.650. (1) **Except as provided in ORS 192.567, a physician, physician assistant, nurse**
18 **practitioner, pharmacist or naturopathic physician providing reproductive health care infor-**
19 **mation and services to a minor as described in ORS 109.640 (1) may not disclose to the**
20 **minor's parent or legal guardian information regarding the information and services provided**
21 **to the minor unless the minor has authorized the disclosure in writing.**

22 (2) A hospital or a physician, physician assistant, nurse practitioner, naturopathic physician,
23 dentist or optometrist **providing care, diagnosis or treatment to a minor as** described in ORS
24 109.640 (2) may advise [a] **the minor's** parent or legal guardian [*of a minor*] of the care, diagnosis
25 or treatment [of] **provided to** the minor or the need for any treatment of the minor, without the
26 consent of the minor, and is not liable for advising the parent or legal guardian without the consent
27 of the minor.

28 **SECTION 10.** ORS 418.307 is amended to read:

29 418.307. (1) A physician licensed by the Oregon Medical Board, a naturopathic physician li-
30 censed under ORS chapter 685, a dentist licensed by the Oregon Board of Dentistry or a hospital
31 licensed by the Department of Human Services is authorized to treat a child who is ward of the
32 court or is a dependent or delinquent child in accord with the best medical judgment of the physi-
33 cian, naturopathic physician, dentist or responsible official of the hospital and without consent if:

34 (a) Because of the general state of the child's health or any particular condition, the physician,
35 naturopathic physician, dentist or responsible official of the hospital determines that in the medical
36 judgment of the physician, naturopathic physician, dentist or responsible official prompt action is
37 reasonably necessary to avoid unnecessary suffering or discomfort or to effect a more expedient or
38 effective cure; and

39 (b) It is impossible or highly impractical to obtain consent for treating the child from the
40 child-caring agency, the child's parent or the child's legal guardian.

41 (2) No charge of assault or battery shall be made against a physician, naturopathic physician,
42 dentist or hospital official or employee who provides medical treatment pursuant to subsection (1)
43 of this section.

44 (3) A minor child described in subsection (1) of this section [*who is 15 years of age or older*] may
45 consent to medical treatment [*pursuant to*] **as provided in ORS 109.640.**

SECTION 11. ORS 436.225 is amended to read:

436.225. (1) In obtaining informed consent for sterilization a physician, physician assistant or nurse practitioner must offer to answer any questions the individual to be sterilized may have concerning the proposed procedure, and must provide orally all of the following information or advice to the individual to be sterilized:

(a) Advice that the individual is free to withhold or withdraw consent to the procedure at any time before the sterilization without affecting the right to future care or treatment;

(b) A description of available alternative methods of family planning and birth control;

(c) Advice that the sterilization procedure is considered to be irreversible;

(d) A thorough explanation of the specific sterilization procedure to be performed;

(e) A full description of the discomforts and risks that may accompany or follow the performing of the procedure, including an explanation of the type and possible effects of any anesthetic to be used; and

(f) A full description of the benefits or advantages that may be expected as a result of the sterilization.

(2) A natural parent, or a legal guardian or conservator of a minor child or protected person appointed under ORS chapter 125, may not give substitute consent for sterilization.

(3) Whenever any physician, physician assistant or nurse practitioner has reason to believe an individual 15 years of age or older is unable to give informed consent, no sterilization shall be performed until it is determined by a circuit court that the individual involved is able to and has given informed consent. Whenever the court determines, under the provisions of this chapter, that a person lacks the ability to give informed consent, the court shall permit sterilization only if the person is 18 years of age or older and only upon showing that such operation, treatment or procedure is in the best interest of the individual.

(4) **Notwithstanding section 3 of this 2023 Act**, informed consent may not be obtained while the individual to be sterilized is:

(a) In labor or childbirth;

(b) Seeking to obtain or obtaining an abortion; or

(c) Under the influence of alcohol or other substances that affect the individual's state of awareness.

SECTION 12. ORS 743A.067, as amended by section 12, chapter 45, Oregon Laws 2022, is amended to read:

743A.067. (1) As used in this section:

(a) "Contraceptives" means health care services, drugs, devices, products or medical procedures to prevent a pregnancy.

(b) "Enrollee" means an insured individual and the individual's spouse, domestic partner and dependents who are beneficiaries under the insured individual's health benefit plan.

(c) "Health benefit plan" has the meaning given that term in ORS 743B.005, excluding Medicare Advantage Plans and including health benefit plans offering pharmacy benefits administered by a third party administrator or pharmacy benefit manager.

(d) "Prior authorization" has the meaning given that term in ORS 743B.001.

(e) "Religious employer" has the meaning given that term in ORS 743A.066.

(f) "Utilization review" has the meaning given that term in ORS 743B.001.

(2) A health benefit plan offered in this state must provide coverage for all of the following services, drugs, devices, products and procedures:

1 (a) Well-woman care prescribed by the Department of Consumer and Business Services by rule
2 consistent with guidelines published by the United States Health Resources and Services Adminis-
3 tration.

4 (b) Counseling for sexually transmitted infections, including but not limited to human
5 immunodeficiency virus and acquired immune deficiency syndrome.

6 (c) Screening for:

7 (A) Chlamydia;

8 (B) Gonorrhea;

9 (C) Hepatitis B;

10 (D) Hepatitis C;

11 (E) Human immunodeficiency virus and acquired immune deficiency syndrome;

12 (F) Human papillomavirus;

13 (G) Syphilis;

14 (H) Anemia;

15 (I) Urinary tract infection;

16 (J) Pregnancy;

17 (K) Rh incompatibility;

18 (L) Gestational diabetes;

19 (M) Osteoporosis;

20 (N) Breast cancer; and

21 (O) Cervical cancer.

22 (d) Screening to determine whether counseling related to the BRCA1 or BRCA2 genetic
23 mutations is indicated and counseling related to the BRCA1 or BRCA2 genetic mutations if indi-
24 cated.

25 (e) Screening and appropriate counseling or interventions for:

26 (A) Tobacco use; and

27 (B) Domestic and interpersonal violence.

28 (f) Folic acid supplements.

29 (g) Abortion.

30 (h) Breastfeeding comprehensive support, counseling and supplies.

31 (i) Breast cancer chemoprevention counseling.

32 (j) Any contraceptive drug, device or product approved by the United States Food and Drug
33 Administration, subject to all of the following:

34 (A) If there is a therapeutic equivalent of a contraceptive drug, device or product approved by
35 the United States Food and Drug Administration, a health benefit plan may provide coverage for
36 either the requested contraceptive drug, device or product or for one or more therapeutic equiv-
37 alents of the requested drug, device or product.

38 (B) If a contraceptive drug, device or product covered by the health benefit plan is deemed
39 medically inadvisable by the enrollee's provider, the health benefit plan must cover an alternative
40 contraceptive drug, device or product prescribed by the provider.

41 (C) A health benefit plan must pay pharmacy claims for reimbursement of all contraceptive
42 drugs available for over-the-counter sale that are approved by the United States Food and Drug
43 Administration.

44 (D) A health benefit plan may not infringe upon an enrollee's choice of contraceptive drug, de-
45 vice or product and may not require prior authorization, step therapy or other utilization review

1 techniques for medically appropriate covered contraceptive drugs, devices or other products ap-
 2 proved by the United States Food and Drug Administration.

3 (k) Voluntary sterilization.

4 (L) As a single claim or combined with other claims for covered services provided on the same
 5 day:

6 (A) Patient education and counseling on contraception and sterilization.

7 (B) Services related to sterilization or the administration and monitoring of contraceptive drugs,
 8 devices and products, including but not limited to:

9 (i) Management of side effects;

10 (ii) Counseling for continued adherence to a prescribed regimen;

11 (iii) Device insertion and removal; and

12 (iv) Provision of alternative contraceptive drugs, devices or products deemed medically appro-
 13 priate in the judgment of the enrollee's provider.

14 (m) Any additional preventive services for women that must be covered without cost sharing
 15 under 42 U.S.C. 300gg-13, as identified by the United States Preventive Services Task Force or the
 16 Health Resources and Services Administration of the United States Department of Health and Hu-
 17 man Services as of January 1, 2017.

18 (3) A health benefit plan may not impose on an enrollee a deductible, coinsurance, copayment
 19 or any other cost-sharing requirement on the coverage required by this section. A health care pro-
 20 vider shall be reimbursed for providing the services described in this section without any deduction
 21 for coinsurance, copayments or any other cost-sharing amounts.

22 (4) Except as authorized under this section, a health benefit plan may not impose any re-
 23 strictions or delays on the coverage required by this section.

24 (5) This section does not exclude coverage for contraceptive drugs, devices or products pre-
 25 scribed by a provider, acting within the provider's scope of practice, for:

26 (a) Reasons other than contraceptive purposes, such as decreasing the risk of ovarian cancer
 27 or eliminating symptoms of menopause; or

28 (b) Contraception that is necessary to preserve the life or health of an enrollee.

29 (6) This section does not limit the authority of the Department of Consumer and Business Ser-
 30 vices to ensure compliance with ORS 743A.063 and 743A.066.

31 (7) This section does not require a health benefit plan to cover:

32 (a) Experimental or investigational treatments;

33 (b) Clinical trials or demonstration projects, except as provided in ORS 743A.192;

34 (c) Treatments that do not conform to acceptable and customary standards of medical practice;

35 (d) Treatments for which there is insufficient data to determine efficacy; or

36 (e) Abortion if the insurer offering the health benefit plan:

37 **(A) Has a certificate of authority to transact insurance in this state issued by the De-**
 38 **partment of Consumer and Business Services; and**

39 **(B) Excluded coverage for abortion in all of its individual, small employer and large employer**
 40 **group plans during the 2017 plan year.**

41 (8) If services, drugs, devices, products or procedures required by this section are provided by
 42 an out-of-network provider, the health benefit plan must cover the services, drugs, devices, products
 43 or procedures without imposing any cost-sharing requirement on the enrollee if:

44 (a) There is no in-network provider to furnish the service, drug, device, product or procedure
 45 that is geographically accessible or accessible in a reasonable amount of time, as defined by the

Department of Consumer and Business Services by rule consistent with the requirements for provider networks in ORS 743B.505; or

(b) An in-network provider is unable or unwilling to provide the service in a timely manner.

(9) An insurer may offer to a religious employer a health benefit plan that does not include coverage for contraceptives or abortion procedures that are contrary to the religious employer's religious tenets only if the insurer notifies in writing all employees who may be enrolled in the health benefit plan of the contraceptives and procedures the employer refuses to cover for religious reasons.

(10) If the Department of Consumer and Business Services concludes that enforcement of this section may adversely affect the allocation of federal funds to this state, the department may grant an exemption to the requirements but only to the minimum extent necessary to ensure the continued receipt of federal funds.

(11) An insurer that is subject to this section shall make readily accessible to enrollees and potential enrollees, in a consumer-friendly format, information about the coverage of contraceptives by each health benefit plan and the coverage of other services, drugs, devices, products and procedures described in this section. The insurer must provide the information:

(a) On the insurer's website; and

(b) In writing upon request by an enrollee or potential enrollee.

(12) This section does not prohibit an insurer from using reasonable medical management techniques to determine the frequency, method, treatment or setting for the coverage of services, drugs, devices, products and procedures described in subsection (2) of this section, other than coverage required by subsection (2)(g) and (j) of this section, if the techniques:

(a) Are consistent with the coverage requirements of subsection (2) of this section; and

(b) Do not result in the wholesale or indiscriminate denial of coverage for a service.

(13) This section is exempt from ORS 743A.001.

REPRODUCTIVE HEALTH SERVICES

(Student Health Centers)

SECTION 13. As used in sections 13 to 17 of this 2023 Act:

(1) "Emergency contraception" has the meaning given that term in ORS 435.252.

(2) "Medication abortion" means abortion provided by medication techniques.

