

A-Engrossed
Senate Bill 470

Ordered by the Senate March 18
Including Senate Amendments dated March 18

Sponsored by Senators KRUSE, MONNES ANDERSON; Senator BATES

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.

Modifies, for purposes related to prescription monitoring program, definition of "practitioner."

Authorizes State Board of Pharmacy to designate prescription drugs for inclusion in prescription monitoring program.

Requires additional information related to dispensed prescription drugs to be reported to Oregon Health Authority under prescription monitoring program.

Directs authority to disclose information received pursuant to program under specified circumstances.

Makes information reported to authority under program, information disclosed by authority under program and all information related to such disclosures exempt from public disclosure.

A BILL FOR AN ACT

1
2 Relating to the prescription monitoring program administered by the Oregon Health Authority;
3 creating new provisions; and amending ORS 192.502, 431.960, 431.962, 431.964, 431.966 and
4 431.970.

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

6 **SECTION 1.** ORS 431.960 is amended to read:

7 431.960. As used in ORS 431.962 to 431.978 and 431.992:

8 (1) "Dispense" and "dispensing" have the meanings given those terms in ORS 689.005.

9 (2) "Drug outlet" has the meaning given that term in ORS 689.005.

10 (3) "Health professional regulatory board" has the meaning given that term in ORS 676.160.

11 [(4) "Practitioner" has the meaning given that term in ORS 689.005.]

12 (4) **"Practitioner" means:**

13 (a) **A practitioner as defined in ORS 689.005; or**

14 (b) **An individual licensed to practice a profession in California, Idaho or Washington, if**
15 **the requirements for licensure are similar, as determined by the Oregon Health Authority,**
16 **to the requirements for being licensed as a practitioner as defined in ORS 689.005.**

17 (5) "Prescription" has the meaning given that term in ORS 475.005.

18 (6) "Prescription drug" has the meaning given that term in ORS 689.005.

19 **SECTION 2.** ORS 431.962 is amended to read:

20 431.962. (1)(a) The Oregon Health Authority, in consultation with the Prescription Monitoring
21 Program Advisory Commission, shall establish and maintain a prescription monitoring program for
22 monitoring and reporting prescription drugs dispensed by pharmacies in Oregon that are:

23 (A) Classified in schedules II through IV under the federal Controlled Substances Act, 21 U.S.C.

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.

1 811 and 812, as modified by the State Board of Pharmacy by rule under ORS 475.035; and

2 **(B) Other prescription drugs designated by the board by rule for inclusion in the pre-**
3 **scription monitoring program.**

4 (b)(A) To fulfill the requirements of this subsection, the authority shall establish, maintain and
5 operate an electronic system to monitor and report drugs described in paragraph (a) of this sub-
6 section that are dispensed by prescription.

7 (B) The system must operate and be accessible by practitioners and pharmacies 24 hours a day,
8 seven days a week.

9 (C) The authority may contract with a state agency or private entity to ensure the effective
10 operation of the electronic system.

11 (2) In consultation with the commission, the authority shall adopt rules for the operation of the
12 electronic prescription monitoring program established under subsection (1) of this section, including
13 but not limited to standards for:

14 (a) Reporting data;

15 (b) Providing maintenance, security and disclosure of data;

16 (c) Ensuring accuracy and completeness of data;

17 (d) Complying with the federal Health Insurance Portability and Accountability Act of 1996 (P.L.
18 104-191) and regulations adopted under it, including 45 C.F.R. parts 160 and 164, federal alcohol and
19 drug treatment confidentiality laws and regulations adopted under those laws, including 42 C.F.R.
20 part 2, and state health and mental health confidentiality laws, including ORS 179.505, 192.517 and
21 192.553 to 192.581;

22 (e) Ensuring accurate identification of persons or entities requesting information from the da-
23 tabase;

24 (f) Accepting printed or nonelectronic reports from pharmacies that do not have the capability
25 to provide electronic reports; and

26 (g) Notifying a patient, before or when a drug [*classified in schedules II through IV*] **included**
27 **in the prescription monitoring program** is dispensed to the patient, about the prescription moni-
28 toring program and the entry of the prescription in the system.

29 (3) The authority shall submit an annual report to the commission regarding the prescription
30 monitoring program established under this section.

31 **SECTION 3.** ORS 431.964 is amended to read:

32 431.964. (1) Not later than one week after dispensing a prescription drug **that is** subject to the
33 prescription monitoring program established under ORS 431.962, a pharmacy shall electronically
34 report to the Oregon Health Authority [*the*]:

35 [*(a) Name, address and date of birth of the patient;*]

36 [*(b) Identification of the pharmacy dispensing the prescription drug;*]

37 [*(c) Identification of the practitioner who prescribed the drug;*]

38 [*(d) Identification of the prescription drug by a national drug code number;*]

39 [*(e) Date of origin of the prescription;*]

40 [*(f) Date the drug was dispensed; and*]

41 [*(g) Quantity of drug dispensed.*]

42 **(a) The name, address, date of birth and sex of the patient for whom the prescription**
43 **drug was prescribed;**

44 **(b) The identity of the pharmacy that dispensed the prescription drug and the date on**
45 **which the prescription drug was dispensed;**

1 (c) **The identity of the practitioner who prescribed the prescription drug and the date on**
2 **which the prescription drug was prescribed;**

3 (d) **The national drug code number for the prescription drug;**

4 (e) **The prescription number assigned to the prescription drug;**

5 (f) **The quantity of the prescription drug dispensed;**

6 (g) **The number of days for which the prescription drug was dispensed; and**

7 (h) **The number of refills of the prescription authorized by the practitioner and the**
8 **number of the refill that the pharmacy dispensed.**

9 (2) Notwithstanding subsection (1) of this section, the authority may not:

10 (a) Require the reporting of prescription drugs administered directly to a patient or dispensed
11 pursuant to ORS 127.800 to 127.897; or

12 (b) Collect or use Social Security numbers in the prescription monitoring program.

13 (3) Upon receipt of the data reported pursuant to subsection (1) of this section, the authority
14 shall record the data in the electronic system operated pursuant to the prescription monitoring
15 program.

16 (4)(a) The authority may grant a pharmacy a waiver of the electronic submission requirement
17 of subsection (1) of this section for good cause as determined by the authority. The waiver shall
18 state the format, method and frequency of the alternate nonelectronic submissions from the phar-
19 macy and the duration of the waiver.

20 (b) As used in this subsection, “good cause” includes financial hardship.

21 (5) This section does not apply to pharmacies in institutions as defined in ORS 179.010.

22 **SECTION 4.** ORS 431.966 is amended to read:

23 431.966. (1)(a) Except as provided under subsection (2) of this section, prescription monitoring
24 information submitted under ORS 431.964 to the prescription monitoring program established in ORS
25 431.962:

26 (A) Is protected health information under ORS 192.553 to 192.581.

27 (B) Is not subject to disclosure pursuant to ORS 192.410 to 192.505.

28 (b) Except as provided under subsection [(2)(a)(D)] **(2)(a)(E)** of this section, prescription moni-
29 toring information submitted under ORS 431.964 to the prescription monitoring program may not be
30 used to evaluate a practitioner’s professional practice.

31 (2)(a) **To the extent that the law or regulation is applicable to the prescription monitoring**
32 **program**, if a disclosure of prescription monitoring information complies with the federal Health
33 Insurance Portability and Accountability Act of 1996 (P.L. 104-191) and regulations adopted under
34 it, including 45 C.F.R. parts 160 and 164, federal alcohol and drug treatment confidentiality laws
35 and regulations adopted under those laws, including 42 C.F.R. part 2, and state health and mental
36 health confidentiality laws, including ORS 179.505, 192.517 and 192.553 to 192.581, the Oregon Health
37 Authority shall disclose the information:

38 (A) *[To a practitioner or pharmacist who certifies]* **To a practitioner or pharmacist, or, if a**
39 **practitioner or pharmacist authorizes the authority to disclose the information to a member**
40 **of the practitioner’s or pharmacist’s staff, to a member of the practitioner’s or pharmacist’s**
41 **staff. To receive information under this subparagraph, or to authorize the receipt of infor-**
42 **mation by a staff member under this subparagraph, a practitioner or pharmacist must cer-**
43 **tify** that the requested information is for the purpose of evaluating the need for or providing medical
44 or pharmaceutical treatment for a patient to whom the practitioner or pharmacist anticipates pro-
45 viding, is providing or has provided care.