(3) "Public institution of higher education" means:

(a) A community college operated under ORS chapter 341;

(b) A public university listed in ORS 352.002; or

(c) The Oregon Health and Science University.

(4) "Student health center" means a clinic or health center operated by a public institution of higher education that provides health care services to students.

SECTION 14. Student health centers in this state shall provide enrolled students with access to emergency contraception and medication abortion.

SECTION 15. (1) No later than January 1 of each year, the Oregon Health Authority shall provide guidance to each public institution of higher education regarding the required contents of the plans described in subsection (2) of this section, taking into consideration the varied capacities of the institutions to provide services, including an institution's ability to directly provide medication abortions through a student health center or, if the institution

1 does not operate a student health center, by providing information to students about how to
 2 obtain a medication abortion off-campus. In developing the guidance, the authority shall
 3 consider, at a minimum:

4 (a) Whether the institution has an operational student health center on campus;

5 (b) The institution's proximity to a hospital, clinic or other facility which provides
 6 medication abortions;

7 (c) The availability, convenience and cost of public transportation between the institution
 8 and the closest facility that provides medication abortions; and

9 (d) Whether the institution employs health care workers on campus.

10 (2) No later than April 1 of each year, each public institution of higher education shall
 11 submit a plan to the authority. The plan must demonstrate how the institution will ensure
 12 its students have access to medication abortions, including having in place equipment, pro-
 13 tocols, patient educational materials, informational websites and training for staff.

14 (3) No later than July 1 of each year, the authority shall determine whether each
 15 institution's plan submitted under subsection (2) of this section is adequate in proportion to
 16 the institution's capacity to provide services and, if the authority determines that an
 17 institution's plan is inadequate, shall provide further guidance to the institution with reme-
 18 dial measures for developing an adequate plan.

19 (4) No later than September 15 of each year, the Higher Education Coordinating Com-
 20 mission, in consultation with the authority, shall submit a report in the manner provided by
 21 ORS 192.245 to the interim committees of the Legislative Assembly related to health care.
 22 The report must include, at a minimum, the following information for each reporting period:

23 (a) A list of each public institution of higher education that submitted a plan required
 24 under this section to the authority that the authority found adequate, a list of each public
 25 institution of higher education that is actively developing a remedial plan and a list of each
 26 public institution of higher education that has not submitted an adequate plan to the au-
 27 thority.

28 (b) The number of emergency contraception medications or devices dispensed and
 29 medication abortions prescribed by student health centers, disaggregated, to the extent pos-
 30 sible, by student health center.

31 (c) The total amount of funds distributed by the commission through the Student Health
 32 Center Reproductive Health Grant Program to each public institution of higher education
 33 and its respective student health center under section 17 of this 2023 Act.

34 (d) The total amount of funds expended on the provision of emergency contraception and
 35 medication abortions and the sources of those funds, disaggregated by function and, to the
 36 extent possible, by student health center.

37 (5) The collection of data and preparation of reports required under this section shall be
 38 conducted in accordance with state and federal privacy law.

39 **SECTION 16.** (1) There is established in the State Treasury, separate and distinct from
 40 the General Fund, the Student Health Center Reproductive Health Grant Fund. Interest
 41 earned by the fund shall be credited to the fund. The fund consists of moneys appropriated,
 42 allocated, deposited or transferred to the fund by the Legislative Assembly or otherwise and
 43 of any donations or grants received for the purpose of the fund. Moneys in the fund are
 44 continuously appropriated to the Higher Education Coordinating Commission for the purpose
 45 of awarding grants as provided under section 17 of this 2023 Act.

(2) Moneys in the fund may be used to pay the costs of the commission, both direct and indirect, associated with administration of the Student Health Center Reproductive Health Grant Program under section 17 of this 2023 Act, including the costs of hiring staff and maintaining a system of financial reporting on all aspects of the grant program.

SECTION 17. (1) The Higher Education Coordinating Commission, in consultation with the Oregon Health Authority, shall administer the Student Health Center Reproductive Health Grant Program to provide grants to a public institution of higher education in this state to comply with the requirements of section 15 of this 2023 Act. The commission shall by rule establish the process by which a public institution of higher education may apply for grant monies and eligibility criteria for the grant program.

(2) At a minimum, grants provided under this section may be used to:

- (a) Purchase equipment used to provide medication abortions;
- (b) Fund necessary facility and security upgrades;
- (c) Pay costs necessary to enable the student health center to deliver telehealth services;
- (d) Pay to train staff to provide medication abortions;
- (e) Reimburse staff costs and offset clinical revenue while staff are in trainings; and
- (f) Purchase billing specialist consultation.

(3) The commission may adopt any rules necessary for the administration of the grant program.

SECTION 18. (1) The guidance described in section 15 (1) of this 2023 Act is first due January 1, 2025, and every January 1 thereafter.

(2) The plans described in section 15 (2) of this 2023 Act are first due April 1, 2025, and every April 1 thereafter.

(3) The determinations and guidance described in section 15 (3) of this 2023 Act are first due July 1, 2025, and every July 1 thereafter.

(4) The report described in section 15 (4) of this 2023 Act is first due September 15, 2025, and every September 15 thereafter.

(Gender-Affirming Treatment)

SECTION 19. Section 20 of this 2023 Act is added to and made a part of the Insurance Code.

SECTION 20. (1) As used in this section:

(a) “Carrier” has the meaning given that term in ORS 743B.005.

(b) “Gender-affirming treatment” means a procedure, service, drug, device or product that a physical or behavioral health care provider prescribes to treat an individual for incongruence between the individual’s gender identity and the individual’s sex assignment at birth.

(c) “Health benefit plan” has the meaning given that term in ORS 743B.005.

(2) A carrier offering a health benefit plan in this state may not:

(a) Deny or limit coverage under the plan for gender-affirming treatment that is:

(A) Medically necessary as determined by the physical or behavioral health care provider who prescribes the treatment; and

(B) Prescribed in accordance with accepted standards of care.

(b) Apply categorical cosmetic or blanket exclusions to medically necessary gender-

1 affirming treatment.

2 (c) Exclude as a cosmetic service a medically necessary procedure prescribed by a phys-
3 ical or behavioral health care provider as gender-affirming treatment, including but not
4 limited to:

5 (A) Tracheal shave;

6 (B) Hair electrolysis;

7 (C) Facial feminization surgery or other facial gender-affirming treatment;

8 (D) Revisions to prior forms of gender-affirming treatment; and

9 (E) Any combination of gender-affirming treatment procedures.

10 (d) Issue an adverse benefit determination denying or limiting access to gender-affirming
11 treatment unless a physical or behavioral health care provider with experience prescribing
12 or delivering gender-affirming treatment has first reviewed and approved the denial of or the
13 limitation on access to the treatment.

14 (3) A carrier described in subsection (2) of this section must:

15 (a) Satisfy any network adequacy standards under ORS 743B.505 related to gender-
16 affirming treatment providers; and

17 (b)(A) Contract with a network of gender-affirming treatment providers that is sufficient
18 in numbers and geographic locations to ensure that gender-affirming treatment services are
19 accessible to all enrollees without unreasonable delay; or

20 (B) Ensure that all enrollees have geographical access without unreasonable delay to
21 out-of-network gender-affirming treatment services with cost-sharing or other out-of-pocket
22 costs for the services no greater than the cost-sharing or other out-of-pocket costs for the
23 services when furnished by an in-network provider.

24 (4) The Department of Consumer and Business Services shall evaluate compliance with
25 this section in each examination or analysis of the market conduct of a carrier under ORS
26 731.300.

27 (5) This section is exempt from ORS 743A.001.

28 **SECTION 21.** The Department of Consumer and Business Services shall conduct a tar-
29 geted market conduct examination of all carriers that are subject to the requirements of
30 section 20 of this 2023 Act to ensure compliance with section 20 of this 2023 Act. The exam-
31 inations must be completed no later than January 2, 2027.

32 **SECTION 22.** No later than December 31, 2026, the Department of Consumer and Busi-
33 ness Services shall report to the interim committees of the Legislative Assembly related to
34 health, in the manner provided in ORS 192.245, on the implementation of section 20 of this
35 2023 Act.

36 **SECTION 23.** Section 24 of this 2023 Act is added to and made a part of ORS chapter 414.

37 **SECTION 24.** (1) As used in this section, “gender-affirming treatment” means a proce-
38 dure, service, drug, device or product that a physical or behavioral health care provider
39 prescribes to treat an individual for incongruence between the individual’s gender identity
40 and the individual’s sex assignment at birth.

41 (2) Notwithstanding ORS 414.065 and 414.690, medical assistance provided to a member
42 of a coordinated care organization or a medical assistance recipient who is not enrolled in a
43 coordinated care organization shall include gender-affirming treatment.

44 (3) The Oregon Health Authority or a coordinated care organization may not:

45 (a) Deny or limit gender-affirming treatment that is:

(A) Medically necessary as determined by the physical or behavioral health care provider who prescribes the treatment; and

(B) Prescribed in accordance with accepted standards of care.

(b) Deny as a cosmetic service a medically necessary procedure prescribed by a physical or behavioral health care provider as gender-affirming treatment, including but not limited to:

(A) Tracheal shave;

(B) Hair electrolysis;

(C) Facial feminization surgery or other facial gender-affirming treatment;

(D) Revisions to prior forms of gender-affirming treatment; and

(E) Any combination of gender-affirming treatment procedures.

(c) Deny or limit gender-affirming treatment unless a physical or behavioral health care provider with experience prescribing or delivering gender-affirming treatment has first reviewed and approved the denial of or the limitation on the treatment.

(4) A coordinated care organization must:

(a) Contract with a network of gender-affirming treatment providers that is sufficient in numbers and geographic locations to meet the network adequacy standards prescribed by ORS 414.609 (1); and

(b)(A) Ensure that gender-affirming treatment services are accessible to all of the coordinated care organization's members without unreasonable delay; or

(B) Ensure that all members have geographical access to non-contracting providers of gender-affirming treatment services without unreasonable delay.

(5) The authority shall monitor coordinated care organization compliance with the requirements of this section and may adopt rules necessary to carry out the provisions of this section.

SECTION 25. ORS 243.144, as amended by section 2, chapter 72, Oregon Laws 2022, is amended to read:

243.144. Benefit plans offered by the Public Employees' Benefit Board that reimburse the cost of medical and other health services and supplies must comply with the requirements for health benefit plan coverage described in:

(1) ORS 743A.058;

(2) ORS 743B.256;

(3) ORS 743B.420;

(4) ORS 743B.423;

(5) ORS 743B.601;

(6) ORS 743B.810; *[and]*

(7) ORS 743B.287 (4); and

(8) **Section 20 of this 2023 Act.**

SECTION 26. ORS 243.877, as amended by section 3, chapter 72, Oregon Laws 2022, is amended to read:

243.877. Benefit plans offered by the Oregon Educators Benefit Board that reimburse the cost of medical and other health services and supplies must comply with the requirements for health benefit plan coverage described in:

(1) ORS 743A.058;

(2) ORS 743B.256;

- (3) ORS 743B.420;
- (4) ORS 743B.423;
- (5) ORS 743B.601;
- (6) ORS 743B.810; *[and]*
- (7) ORS 743B.287 (4); **and**
- (8) **Section 20 of this 2023 Act.**

(Contraceptives)

SECTION 27. Section 28 of this 2023 Act is added to and made a part of ORS chapter 414.

SECTION 28. (1) As used in this section, “prescription contraceptive” means a drug or device that requires a prescription and is approved by the United States Food and Drug Administration to prevent pregnancy.

(2) In determining the extent of prescription drugs to be provided in medical assistance, in accordance with ORS 414.065, the Oregon Health Authority shall ensure payment for a dispensing of prescription contraceptives, to an individual enrolled in the medical assistance program, that is sufficient to last for a period of:

(a) Three months for the first dispensing of the prescription contraceptive; and

(b) Twelve months for each subsequent dispensing of the same prescription contraceptive.

(Federal Qualified Health Center Expansion Pilot Project)

SECTION 29. (1) The Office of Rural Health shall administer a program to provide grants to two federally qualified health centers located in rural and medically underserved areas of this state to each operate a pilot project providing expanded reproductive health services to individuals living in a geographical area of this state where there is limited access to reproductive health care.

(2) The grants must include funding for technical assistance in the design and administration of each pilot project and be flexible enough to permit the federally qualified health centers to use mobile health units or other temporary or transitional structures. Grantees must demonstrate that their governance bodies are committed to expanding access to reproductive health services, including abortion, but the services offered in the pilot projects may not be limited to reproductive health care.

(3) No later than September 15, 2025, the office shall report to the interim committees of the Legislative Assembly related to health, in the manner provided in ORS 192.245, on the results of the pilot projects and recommendations for expanding the program to additional areas of this state.

(Education Programs)

SECTION 30. Section 10, chapter 45, Oregon Laws 2022, is amended to read:

Sec. 10. (1) The Oregon Health Authority *[may]* **shall**, subject to available funds, implement reproductive health services and education programs and provide funding for reproductive health services and education in this state.

(2) In order to receive state or federal funding or reimbursement from the authority for the provision of reproductive health services, a health care provider must be certified **or otherwise authorized** by the authority **to receive funding or reimbursement** pursuant to rules adopted under subsection (3) of this section.

(3) The authority [may] **shall** adopt rules **as** necessary to carry out this section, including but not limited to rules to:

(a) Establish **and administer** the programs described in subsection (1) of this section;

(b) Establish a health care provider certification **and authorization** process; and

(c) Adopt fees **for certifying or authorizing health care providers**.

PROTECTIONS FOR PROVIDERS AND INDIVIDUALS

(Malpractice insurance and licensing)

SECTION 31. An insurer that provides malpractice insurance for a health care provider may not take any adverse action, including but not limited to sanctions, fines, penalties, rate increases or denial or revocation of coverage, against a health care provider authorized to provide care in this state if the adverse action is:

(1) **Based solely on the health care provider providing, authorizing, recommending, aiding, assisting, referring for or otherwise participating in a reproductive or gender-affirming health care service that is lawful in this state but a violation of the laws of another state in which the health care provider is authorized to provide care; or**

(2) **A result of an adverse action taken against the health care provider's license issued by another state that resulted solely from the health care provider providing, authorizing, recommending, aiding, assisting, referring for or otherwise participating in a reproductive or gender-affirming health care service that is lawful in this state but a violation of the laws of the other state that prohibit the provision of the reproductive or gender-affirming health care service in the other state or for a resident of the other state.**

SECTION 32. ORS 677.190 is amended to read:

677.190. The Oregon Medical Board may refuse to grant, or may suspend or revoke, a license to practice for any of the following reasons:

(1)(a) Unprofessional or dishonorable conduct.

(b) For purposes of this subsection, the use of an alternative medical treatment shall not by itself constitute unprofessional conduct. For purposes of this paragraph:

(A) "Alternative medical treatment" means:

(i) A treatment that the treating physician, based on the physician's professional experience, has an objective basis to believe has a reasonable probability for effectiveness in its intended use even if the treatment is outside recognized scientific guidelines, is unproven, is no longer used as a generally recognized or standard treatment or lacks the approval of the United States Food and Drug Administration;

(ii) A treatment that is supported for specific usages or outcomes by at least one other physician licensed by the Oregon Medical Board; and

(iii) A treatment that poses no greater risk to a patient than the generally recognized or standard treatment.

(B) "Alternative medical treatment" does not include use by a physician of controlled substances in the treatment of a person for chemical dependency resulting from the use of controlled sub-

stances.

(2) Employing any person to solicit patients for the licensee. However, a managed care organization, independent practice association, preferred provider organization or other medical service provider organization may contract for patients on behalf of physicians.

(3) Representing to a patient that a manifestly incurable condition of sickness, disease or injury can be cured.

(4) Obtaining any fee by fraud or misrepresentation.

(5) Willfully or negligently divulging a professional secret without the written consent of the patient.

(6)(a) **Except as provided in paragraph (b) of this subsection,** conviction of any offense punishable by incarceration in a Department of Corrections institution or in a federal prison, subject to ORS 670.280. A copy of the record of conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence of the conviction.

(b) The board may not suspend, revoke or refuse to grant a license to practice because of a conviction resulting solely from the provision of a reproductive or gender-affirming health care service that is otherwise lawful in this state, that the person was authorized to perform at the time the service was provided and that was performed in accordance with the standard of care applicable to the service.

(7) Impairment as defined in ORS 676.303.

(8) Fraud or misrepresentation in applying for or procuring a license to practice in this state, or in connection with applying for or procuring registration.

(9) Making statements that the licensee knows, or with the exercise of reasonable care should know, are false or misleading, regarding skill or the efficacy or value of the medicine, treatment or remedy prescribed or administered by the licensee or at the direction of the licensee in the treatment of any disease or other condition of the human body or mind.

(10) Impersonating another licensee licensed under this chapter or permitting or allowing any person to use the license.

(11) Aiding or abetting the practice of medicine or podiatry by a person not licensed by the board, when the licensee knows, or with the exercise of reasonable care should know, that the person is not licensed.

(12) Using the name of the licensee under the designation "doctor," "Dr.," "D.O." or "M.D.," "D.P.M.," "Acupuncturist," "P.A." or any similar designation in any form of advertising that is untruthful or is intended to deceive or mislead the public.

(13) Gross negligence or repeated negligence in the practice of medicine or podiatry.

(14) Incapacity to practice medicine or podiatry. If the board has evidence indicating incapacity, the board may order a licensee to submit to a standardized competency examination. The licensee shall have access to the result of the examination and to the criteria used for grading and evaluating the examination. If the examination is given orally, the licensee shall have the right to have the examination recorded.

(15)(a) **Except as provided in paragraph (b) of this subsection,** disciplinary action by another state of a license to practice, based upon acts by the licensee similar to acts described in this section. A certified copy of the record of the disciplinary action of the state is conclusive evidence thereof.

(b) The board may not suspend, revoke or refuse to grant a license to practice because of a disciplinary action by another state based solely on the provision of a reproductive or

1 **gender-affirming health care service that is otherwise lawful in this state, that the person**
 2 **was authorized to perform at the time the service was provided and that was performed in**
 3 **accordance with the standard of care applicable to the service.**

4 (16) Failing to designate the degree appearing on the license under circumstances described in
 5 ORS 677.184 (3).

6 (17) Willfully violating any provision of this chapter or any rule adopted by the board, board
 7 order, or failing to comply with a board request pursuant to ORS 677.320.

8 (18) Failing to report the change of the location of practice of the licensee as required by ORS
 9 677.172.

10 (19) Imprisonment as provided in ORS 677.225.

11 (20) Making a fraudulent claim.

12 (21)(a) Performing psychosurgery.

13 (b) For purposes of this subsection and ORS 426.385, “psychosurgery” means any operation de-
 14 signed to produce an irreversible lesion or destroy brain tissue for the primary purpose of altering
 15 the thoughts, emotions or behavior of a human being. “Psychosurgery” does not include procedures
 16 which may produce an irreversible lesion or destroy brain tissues when undertaken to cure well-
 17 defined disease states such as brain tumor, epileptic foci and certain chronic pain syndromes.

18 (22) Refusing an invitation for an informal interview with the board requested under ORS
 19 677.415.

20 (23) Violation of the federal Controlled Substances Act.

21 (24) Prescribing controlled substances without a legitimate medical purpose, or prescribing
 22 controlled substances without following accepted procedures for examination of patients, or pre-
 23 scribing controlled substances without following accepted procedures for record keeping.

24 (25) Providing written documentation for purposes of ORS 475C.783 without having legitimately
 25 diagnosed a debilitating medical condition, as defined in ORS 475C.777, or without having followed
 26 accepted procedures for the examination of patients or for keeping records.

27 (26) Failure by the licensee to report to the board any adverse action taken against the licensee
 28 by another licensing jurisdiction or any peer review body, health care institution, professional or
 29 medical society or association, governmental agency, law enforcement agency or court for acts or
 30 conduct similar to acts or conduct that would constitute grounds for disciplinary action as described
 31 in this section.

32 (27) Failure by the licensee to notify the board of the licensee’s voluntary resignation from the
 33 staff of a health care institution or voluntary limitation of a licensee’s staff privileges at the insti-
 34 tution if that action occurs while the licensee is under investigation by the institution or a com-
 35 mittee thereof for any reason related to medical incompetence, unprofessional conduct, physical
 36 incapacity or impairment.

37 **SECTION 33.** ORS 677.225 is amended to read:

38 677.225. (1) A person’s license issued under this chapter is suspended automatically if:

39 (a) The licensee is adjudged to be a person with mental illness under ORS 426.130 or is admitted
 40 on a voluntary basis to a treatment facility for mental illness that affects the ability of the licensee
 41 to safely practice medicine and if the licensee’s residence in the hospital exceeds 25 consecutive
 42 days; or

43 (b) **Except as provided in subsection (4) of this section,** the licensee is an adult in custody
 44 in a penal institution.

45 (2)(a) The clerk of the court ordering commitment or incarceration under subsection (1)(a) or (b)

of this section shall cause to be mailed to the Oregon Medical Board, as soon as possible, a certified copy of the court order. *[No fees are chargeable by]* The clerk **may not charge a fee** for performing the duties prescribed by this paragraph.

(b) The administrator of the hospital to which a person with a license issued under this chapter has voluntarily applied for admission shall cause to be mailed to the board as soon as possible, a certified copy of the record of the voluntary admission of *[such]* **the** person.

(c) Written evidence received from the supervisory authority of a penal or mental institution that the licensee is an adult in custody or patient therein is prima facie evidence for the purpose of subsection (1)(a) or (b) of this section.

(3) A suspension under this section may be terminated by the board when:

(a)(A) The board receives evidence satisfactory to the board that the licensee is not a person with mental illness as defined in ORS 426.005; or

(B) The board receives evidence satisfactory to the board that the licensee is no longer incarcerated; and

(b) The board is satisfied, with due regard for the public interest, that the licensee's privilege to practice may be restored.

(4) This section does not apply to a licensee who is an adult in custody in a penal institution if the sole reason for incarceration is the licensee's performance of, or assistance in the performance of, a reproductive or gender-affirming health care service that is otherwise lawful in this state, that the licensee was authorized to perform, or assist in the performance of, at the time the service was provided and that was performed in accordance with the standard of care applicable to the service.

SECTION 34. Section 35 of this 2023 Act is added to and made a part of ORS 678.010 to 678.410.

SECTION 35. The Oregon State Board of Nursing may not suspend, revoke or refuse to grant a license to practice because of a person's conviction resulting solely from the provision of a reproductive or gender-affirming health care service that is otherwise lawful in this state, that the person was authorized to perform at the time the service was provided and that was performed in accordance with the standard of care applicable to the service.

SECTION 36. ORS 678.111, as amended by section 9, chapter 38, Oregon Laws 2022, is amended to read:

678.111. In the manner prescribed in ORS chapter 183 for a contested case, and except as provided in section 35 of this 2023 Act:

(1) The Oregon State Board of Nursing may refuse to issue a license to practice nursing by examination or indorsement or a nurse internship license or may revoke or suspend a license, issue a limited license, censure or reprimand or place on probation, subject to any conditions imposed by the board, a person issued a license, for any of the following causes:

(a) Conviction of the licensee of crime where the crime bears demonstrable relationship to the practice of nursing. A copy of the record of the conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence of the conviction.

(b) Gross incompetence or gross negligence of the licensee in the practice of nursing at the level for which the licensee is licensed.

(c) Any willful fraud or misrepresentation in applying for or procuring a license or renewal of a license.

(d) Fraud or deceit of the licensee in the practice of nursing or in admission to the practice of

1 nursing.

2 (e) Impairment as defined in ORS 676.303.

3 (f) Conduct derogatory to the standards of nursing.

4 (g) Violation of any provision of ORS 678.010 to 678.448 or rules adopted under ORS 678.010 to
5 678.448.

6 (h) Revocation or suspension of a license to practice nursing by any state or territory of the
7 United States, or any foreign jurisdiction authorized to issue nursing credentials whether or not that
8 license or credential was relied upon in issuing that license in this state. A certified copy of the
9 order of revocation or suspension shall be conclusive evidence of the revocation or suspension.

10 (i) Physical condition that makes the licensee unable to conduct safely the practice for which
11 the licensee is licensed.

12 (j) Violation of any condition imposed by the board when issuing a limited license.

13 (2) A license may be denied, suspended or revoked for the reasons stated in subsection (1) of this
14 section.

15 (3) A license in inactive status may be denied, suspended or revoked for the reasons stated in
16 subsection (1) of this section.

17 (4) A license in retired status may be denied, suspended or revoked for any cause stated in
18 subsection (1) of this section.

19 **SECTION 37.** ORS 685.110 is amended to read:

20 685.110. The Oregon Board of Naturopathic Medicine may refuse to grant a license, may suspend
21 or revoke a license, may limit a license, may impose probation, may issue a letter of reprimand and
22 may impose a civil penalty not to exceed \$5,000 for each offense for any of the following reasons:

23 (1) Using fraud or deception in securing a license.

24 (2) Impersonating another physician.

25 (3) Practicing naturopathic medicine under an assumed name.

26 (4) Performing an abortion.

27 (5) Being convicted of a crime involving moral turpitude.

28 (6) Any other reason that renders the applicant or licensee unfit to perform the duties of a
29 naturopathic physician.

30 (7) Being convicted of a crime relating to practice of naturopathic medicine, **unless the con-**
31 **viction is solely the result of providing a reproductive or gender-affirming health care service**
32 **that is otherwise lawful in this state, that the person was authorized to perform at the time**
33 **the service was provided and that was performed in accordance with the standard of care**
34 **applicable to the service.**

35 (8) Committing negligence related to the practice of naturopathic medicine.

36 (9) Having an impairment as defined in ORS 676.303.

37 (10) Prescribing or dispensing drugs outside the scope of practice.

38 (11) Obtaining a fee through fraud or misrepresentation.

39 (12) Committing gross or repeated malpractice.

40 (13) Representing to a patient that a manifestly incurable condition of sickness, disease or injury
41 can be permanently cured.

42 (14) Engaging in any conduct or practice contrary to a recognized standard of ethics of the
43 profession or any conduct or practice that does or might constitute a danger to the health or safety
44 of a patient or the public or any conduct, practice or condition that does or might adversely affect
45 a physician's ability safely and skillfully to practice naturopathic medicine.

(15) Willfully and consistently utilizing any naturopathic service, X-ray equipment or treatment contrary to recognized standards of practice of the naturopathic profession.

(16) Failing to notify the board within 30 days of a change in the location of practice or of mailing address.

(17) Attempting to practice naturopathic medicine or practicing or claiming to practice naturopathic medicine or any of its components in this state without first complying with the provisions of this chapter.

(18) Having a license to practice naturopathic medicine in another jurisdiction suspended or revoked, **unless the suspension or revocation is solely the result of providing a reproductive or gender-affirming health care service that is otherwise lawful in this state, that the person was authorized to perform at the time the service was provided and that was performed in accordance with the standard of care applicable to the service.**

(19) Employing unlicensed persons to practice naturopathic medicine.

(20) Practicing natural childbirth without first obtaining a certificate of special competency.

(21) Failing to respond in a timely manner to a request for information regarding a complaint or the investigation of a complaint by the board.

(22) Failing to pay a civil penalty in the time specified by the order imposing the penalty.

(23) Violating any provision of this chapter or rules adopted by the board.

SECTION 38. ORS 689.405 is amended to read:

689.405. (1) The State Board of Pharmacy may refuse to issue or renew, or may suspend, revoke or restrict the license of any person or the certificate of registration of any drug outlet upon one or more of the following grounds:

(a) Unprofessional conduct as that term is defined by the rules of the board.

(b) Repeated or gross negligence.

(c) Incapacity of a nature that prevents a person from engaging in the activity for which the person is licensed with reasonable skill, competence and safety to the public.

(d) Impairment as defined in ORS 676.303.

(e) **Subject to subsection (4) of this section,** being found guilty by the board of a violation of subparagraph (B) of this paragraph, or by a court of competent jurisdiction of one or more of the following:

(A) A felony, as defined by the laws of this state; or

(B) Violations of the pharmacy or drug laws of this state or rules pertaining thereto, or of statutes, rules or regulations of any other state, or of the federal government.

(f) Fraud or intentional misrepresentation by a licensee or registrant in securing or attempting to secure the issuance or renewal of a license.

(g) Engaging or aiding and abetting an individual to engage in the practice of pharmacy without a license, or falsely using the title of pharmacist.

(h) Aiding and abetting an individual in performing the duties of a pharmacy technician without licensing.

(i) Being found by the board to be in violation of any of the provisions of ORS 435.010 to 435.130, 453.025, 453.045, 475.035 to 475.190, 475.744, 475.752 to 475.980 or this chapter or rules adopted pursuant to ORS 435.010 to 435.130, 453.025, 453.045, 475.035 to 475.190, 475.744, 475.752 to 475.980 and this chapter.

(j) Disciplinary action by another state regarding a license, based upon acts by the licensee similar to acts described in this subsection. A certified copy of the record of disciplinary action of

the state taking the disciplinary action is conclusive evidence thereof.

(2) Upon receipt of a complaint under this chapter, the board shall conduct an investigation as described under ORS 676.165.

(3) Actions taken under subsection (1) of this section shall be considered a contested case under ORS chapter 183.

(4) The board may not suspend, revoke or refuse to grant a license to practice because of a conviction resulting solely from the provision of a reproductive or gender-affirming health care service that is otherwise lawful in this state, that the person was authorized to perform at the time the service was provided and that was performed in accordance with the standard of care applicable to the service.

(Confidentiality)

SECTION 39. ORS 192.345 is amended to read:

192.345. The following public records are exempt from disclosure under ORS 192.311 to 192.478 unless the public interest requires disclosure in the particular instance:

(1) Records of a public body pertaining to litigation to which the public body is a party if the complaint has been filed, or if the complaint has not been filed, if the public body shows that such litigation is reasonably likely to occur. This exemption does not apply to litigation which has been concluded, and nothing in this subsection shall limit any right or opportunity granted by discovery or deposition statutes to a party to litigation or potential litigation.

(2) Trade secrets. "Trade secrets," as used in this section, may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within an organization and which is used in a business it conducts, having actual or potential commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

(3) Investigatory information compiled for criminal law purposes. The record of an arrest or the report of a crime shall be disclosed unless and only for so long as there is a clear need to delay disclosure in the course of a specific investigation, including the need to protect the complaining party or the victim. Nothing in this subsection shall limit any right constitutionally guaranteed, or granted by statute, to disclosure or discovery in criminal cases. For purposes of this subsection, the record of an arrest or the report of a crime includes, but is not limited to:

(a) The arrested person's name, age, residence, employment, marital status and similar biographical information;

(b) The offense with which the arrested person is charged;

(c) The conditions of release pursuant to ORS 135.230 to 135.290;

(d) The identity of and biographical information concerning both complaining party and victim;

(e) The identity of the investigating and arresting agency and the length of the investigation;

(f) The circumstances of arrest, including time, place, resistance, pursuit and weapons used; and

(g) Such information as may be necessary to enlist public assistance in apprehending fugitives from justice.

(4) Test questions, scoring keys, and other data used to administer a licensing examination, employment, academic or other examination or testing procedure before the examination is given and if the examination is to be used again. Records establishing procedures for and instructing

1 persons administering, grading or evaluating an examination or testing procedure are included in
 2 this exemption, to the extent that disclosure would create a risk that the result might be affected.

3 (5) Information consisting of production records, sale or purchase records or catch records, or
 4 similar business records of a private concern or enterprise, required by law to be submitted to or
 5 inspected by a governmental body to allow it to determine fees or assessments payable or to estab-
 6 lish production quotas, and the amounts of such fees or assessments payable or paid, to the extent
 7 that such information is in a form that would permit identification of the individual concern or en-
 8 terprise. This exemption does not include records submitted by long term care facilities as defined
 9 in ORS 442.015 to the state for purposes of reimbursement of expenses or determining fees for pa-
 10 tient care. Nothing in this subsection shall limit the use that can be made of such information for
 11 regulatory purposes or its admissibility in any enforcement proceeding.

12 (6) Information relating to the appraisal of real estate prior to its acquisition.

13 (7) The names and signatures of employees who sign authorization cards or petitions for the
 14 purpose of requesting representation or decertification elections.

15 (8) Investigatory information relating to any complaint filed under ORS 659A.820 or 659A.825,
 16 until such time as the complaint is resolved under ORS 659A.835, or a final order is issued under
 17 ORS 659A.850.

18 (9) Investigatory information relating to any complaint or charge filed under ORS 243.676 and
 19 663.180.

20 (10) Records, reports and other information received or compiled by the Director of the De-
 21 partment of Consumer and Business Services under ORS 697.732.

22 (11) Information concerning the location of archaeological sites or objects as those terms are
 23 defined in ORS 358.905, except if the governing body of an Indian tribe requests the information and
 24 the need for the information is related to that Indian tribe's cultural or religious activities. This
 25 exemption does not include information relating to a site that is all or part of an existing, commonly
 26 known and publicized tourist facility or attraction.

27 (12) A personnel discipline action, or materials or documents supporting that action.

28 (13) Fish and wildlife information:

29 (a) Developed pursuant to ORS 496.004, 496.172 and 498.026 or ORS 496.192 and 564.100, re-
 30 garding the habitat, location or population of any threatened species or endangered species; or

31 (b) Described in section 2, chapter 532, Oregon Laws 2019.

32 (14) Writings prepared by or under the direction of faculty of public educational institutions, in
 33 connection with research, until publicly released, copyrighted or patented.

34 (15) Computer programs developed or purchased by or for any public body for its own use. As
 35 used in this subsection, "computer program" means a series of instructions or statements which
 36 permit the functioning of a computer system in a manner designed to provide storage, retrieval and
 37 manipulation of data from such computer system, and any associated documentation and source
 38 material that explain how to operate the computer program. "Computer program" does not include:

39 (a) The original data, including but not limited to numbers, text, voice, graphics and images;

40 (b) Analyses, compilations and other manipulated forms of the original data produced by use of
 41 the program; or

42 (c) The mathematical and statistical formulas which would be used if the manipulated forms of
 43 the original data were to be produced manually.

44 (16) Data and information provided by participants to mediation under ORS 36.256.

45 (17) Investigatory information relating to any complaint or charge filed under ORS chapter 654,

1 until a final administrative determination is made or, if a citation is issued, until an employer re-
2 ceives notice of any citation.

3 (18) Specific operational plans in connection with an anticipated threat to individual or public
4 safety for deployment and use of personnel and equipment, prepared or used by a public body, if
5 public disclosure of the plans would endanger an individual's life or physical safety or jeopardize a
6 law enforcement activity.

7 (19)(a) Audits or audit reports required of a telecommunications carrier. As used in this para-
8 graph, "audit or audit report" means any external or internal audit or audit report pertaining to a
9 telecommunications carrier, as defined in ORS 133.721, or pertaining to a corporation having an af-
10 filiated interest, as defined in ORS 759.390, with a telecommunications carrier that is intended to
11 make the operations of the entity more efficient, accurate or compliant with applicable rules, pro-
12 cedures or standards, that may include self-criticism and that has been filed by the telecommuni-
13 cations carrier or affiliate under compulsion of state law. "Audit or audit report" does not mean an
14 audit of a cost study that would be discoverable in a contested case proceeding and that is not
15 subject to a protective order; and

16 (b) Financial statements. As used in this paragraph, "financial statement" means a financial
17 statement of a nonregulated corporation having an affiliated interest, as defined in ORS 759.390,
18 with a telecommunications carrier, as defined in ORS 133.721.

19 (20) The residence address of an elector if authorized under ORS 247.965 and subject to ORS
20 247.967.

21 (21) The following records, communications and information submitted to a housing authority
22 as defined in ORS 456.005, or to an urban renewal agency as defined in ORS 457.010, by applicants
23 for and recipients of loans, grants and tax credits:

24 (a) Personal and corporate financial statements and information, including tax returns;

25 (b) Credit reports;

26 (c) Project appraisals, excluding appraisals obtained in the course of transactions involving an
27 interest in real estate that is acquired, leased, rented, exchanged, transferred or otherwise disposed
28 of as part of the project, but only after the transactions have closed and are concluded;

29 (d) Market studies and analyses;

30 (e) Articles of incorporation, partnership agreements and operating agreements;

31 (f) Commitment letters;

32 (g) Project pro forma statements;

33 (h) Project cost certifications and cost data;

34 (i) Audits;

35 (j) Project tenant correspondence requested to be confidential;

36 (k) Tenant files relating to certification; and

37 (L) Housing assistance payment requests.

38 (22) Records or information that, if disclosed, would allow a person to:

39 (a) Gain unauthorized access to buildings or other property;

40 (b) Identify those areas of structural or operational vulnerability that would permit unlawful
41 disruption to, or interference with, services; or

42 (c) Disrupt, interfere with or gain unauthorized access to public funds or to information pro-
43 cessing, communication or telecommunication systems, including the information contained in the
44 systems, that are used or operated by a public body.

45 (23) Records or information that would reveal or otherwise identify security measures, or

1 weaknesses or potential weaknesses in security measures, taken or recommended to be taken to
2 protect:

3 (a) An individual;

4 (b) Buildings or other property;

5 (c) Information processing, communication or telecommunication systems, including the infor-
6 mation contained in the systems; or

7 (d) Those operations of the Oregon State Lottery the security of which are subject to study and
8 evaluation under ORS 461.180 (6).

9 (24) Personal information held by or under the direction of officials of the Oregon Health and
10 Science University or a public university listed in ORS 352.002 about a person who has or who is
11 interested in donating money or property to the Oregon Health and Science University or a public
12 university, if the information is related to the family of the person, personal assets of the person or
13 is incidental information not related to the donation.

14 (25) The home address, professional address and telephone number of a person who has or who
15 is interested in donating money or property to a public university listed in ORS 352.002.

16 (26) Records of the name and address of a person who files a report with or pays an assessment
17 to a commodity commission established under ORS 576.051 to 576.455, the Oregon Beef Council
18 created under ORS 577.210 or the Oregon Wheat Commission created under ORS 578.030.

19 (27) Information provided to, obtained by or used by a public body to authorize, originate, re-
20 ceive or authenticate a transfer of funds, including but not limited to a credit card number, payment
21 card expiration date, password, financial institution account number and financial institution routing
22 number.

23 (28) Social Security numbers as provided in ORS 107.840.

24 (29) The electronic mail address of a student who attends a public university listed in ORS
25 352.002 or Oregon Health and Science University.

26 (30) The name, home address, professional address or location of a person that is engaged in,
27 or that provides goods or services for, medical research at Oregon Health and Science University
28 that is conducted using animals other than rodents. This subsection does not apply to Oregon Health
29 and Science University press releases, websites or other publications circulated to the general pub-
30 lic.

31 (31) If requested by a public safety officer, as defined in ORS 181A.355, or a county juvenile
32 department employee who is charged with and primarily performs duties related to the custody,
33 control or supervision of adjudicated youths confined in a detention facility, as defined in ORS
34 419A.004:

35 (a) The home address and home telephone number of the public safety officer or county juvenile
36 department employee contained in the voter registration records for the officer or employee.

37 (b) The home address and home telephone number of the public safety officer or county juvenile
38 department employee contained in records of the Department of Public Safety Standards and Train-
39 ing.

40 (c) The name of the public safety officer or county juvenile department employee contained in
41 county real property assessment or taxation records. This exemption:

42 (A) Applies only to the name of the officer or employee and any other owner of the property in
43 connection with a specific property identified by the officer or employee in a request for exemption
44 from disclosure;

45 (B) Applies only to records that may be made immediately available to the public upon request

1 in person, by telephone or using the Internet;

2 (C) Applies until the officer or employee requests termination of the exemption;

3 (D) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for
4 governmental purposes; and

5 (E) May not result in liability for the county if the name of the officer or employee is disclosed
6 after a request for exemption from disclosure is made under this subsection.

7 (32) Unless the public records request is made by a financial institution, as defined in ORS
8 706.008, consumer finance company licensed under ORS chapter 725, mortgage banker or mortgage
9 broker licensed under ORS 86A.095 to 86A.198, or title company for business purposes, records de-
10 scribed in paragraph (a) of this subsection, if the exemption from disclosure of the records is sought
11 by an individual described in paragraph (b) of this subsection using the procedure described in par-
12 agraph (c) of this subsection:

13 (a) The home address, home or cellular telephone number or personal electronic mail address
14 contained in the records of any public body that has received the request that is set forth in:

15 (A) A warranty deed, deed of trust, mortgage, lien, deed of reconveyance, release, satisfaction,
16 substitution of trustee, easement, dog license, marriage license or military discharge record that is
17 in the possession of the county clerk; or

18 (B) Any public record of a public body other than the county clerk.

19 (b) The individual claiming the exemption from disclosure must be a district attorney, a deputy
20 district attorney, the Attorney General or an assistant attorney general, the United States Attorney
21 for the District of Oregon or an assistant United States attorney for the District of Oregon, a city
22 attorney who engages in the prosecution of criminal matters or a deputy city attorney who engages
23 in the prosecution of criminal matters.

24 (c) The individual claiming the exemption from disclosure must do so by filing the claim in
25 writing with the public body for which the exemption from disclosure is being claimed on a form
26 prescribed by the public body. Unless the claim is filed with the county clerk, the claim form shall
27 list the public records in the possession of the public body to which the exemption applies. The ex-
28 emption applies until the individual claiming the exemption requests termination of the exemption
29 or ceases to qualify for the exemption.

30 (33) The following voluntary conservation agreements and reports:

31 (a) Land management plans required for voluntary stewardship agreements entered into under
32 ORS 541.973; and

33 (b) Written agreements relating to the conservation of greater sage grouse entered into volun-
34 tarily by owners or occupiers of land with a soil and water conservation district under ORS 568.550.

35 (34) Sensitive business records or financial or commercial information of the State Accident In-
36 surance Fund Corporation that is not customarily provided to business competitors. This exemption
37 does not:

38 (a) Apply to the formulas for determining dividends to be paid to employers insured by the State
39 Accident Insurance Fund Corporation;

40 (b) Apply to contracts for advertising, public relations or lobbying services or to documents re-
41 lated to the formation of such contracts;

42 (c) Apply to group insurance contracts or to documents relating to the formation of such con-
43 tracts, except that employer account records shall remain exempt from disclosure as provided in
44 ORS 192.355 (35); or

45 (d) Provide the basis for opposing the discovery of documents in litigation pursuant to the ap-

1 plicable rules of civil procedure.

2 (35) Records of the Department of Public Safety Standards and Training relating to investi-
3 gations conducted under ORS 181A.640 or 181A.870 (6), until the department issues the report de-
4 scribed in ORS 181A.640 or 181A.870.

5 (36) A medical examiner's report, autopsy report or laboratory test report ordered by a medical
6 examiner under ORS 146.117.

7 (37) Any document or other information related to an audit of a public body, as defined in ORS
8 174.109, that is in the custody of an auditor or audit organization operating under nationally re-
9 cognized government auditing standards, until the auditor or audit organization issues a final audit
10 report in accordance with those standards or the audit is abandoned. This exemption does not pro-
11 hibit disclosure of a draft audit report that is provided to the audited entity for the entity's response
12 to the audit findings.

13 (38)(a) Personally identifiable information collected as part of an electronic fare collection sys-
14 tem of a mass transit system.

15 (b) The exemption from disclosure in paragraph (a) of this subsection does not apply to public
16 records that have attributes of anonymity that are sufficient, or that are aggregated into groupings
17 that are broad enough, to ensure that persons cannot be identified by disclosure of the public re-
18 cords.

19 (c) As used in this subsection:

20 (A) "Electronic fare collection system" means the software and hardware used for, associated
21 with or relating to the collection of transit fares for a mass transit system, including but not limited
22 to computers, radio communication systems, personal mobile devices, wearable technology, fare in-
23 struments, information technology, data storage or collection equipment, or other equipment or im-
24 provements.

25 (B) "Mass transit system" has the meaning given that term in ORS 267.010.

26 (C) "Personally identifiable information" means all information relating to a person that ac-
27 quires or uses a transit pass or other fare payment medium in connection with an electronic fare
28 collection system, including but not limited to:

29 (i) Customer account information, date of birth, telephone number, physical address, electronic
30 mail address, credit or debit card information, bank account information, Social Security or taxpayer
31 identification number or other identification number, transit pass or fare payment medium balances
32 or history, or similar personal information; or

33 (ii) Travel dates, travel times, frequency of use, travel locations, service types or vehicle use,
34 or similar travel information.

35 (39)(a) If requested by a civil code enforcement officer:

36 (A) The home address and home telephone number of the civil code enforcement officer con-
37 tained in the voter registration records for the officer.

38 (B) The name of the civil code enforcement officer contained in county real property assessment
39 or taxation records. This exemption:

40 (i) Applies only to the name of the civil code enforcement officer and any other owner of the
41 property in connection with a specific property identified by the officer in a request for exemption
42 from disclosure;

43 (ii) Applies only to records that may be made immediately available to the public upon request
44 in person, by telephone or using the Internet;

45 (iii) Applies until the civil code enforcement officer requests termination of the exemption;

(iv) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for governmental purposes; and

(v) May not result in liability for the county if the name of the civil code enforcement officer is disclosed after a request for exemption from disclosure is made under this subsection.

(b) As used in this subsection, "civil code enforcement officer" means an employee of a public body, as defined in ORS 174.109, who is charged with enforcing laws or ordinances relating to land use, zoning, use of rights-of-way, solid waste, hazardous waste, sewage treatment and disposal or the state building code.

(40) Audio or video recordings, whether digital or analog, resulting from a law enforcement officer's operation of a video camera worn upon the officer's person that records the officer's interactions with members of the public while the officer is on duty. When a recording described in this subsection is subject to disclosure, the following apply:

(a) Recordings that have been sealed in a court's record of a court proceeding or otherwise ordered by a court not to be disclosed may not be disclosed.

(b) A request for disclosure under this subsection must identify the approximate date and time of an incident for which the recordings are requested and be reasonably tailored to include only that material for which a public interest requires disclosure.

(c) A video recording disclosed under this subsection must, prior to disclosure, be edited in a manner as to render the faces of all persons within the recording unidentifiable.

(41) The contents of tips reported to a tip line, as defined in ORS 339.329. However, personally identifiable information, as defined in ORS 339.329, is not subject to public interest balancing under this section and remains exempt from disclosure except as provided in ORS 339.329.

(42) Residential addresses of individuals with intellectual or developmental disabilities residing in adult foster homes as defined in ORS 443.705 or residential training facilities or residential training homes as those terms are defined in ORS 443.400.

(43) The name, home address, professional address or location of an individual who is authorized to provide physical and behavioral health care services in this state and who provides reproductive and gender-affirming health care services.

SECTION 40. ORS 192.345, as amended by section 4, chapter 532, Oregon Laws 2019, section 2, chapter 318, Oregon Laws 2021, and section 23, chapter 489, Oregon Laws 2021, is amended to read:

192.345. The following public records are exempt from disclosure under ORS 192.311 to 192.478 unless the public interest requires disclosure in the particular instance:

(1) Records of a public body pertaining to litigation to which the public body is a party if the complaint has been filed, or if the complaint has not been filed, if the public body shows that such litigation is reasonably likely to occur. This exemption does not apply to litigation which has been concluded, and nothing in this subsection shall limit any right or opportunity granted by discovery or deposition statutes to a party to litigation or potential litigation.

(2) Trade secrets. "Trade secrets," as used in this section, may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within an organization and which is used in a business it conducts, having actual or potential commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

(3) Investigatory information compiled for criminal law purposes. The record of an arrest or the

1 report of a crime shall be disclosed unless and only for so long as there is a clear need to delay
2 disclosure in the course of a specific investigation, including the need to protect the complaining
3 party or the victim. Nothing in this subsection shall limit any right constitutionally guaranteed, or
4 granted by statute, to disclosure or discovery in criminal cases. For purposes of this subsection, the
5 record of an arrest or the report of a crime includes, but is not limited to:

6 (a) The arrested person's name, age, residence, employment, marital status and similar bi-
7 ographical information;

8 (b) The offense with which the arrested person is charged;

9 (c) The conditions of release pursuant to ORS 135.230 to 135.290;

10 (d) The identity of and biographical information concerning both complaining party and victim;

11 (e) The identity of the investigating and arresting agency and the length of the investigation;

12 (f) The circumstances of arrest, including time, place, resistance, pursuit and weapons used; and

13 (g) Such information as may be necessary to enlist public assistance in apprehending fugitives
14 from justice.

15 (4) Test questions, scoring keys, and other data used to administer a licensing examination,
16 employment, academic or other examination or testing procedure before the examination is given
17 and if the examination is to be used again. Records establishing procedures for and instructing
18 persons administering, grading or evaluating an examination or testing procedure are included in
19 this exemption, to the extent that disclosure would create a risk that the result might be affected.

20 (5) Information consisting of production records, sale or purchase records or catch records, or
21 similar business records of a private concern or enterprise, required by law to be submitted to or
22 inspected by a governmental body to allow it to determine fees or assessments payable or to estab-
23 lish production quotas, and the amounts of such fees or assessments payable or paid, to the extent
24 that such information is in a form that would permit identification of the individual concern or en-
25 terprise. This exemption does not include records submitted by long term care facilities as defined
26 in ORS 442.015 to the state for purposes of reimbursement of expenses or determining fees for pa-
27 tient care. Nothing in this subsection shall limit the use that can be made of such information for
28 regulatory purposes or its admissibility in any enforcement proceeding.

29 (6) Information relating to the appraisal of real estate prior to its acquisition.

30 (7) The names and signatures of employees who sign authorization cards or petitions for the
31 purpose of requesting representation or decertification elections.

32 (8) Investigatory information relating to any complaint filed under ORS 659A.820 or 659A.825,
33 until such time as the complaint is resolved under ORS 659A.835, or a final order is issued under
34 ORS 659A.850.

35 (9) Investigatory information relating to any complaint or charge filed under ORS 243.676 and
36 663.180.

37 (10) Records, reports and other information received or compiled by the Director of the De-
38 partment of Consumer and Business Services under ORS 697.732.

39 (11) Information concerning the location of archaeological sites or objects as those terms are
40 defined in ORS 358.905, except if the governing body of an Indian tribe requests the information and
41 the need for the information is related to that Indian tribe's cultural or religious activities. This
42 exemption does not include information relating to a site that is all or part of an existing, commonly
43 known and publicized tourist facility or attraction.

44 (12) A personnel discipline action, or materials or documents supporting that action.

45 (13) Fish and wildlife information developed pursuant to ORS 496.004, 496.172 and 498.026 or

1 ORS 496.192 and 564.100, regarding the habitat, location or population of any threatened species or
2 endangered species.

3 (14) Writings prepared by or under the direction of faculty of public educational institutions, in
4 connection with research, until publicly released, copyrighted or patented.

5 (15) Computer programs developed or purchased by or for any public body for its own use. As
6 used in this subsection, "computer program" means a series of instructions or statements which
7 permit the functioning of a computer system in a manner designed to provide storage, retrieval and
8 manipulation of data from such computer system, and any associated documentation and source
9 material that explain how to operate the computer program. "Computer program" does not include:

10 (a) The original data, including but not limited to numbers, text, voice, graphics and images;

11 (b) Analyses, compilations and other manipulated forms of the original data produced by use of
12 the program; or

13 (c) The mathematical and statistical formulas which would be used if the manipulated forms of
14 the original data were to be produced manually.

15 (16) Data and information provided by participants to mediation under ORS 36.256.

16 (17) Investigatory information relating to any complaint or charge filed under ORS chapter 654,
17 until a final administrative determination is made or, if a citation is issued, until an employer re-
18 ceives notice of any citation.

19 (18) Specific operational plans in connection with an anticipated threat to individual or public
20 safety for deployment and use of personnel and equipment, prepared or used by a public body, if
21 public disclosure of the plans would endanger an individual's life or physical safety or jeopardize a
22 law enforcement activity.

23 (19)(a) Audits or audit reports required of a telecommunications carrier. As used in this para-
24 graph, "audit or audit report" means any external or internal audit or audit report pertaining to a
25 telecommunications carrier, as defined in ORS 133.721, or pertaining to a corporation having an af-
26 filiated interest, as defined in ORS 759.390, with a telecommunications carrier that is intended to
27 make the operations of the entity more efficient, accurate or compliant with applicable rules, pro-
28 cedures or standards, that may include self-criticism and that has been filed by the telecommuni-
29 cations carrier or affiliate under compulsion of state law. "Audit or audit report" does not mean an
30 audit of a cost study that would be discoverable in a contested case proceeding and that is not
31 subject to a protective order; and

32 (b) Financial statements. As used in this paragraph, "financial statement" means a financial
33 statement of a nonregulated corporation having an affiliated interest, as defined in ORS 759.390,
34 with a telecommunications carrier, as defined in ORS 133.721.

35 (20) The residence address of an elector if authorized under ORS 247.965 and subject to ORS
36 247.967.

37 (21) The following records, communications and information submitted to a housing authority
38 as defined in ORS 456.005, or to an urban renewal agency as defined in ORS 457.010, by applicants
39 for and recipients of loans, grants and tax credits:

40 (a) Personal and corporate financial statements and information, including tax returns;

41 (b) Credit reports;

42 (c) Project appraisals, excluding appraisals obtained in the course of transactions involving an
43 interest in real estate that is acquired, leased, rented, exchanged, transferred or otherwise disposed
44 of as part of the project, but only after the transactions have closed and are concluded;

45 (d) Market studies and analyses;

- 1 (e) Articles of incorporation, partnership agreements and operating agreements;
 - 2 (f) Commitment letters;
 - 3 (g) Project pro forma statements;
 - 4 (h) Project cost certifications and cost data;
 - 5 (i) Audits;
 - 6 (j) Project tenant correspondence requested to be confidential;
 - 7 (k) Tenant files relating to certification; and
 - 8 (L) Housing assistance payment requests.
- 9 (22) Records or information that, if disclosed, would allow a person to:
- 10 (a) Gain unauthorized access to buildings or other property;
 - 11 (b) Identify those areas of structural or operational vulnerability that would permit unlawful
 - 12 disruption to, or interference with, services; or
 - 13 (c) Disrupt, interfere with or gain unauthorized access to public funds or to information pro-
 - 14 cessing, communication or telecommunication systems, including the information contained in the
 - 15 systems, that are used or operated by a public body.
- 16 (23) Records or information that would reveal or otherwise identify security measures, or
- 17 weaknesses or potential weaknesses in security measures, taken or recommended to be taken to
- 18 protect:
- 19 (a) An individual;
 - 20 (b) Buildings or other property;
 - 21 (c) Information processing, communication or telecommunication systems, including the infor-
 - 22 mation contained in the systems; or
 - 23 (d) Those operations of the Oregon State Lottery the security of which are subject to study and
 - 24 evaluation under ORS 461.180 (6).
- 25 (24) Personal information held by or under the direction of officials of the Oregon Health and
- 26 Science University or a public university listed in ORS 352.002 about a person who has or who is
- 27 interested in donating money or property to the Oregon Health and Science University or a public
- 28 university, if the information is related to the family of the person, personal assets of the person or
- 29 is incidental information not related to the donation.
- 30 (25) The home address, professional address and telephone number of a person who has or who
- 31 is interested in donating money or property to a public university listed in ORS 352.002.
- 32 (26) Records of the name and address of a person who files a report with or pays an assessment
- 33 to a commodity commission established under ORS 576.051 to 576.455, the Oregon Beef Council
- 34 created under ORS 577.210 or the Oregon Wheat Commission created under ORS 578.030.
- 35 (27) Information provided to, obtained by or used by a public body to authorize, originate, re-
- 36 ceive or authenticate a transfer of funds, including but not limited to a credit card number, payment
- 37 card expiration date, password, financial institution account number and financial institution routing
- 38 number.
- 39 (28) Social Security numbers as provided in ORS 107.840.
- 40 (29) The electronic mail address of a student who attends a public university listed in ORS
- 41 352.002 or Oregon Health and Science University.
- 42 (30) The name, home address, professional address or location of a person that is engaged in,
- 43 or that provides goods or services for, medical research at Oregon Health and Science University
- 44 that is conducted using animals other than rodents. This subsection does not apply to Oregon Health
- 45 and Science University press releases, websites or other publications circulated to the general pub-

1 lic.

2 (31) If requested by a public safety officer, as defined in ORS 181A.355, or a county juvenile
3 department employee who is charged with and primarily performs duties related to the custody,
4 control or supervision of adjudicated youths confined in a detention facility, as defined in ORS
5 419A.004:

6 (a) The home address and home telephone number of the public safety officer or county juvenile
7 department employee contained in the voter registration records for the officer or employee.

8 (b) The home address and home telephone number of the public safety officer or county juvenile
9 department employee contained in records of the Department of Public Safety Standards and Train-
10 ing.

11 (c) The name of the public safety officer or county juvenile department employee contained in
12 county real property assessment or taxation records. This exemption:

13 (A) Applies only to the name of the officer or employee and any other owner of the property in
14 connection with a specific property identified by the officer or employee in a request for exemption
15 from disclosure;

16 (B) Applies only to records that may be made immediately available to the public upon request
17 in person, by telephone or using the Internet;

18 (C) Applies until the officer or employee requests termination of the exemption;

19 (D) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for
20 governmental purposes; and

21 (E) May not result in liability for the county if the name of the officer or employee is disclosed
22 after a request for exemption from disclosure is made under this subsection.

23 (32) Unless the public records request is made by a financial institution, as defined in ORS
24 706.008, consumer finance company licensed under ORS chapter 725, mortgage banker or mortgage
25 broker licensed under ORS 86A.095 to 86A.198, or title company for business purposes, records de-
26 scribed in paragraph (a) of this subsection, if the exemption from disclosure of the records is sought
27 by an individual described in paragraph (b) of this subsection using the procedure described in par-
28 agraph (c) of this subsection:

29 (a) The home address, home or cellular telephone number or personal electronic mail address
30 contained in the records of any public body that has received the request that is set forth in:

31 (A) A warranty deed, deed of trust, mortgage, lien, deed of reconveyance, release, satisfaction,
32 substitution of trustee, easement, dog license, marriage license or military discharge record that is
33 in the possession of the county clerk; or

34 (B) Any public record of a public body other than the county clerk.

35 (b) The individual claiming the exemption from disclosure must be a district attorney, a deputy
36 district attorney, the Attorney General or an assistant attorney general, the United States Attorney
37 for the District of Oregon or an assistant United States attorney for the District of Oregon, a city
38 attorney who engages in the prosecution of criminal matters or a deputy city attorney who engages
39 in the prosecution of criminal matters.

40 (c) The individual claiming the exemption from disclosure must do so by filing the claim in
41 writing with the public body for which the exemption from disclosure is being claimed on a form
42 prescribed by the public body. Unless the claim is filed with the county clerk, the claim form shall
43 list the public records in the possession of the public body to which the exemption applies. The ex-
44 emption applies until the individual claiming the exemption requests termination of the exemption
45 or ceases to qualify for the exemption.

1 (33) The following voluntary conservation agreements and reports:

2 (a) Land management plans required for voluntary stewardship agreements entered into under
3 ORS 541.973; and

4 (b) Written agreements relating to the conservation of greater sage grouse entered into volun-
5 tarily by owners or occupiers of land with a soil and water conservation district under ORS 568.550.

6 (34) Sensitive business records or financial or commercial information of the State Accident In-
7 surance Fund Corporation that is not customarily provided to business competitors. This exemption
8 does not:

9 (a) Apply to the formulas for determining dividends to be paid to employers insured by the State
10 Accident Insurance Fund Corporation;

11 (b) Apply to contracts for advertising, public relations or lobbying services or to documents re-
12 lated to the formation of such contracts;

13 (c) Apply to group insurance contracts or to documents relating to the formation of such con-
14 tracts, except that employer account records shall remain exempt from disclosure as provided in
15 ORS 192.355 (35); or

16 (d) Provide the basis for opposing the discovery of documents in litigation pursuant to the ap-
17 plicable rules of civil procedure.

18 (35) Records of the Department of Public Safety Standards and Training relating to investi-
19 gations conducted under ORS 181A.640 or 181A.870 (6), until the department issues the report de-
20 scribed in ORS 181A.640 or 181A.870.

21 (36) A medical examiner's report, autopsy report or laboratory test report ordered by a medical
22 examiner under ORS 146.117.

23 (37) Any document or other information related to an audit of a public body, as defined in ORS
24 174.109, that is in the custody of an auditor or audit organization operating under nationally re-
25 cognized government auditing standards, until the auditor or audit organization issues a final audit
26 report in accordance with those standards or the audit is abandoned. This exemption does not pro-
27 hibit disclosure of a draft audit report that is provided to the audited entity for the entity's response
28 to the audit findings.

29 (38)(a) Personally identifiable information collected as part of an electronic fare collection sys-
30 tem of a mass transit system.

31 (b) The exemption from disclosure in paragraph (a) of this subsection does not apply to public
32 records that have attributes of anonymity that are sufficient, or that are aggregated into groupings
33 that are broad enough, to ensure that persons cannot be identified by disclosure of the public re-
34 cords.

35 (c) As used in this subsection:

36 (A) "Electronic fare collection system" means the software and hardware used for, associated
37 with or relating to the collection of transit fares for a mass transit system, including but not limited
38 to computers, radio communication systems, personal mobile devices, wearable technology, fare in-
39 struments, information technology, data storage or collection equipment, or other equipment or im-
40 provements.

41 (B) "Mass transit system" has the meaning given that term in ORS 267.010.

42 (C) "Personally identifiable information" means all information relating to a person that ac-
43 quires or uses a transit pass or other fare payment medium in connection with an electronic fare
44 collection system, including but not limited to:

45 (i) Customer account information, date of birth, telephone number, physical address, electronic

1 mail address, credit or debit card information, bank account information, Social Security or taxpayer
 2 identification number or other identification number, transit pass or fare payment medium balances
 3 or history, or similar personal information; or

4 (ii) Travel dates, travel times, frequency of use, travel locations, service types or vehicle use,
 5 or similar travel information.

6 (39)(a) If requested by a civil code enforcement officer:

7 (A) The home address and home telephone number of the civil code enforcement officer con-
 8 tained in the voter registration records for the officer.

9 (B) The name of the civil code enforcement officer contained in county real property assessment
 10 or taxation records. This exemption:

11 (i) Applies only to the name of the civil code enforcement officer and any other owner of the
 12 property in connection with a specific property identified by the officer in a request for exemption
 13 from disclosure;

14 (ii) Applies only to records that may be made immediately available to the public upon request
 15 in person, by telephone or using the Internet;

16 (iii) Applies until the civil code enforcement officer requests termination of the exemption;

17 (iv) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for
 18 governmental purposes; and

19 (v) May not result in liability for the county if the name of the civil code enforcement officer
 20 is disclosed after a request for exemption from disclosure is made under this subsection.

21 (b) As used in this subsection, "civil code enforcement officer" means an employee of a public
 22 body, as defined in ORS 174.109, who is charged with enforcing laws or ordinances relating to land
 23 use, zoning, use of rights-of-way, solid waste, hazardous waste, sewage treatment and disposal or the
 24 state building code.

25 (40) Audio or video recordings, whether digital or analog, resulting from a law enforcement
 26 officer's operation of a video camera worn upon the officer's person that records the officer's inter-
 27 actions with members of the public while the officer is on duty. When a recording described in this
 28 subsection is subject to disclosure, the following apply:

29 (a) Recordings that have been sealed in a court's record of a court proceeding or otherwise or-
 30 dered by a court not to be disclosed may not be disclosed.

31 (b) A request for disclosure under this subsection must identify the approximate date and time
 32 of an incident for which the recordings are requested and be reasonably tailored to include only that
 33 material for which a public interest requires disclosure.

34 (c) A video recording disclosed under this subsection must, prior to disclosure, be edited in a
 35 manner as to render the faces of all persons within the recording unidentifiable.

36 (41) The contents of tips reported to a tip line, as defined in ORS 339.329. However, personally
 37 identifiable information, as defined in ORS 339.329, is not subject to public interest balancing under
 38 this section and remains exempt from disclosure except as provided in ORS 339.329.

39 (42) Residential addresses of individuals with intellectual or developmental disabilities residing
 40 in adult foster homes as defined in ORS 443.705 or residential training facilities or residential
 41 training homes as those terms are defined in ORS 443.400.

42 **(43) The name, home address, professional address or location of an individual who is**
 43 **authorized to provide physical and behavioral health care services in this state and who**
 44 **provides reproductive and gender-affirming health care services.**

45 **SECTION 41.** ORS 192.820 is amended to read:

192.820. As used in ORS 192.820 to 192.868:

(1) "Actual address" means:

(a) A residential, work or school street address of an individual specified on the application of the individual to be a program participant; or

(b) The name of the county in which the program participant resides or the name or number of the election precinct in which the program participant is registered to vote.

(2) "Address Confidentiality Program" means the program established under ORS 192.822.

(3) "Application assistant" means an employee of or a volunteer serving a public or private entity designated by the Attorney General under ORS 192.854 to assist individuals with applications to participate in the Address Confidentiality Program.

(4) "Health care provider" means an individual who is authorized in this state to provide physical and behavioral health care services and who provides reproductive and gender-affirming health care services.

[(4)] (5) "Program participant" means an individual accepted into the Address Confidentiality Program under ORS 192.820 to 192.868.

[(5)] (6) "Public body" has the meaning given that term in ORS 174.109.

[(6)] (7) "Public record" has the meaning given that term in ORS 192.311.

[(7)] (8) "Substitute address" means an address designated by the Attorney General under the Address Confidentiality Program.

[(8)] (9) "Victim of a sexual offense" means:

(a) An individual against whom a sexual offense has been committed, as described in ORS 163.305 to 163.467, 163.427, 163.466 or 163.525; or

(b) Any other individual designated by the Attorney General by rule.

[(9)] (10) "Victim of domestic violence" means:

(a) An individual against whom domestic violence has been committed, as defined in ORS 135.230, 181A.355 or 411.117;

(b) An individual who has been a victim of abuse, as defined in ORS 107.705; or

(c) Any other individual designated a victim of domestic violence by the Attorney General by rule.

[(10)] (11) "Victim of human trafficking" means:

(a) An individual against whom an offense described in ORS 163.263, 163.264 or 163.266 has been committed; or

(b) Any other individual designated by the Attorney General by rule. In adopting rules under this subsection, the Attorney General shall consider individuals against whom an act recognized as a severe form of trafficking in persons under 22 U.S.C. 7102 has been committed.

[(11)] (12) "Victim of stalking" means:

(a) An individual against whom stalking has been committed, as described in ORS 163.732; or

(b) Any other individual designated by the Attorney General by rule.

SECTION 42. ORS 192.822 is amended to read:

192.822. (1) The Address Confidentiality Program is established in the Department of Justice to:

(a) Protect the confidentiality of the actual address of a **health care provider or a** victim of domestic violence, a sexual offense, stalking or human trafficking; and

(b) Prevent assailants or potential assailants of the **health care provider or** victim from finding the **health care provider or** victim through public records.

(2) The Attorney General shall designate a substitute address for a program participant and act

1 as the agent of the program participant for purposes of service of all legal process in this state and
2 receiving and forwarding first-class, certified or registered mail.

3 (3) The Attorney General is not required to forward any packages or mail other than first-class,
4 certified or registered mail to the program participant.

5 (4) The Attorney General is not required to track or otherwise maintain records of any mail
6 received on behalf of a program participant unless the mail is certified or registered.

7 **SECTION 43.** ORS 192.826 is amended to read:

8 192.826. (1) Any of the following individuals with the assistance of an application assistant may
9 file an application with the Attorney General to participate in the Address Confidentiality Program:

10 (a) An adult individual.

11 (b) A parent or guardian acting on behalf of a minor when the minor resides with the parent
12 or guardian.

13 (c) A guardian acting on behalf of an incapacitated individual.

14 (2) The application must be dated, signed and verified by the applicant and the application as-
15 sistant who assisted in the preparation of the application.

16 (3) **Except as provided in subsection (8) of this section,** the application must contain all of
17 the following:

18 (a) A statement by the applicant that the applicant or the applicant's child or ward is a victim
19 of domestic violence, a sexual offense, stalking or human trafficking and that the applicant fears for
20 the applicant's safety or the safety of the applicant's child or ward.

21 (b) Evidence that the applicant or the applicant's child or ward is a victim of domestic violence,
22 a sexual offense, stalking or human trafficking. This evidence may include any of the following:

23 (A) Law enforcement, court or other federal, state or local government records or files;

24 (B) Documentation from a public or private entity that provides assistance to victims of domes-
25 tic violence, a sexual offense, stalking or human trafficking if the applicant or the applicant's child
26 or ward is an alleged victim of domestic violence, a sexual offense, stalking or human trafficking;

27 (C) Documentation from a religious, medical or other professional from whom the applicant has
28 sought assistance in dealing with the alleged domestic violence, sexual offense, stalking or human
29 trafficking; or

30 (D) Other forms of evidence as determined by the Attorney General by rule.

31 (c) A statement by the applicant that disclosure of the actual address of the applicant would
32 endanger the safety of the applicant or the safety of the applicant's child or ward.

33 (d) A statement by the applicant that the applicant:

34 (A) Resides at a location in this state that is not known by assailants or potential assailants of
35 the applicant or the applicant's child or ward; and

36 (B) Will not disclose the location to assailants or potential assailants of the applicant or the
37 applicant's child or ward while the applicant is a program participant.

38 (e) Written consent permitting the Attorney General to act as an agent for the applicant for the
39 service of all legal process in this state and the receipt of first-class, certified or registered mail.

40 (f) The mailing address and telephone number at which the Attorney General can contact the
41 applicant.

42 (g) The actual address that the applicant requests not be disclosed by the Attorney General that
43 directly relates to the increased risk of the applicant or the applicant's child or ward as a victim
44 of domestic violence, a sexual offense, stalking or human trafficking.

45 (h) A sworn statement by the applicant that to the best of the applicant's knowledge the infor-

1 information contained in the application is true.

2 (i) A recommendation by an application assistant that the applicant be a participant in the Ad-
3 dress Confidentiality Program.

4 (4) Upon the filing of a properly completed application and upon approval by the Attorney
5 General, the Attorney General shall certify the applicant as a program participant.

6 (5) Upon certification, the Attorney General shall issue an Address Confidentiality Program
7 authorization card to the program participant. The Address Confidentiality Program authorization
8 card is valid as long as the program participant remains certified under the program.

9 (6) The term of certification shall be for a period of time determined by the Attorney General
10 by rule, unless prior to the end of the period one of the following occurs:

11 (a) The program participant withdraws the certification by filing with the Attorney General a
12 request for withdrawal signed by the program participant and acknowledged in writing by a notary
13 public or an application assistant; or

14 (b) The Attorney General cancels the certification under ORS 192.834.

15 (7) A program participant may renew the certification by filing an application for renewal with
16 the Attorney General at least 30 days prior to expiration of the current certification.

17 **(8) The Attorney General shall establish by rule the requirements for an application filed**
18 **by a health care provider.**

19 **SECTION 44.** ORS 676.177 is amended to read:

20 676.177. (1) Notwithstanding any other provision of ORS 676.165 to 676.180 **and except as pro-**
21 **vided in subsection (5) of this section**, a health professional regulatory board, upon a determi-
22 nation by the board that it possesses otherwise confidential information that reasonably relates to
23 the regulatory or enforcement function of another public entity, may disclose that information to the
24 other public entity.

25 (2) Any public entity that receives information pursuant to subsection (1) of this section shall
26 agree to take all reasonable steps to maintain the confidentiality of the information, except that the
27 public entity may use or disclose the information to the extent necessary to carry out the regulatory
28 or enforcement functions of the public entity.

29 (3) For purposes of this section, "public entity" means:

30 (a) A board or agency of this state, or a board or agency of another state with regulatory or
31 enforcement functions similar to the functions of a health professional regulatory board of this state;

32 (b) A district attorney;

33 (c) The Department of Justice;

34 (d) A state or local public body of this state that licenses, franchises or provides emergency
35 medical services; or

36 (e) A law enforcement agency of this state, another state or the federal government.

37 (4) Notwithstanding subsections (1) to (3) of this section, the Oregon Board of Physical Therapy
38 may disclose information described in subsection (1) of this section to the Physical Therapy Compact
39 Commission established in ORS 688.240.

40 **(5) A health professional regulatory board may not disclose the information described in**
41 **subsection (1) of this section to another public entity if the information relates to the pro-**
42 **vision of or referral for reproductive or gender-affirming health care services.**

43
44 **(Health Care Facilities)**
45

SECTION 45. (1) A person commits the crime of interfering with a health care facility if the person intentionally, knowingly or recklessly interferes with access to or from a health care facility, or disrupts the normal functioning of a health care facility, by:

(a) Physically obstructing or impeding the free passage of a person seeking to enter or depart from the facility or from the common areas of the real property upon which the facility is located;

(b) Making noise that unreasonably disturbs the peace within the facility;

(c) Trespassing on the facility or the common areas of the real property upon which the facility is located;

(d) Causing the telephone of the facility to ring, vibrate or otherwise alert by visual or auditory means if:

(A) The person has no communicative purpose; or

(B) The person knows that the person has been forbidden from causing the telephone to ring, vibrate or alert by an individual exercising lawful authority over the receiving telephone; or

(e) Subjecting an owner, agent, patient or employee of the facility to alarm by conveying a telephonic, electronic or written threat to inflict serious physical injury on that individual or to commit a felony involving the individual, the property of the individual or a member of the individual's family, when the threat would reasonably be expected to cause alarm.

(2) Interfering with a health care facility is a Class A misdemeanor.

(3) Nothing in this section prohibits lawful picketing or other publicity for the purpose of providing the public with information.

(4) In a criminal proceeding based on a charge described in this section, the court shall take all steps reasonably necessary to safeguard the individual's privacy and prevent harassment of a health care patient or health care provider who is a victim or witness in the proceeding, including granting protective orders and motions in limine when appropriate.

(5) As used in this section:

(a) "Health care facility" means a facility that provides health care services directly to patients, including but not limited to a hospital, clinic, health care provider's office, health maintenance organization, diagnostic or treatment center, mental health facility, hospice or nursing home.

(b) "Health care provider" means an individual licensed, certified, registered or otherwise authorized to practice by a board, as defined in ORS 413.164, or an officer, director, employee or agent of a health care facility.

SECTION 46. (1) Irrespective of any criminal prosecution or the result thereof, a person or health care facility aggrieved by conduct prohibited by section 45 of this 2023 Act may bring a civil action against the person or group of persons engaging in the prohibited conduct, individually or jointly with other aggrieved persons, in the appropriate court for relief.

(2) A plaintiff who prevails in a claim described in this section may recover:

(a) Economic or noneconomic damages, as those terms are defined in ORS 31.705;

(b) Statutory damages of \$500 per day for each day that the prohibited conduct occurred for a plaintiff who is an individual, or \$5,000 per day for each day that the prohibited conduct occurred for a plaintiff that is a health care facility;

(c) Injunctive relief;

(d) Reasonable attorney fees; and

(e) Any other appropriate equitable relief.

(3) In a proceeding on an action described in this section, the court shall take all steps reasonably necessary to safeguard the individual's privacy and prevent harassment of a health care patient or health care provider who is a party to or witness in the proceeding, including granting protective orders and motions in limine when appropriate.

(4) The following persons and entities qualify as aggrieved for the purposes of subsection (1) of this section:

(a) A person, physically present at the health care facility when the prohibited conduct occurs, whose access is or is about to be obstructed or impeded;

(b) A person, physically present at the health care facility when the prohibited conduct occurs, whose care is or is about to be disrupted;

(c) The health care facility or an employee or agent of the health care facility; or

(d) The owner of the health care facility or the building or property upon which the health care facility is located.

(5) As used in this section:

(a) "Health care facility" has the meaning given that term in section 45 of this 2023 Act.

(b) "Health care provider" has the meaning given that term in section 45 of this 2023 Act.

CONFORMING AMENDMENTS

SECTION 47. ORS 161.005 is amended to read:

161.005. ORS 161.005 to 161.055, 161.085 to 161.125, 161.150 to 161.175, 161.190 to 161.275, 161.290 to 161.373, 161.405 to 161.485, 161.505 to 161.585, 161.605, 161.615 to 161.685, 161.705 to 161.737, 162.005, 162.015 to 162.035, 162.055 to 162.115, 162.135 to 162.205, 162.225 to 162.375, 162.405 to 162.425, 162.465, 163.005, 163.095, 163.107, 163.115, 163.125 to 163.145, 163.149, 163.160 to 163.208, 163.191, 163.196, 163.215 to 163.257, 163.261, 163.263, 163.264, 163.266, 163.275, 163.285, 163.305 to 163.467, 163.432, 163.433, 163.472, 163.505 to 163.575, 163.665 to 163.693, 163.700, 163.701, 163.715, 164.005, 164.015 to 164.135, 164.138, 164.140, 164.205 to 164.270, 164.305 to 164.377, 164.395 to 164.415, 164.805, 164.857, 164.886, 165.002 to 165.102, 165.109, 165.118, 165.805, 165.815, 166.005 to 166.095, 166.350, 166.382, 166.384, 166.660, 167.002 to 167.027, 167.057, 167.060 to 167.100, 167.117, 167.122 to 167.162, 167.203 to 167.252, 167.310 to 167.340, 167.350[,] and 167.810 [and 167.820] and section 45 of this 2023 Act shall be known and may be cited as Oregon Criminal Code of 1971.

SECTION 48. ORS 677.320 is amended to read:

677.320. (1) Upon the complaint of any [citizen] **resident** of this state, or upon its own initiative, the Oregon Medical Board may investigate any alleged violation of this chapter. If, after the investigation, the board has reason to believe that any person is subject to **criminal** prosecution [criminally] **in this state** for the violation of this chapter, [it] **the board** shall lay the facts before the proper district attorney.

(2) In the conduct of investigations, the board or its designated representative may:

(a) Take evidence;

(b) Take the depositions of witnesses, including the person charged;

(c) Compel the appearance of witnesses, including the person charged;

(d) Require answers to interrogatories; and

(e) Compel the production of books, papers, accounts, documents and testimony pertaining to the matter under investigation.

(3) In exercising its authority under subsection (2) of this section, the board may issue subpoenas over the signature of the executive director and the seal of the board in the name of the State of Oregon.

(4) In any proceeding under this section where the subpoena is addressed to a licensee of this board, it shall not be a defense that the material that is subject to the subpoena is protected under a patient and physician privilege.

(5) If a licensee who is the subject of an investigation or complaint is to appear before members of the board investigating the complaint, the board shall provide the licensee with a current summary of the complaint or the matter being investigated not less than five days prior to the date that the licensee is to appear. At the time the summary of the complaint or the matter being investigated is provided, the board shall provide to the licensee a current summary of documents or alleged facts that the board has acquired as a result of the investigation. The name of the complainant or other information that reasonably may be used to identify the complainant may be withheld from the licensee.

(6) A licensee who is the subject of an investigation and any person authorized to act on behalf of the licensee shall not knowingly contact the complainant until the licensee has requested a contested case hearing and the board has authorized the taking of the complainant's deposition pursuant to ORS 183.425.

(7) Except in an investigation or proceeding conducted by the board or another public entity, or in an action, suit or proceeding where a public entity is a party, a licensee shall not be questioned or examined regarding any communication with the board made in an appearance before the board as part of an investigation. This section shall not prohibit examination or questioning of a licensee regarding records dealing with a patient's care and treatment or affect the admissibility of those records. As used in this section, "public entity" has the meaning given that term in ORS 676.177.

REPEALS

SECTION 49. ORS 109.610, 109.660, 167.820, 435.200 and 435.435 are repealed.

SECTION 50. (1) Section 18 of this 2023 Act is repealed on January 2, 2026.

(2) Section 29 of this 2023 Act is repealed on January 2, 2026.

APPROPRIATIONS

SECTION 51. In addition to and not in lieu of any other appropriation, there is appropriated to the Office of Rural Health, for the biennium beginning July 1, 2023, out of the General Fund, the amount of \$_____, which may be expended for carrying out section 29 of this 2023 Act.

MISCELLANEOUS

SECTION 52. (1) Section 20 of this 2023 Act applies to health benefit plans issued, renewed or extended on or after January 1, 2024.

(2) Section 24 of this 2023 Act applies to medical assistance provided and to contracts with coordinated care organizations for periods beginning on or after January 1, 2024.

1 (3) The amendments to ORS 243.144 and 243.877 by sections 25 and 26 of this 2023 Act
2 apply to health benefit plans offered by the Public Employees' Benefit Board or the Oregon
3 Educators Benefit Board that are issued, renewed or extended on or after January 1, 2024,
4 and for self-insured health benefit plans in effect for periods beginning on or after January
5 1, 2024.

6 (4) Sections 31 and 35 of this 2023 Act and the amendments to ORS 677.190, 677.225,
7 677.320, 678.111, 685.110 and 689.405 by sections 32, 33, 36 to 38 and 48 of this 2023 Act apply
8 to reproductive and gender-affirming health care services provided on or after the effective
9 date of this 2023 Act.

10 (5) The repeal of ORS 167.820 by section 49 of this 2023 Act and the amendments to ORS
11 161.005 by section 47 of this 2023 Act apply to acts committed on or after the effective date
12 of this 2023 Act.

13 SECTION 53. The unit captions used in this 2023 Act are provided only for the conven-
14 ience of the reader and do not become part of the statutory law of this state or express any
15 legislative intent in the enactment of this 2023 Act.

16 SECTION 54. Section 14 of this 2023 Act becomes operative on January 1, 2026.

17 SECTION 55. This 2023 Act being necessary for the immediate preservation of the public
18 peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect
19 on its passage.
20