1 **(B) To a practitioner in a form that catalogs all prescription drugs prescribed by the**
2 **practitioner according to the number assigned to the practitioner by the Drug Enforcement**
3 **Administration of the United States Department of Justice.**

4 [(B)] (C) To designated representatives of the authority or any vendor or contractor with whom
5 the authority has contracted to establish or maintain the electronic system of the prescription
6 monitoring program.

7 [(C)] (D) Pursuant to a valid court order based on probable cause and issued at the request of
8 a federal, state or local law enforcement agency engaged in an authorized drug-related investigation
9 involving a person to whom the requested information pertains.

10 [(D)] (E) To a health professional regulatory board that certifies in writing that the requested
11 information is necessary for an investigation related to licensure, renewal or disciplinary action in-
12 volving the applicant, licensee or registrant to whom the requested information pertains.

13 [(E)] (F) To a prescription monitoring program of another state if the confidentiality, security
14 and privacy standards of the requesting state are determined by the authority to be equivalent to
15 those of the authority.

16 **(G) To the State Medical Examiner or designee of the State Medical Examiner, for the**
17 **purpose of conducting medicolegal investigation or autopsy.**

18 **(H) To a practitioner or pharmacist, as part of an automated system integrated into the**
19 **prescription monitoring program by the authority that is designed to notify the practitioner**
20 **or pharmacist of a potentially dangerous drug interaction, or of prescriptions made by mul-**
21 **tipl practitioners, for a patient of that practitioner or pharmacist.**

22 (b) The authority may disclose information from the prescription monitoring program that does
23 not identify a patient, practitioner or drug outlet:

24 (A) For educational, research or public health purposes; *[and]*

25 **(B) To a local public health authority, as defined in ORS 431.260; or**

26 [(B)] (C) To officials of the authority who are conducting special epidemiologic morbidity and
27 mortality studies in accordance with ORS 432.060 and rules adopted under ORS 431.110.

28 (c) The authority shall disclose information relating to a patient maintained in the electronic
29 system operated pursuant to the prescription monitoring program established under ORS 431.962 to
30 that patient at no cost to the patient within 10 business days after the authority receives a request
31 from the patient for the information.

32 (d)(A) A patient may request the authority to correct any information about the patient that is
33 erroneous. The authority shall grant or deny a request to correct information within 10 business
34 days after the authority receives the request.

35 (B) If the authority denies a patient's request to correct information under this paragraph, or
36 fails to grant a patient's request to correct information under this paragraph within 10 business days
37 after the authority receives the request, the patient may appeal the denial or failure to grant the
38 request. Upon receipt of an appeal under this subparagraph, the authority shall conduct a contested
39 case hearing as provided in ORS chapter 183. Notwithstanding ORS 183.450, in the contested case
40 hearing, the authority has the burden of establishing that the information included in the pre-
41 scription monitoring program is correct.

42 (e) The information in the prescription monitoring program may not be used for any commercial
43 purpose.

44 (f) In accordance with ORS 192.553 to 192.581 and federal privacy regulations, any person au-
45 thorized to prescribe or dispense a prescription drug and who is entitled to access a patient's pre-

1 prescription monitoring information may discuss or release the information to other health care
2 providers involved with the patient's care, in order to provide safe and appropriate care coordi-
3 nation.

4 (3)(a) The authority shall maintain records of the information disclosed through the prescription
5 monitoring program including, but not limited to:

6 (A) The identity of each person who requests or receives information from the program and the
7 organization, if any, the person represents;

8 (B) The information released to each person or organization; and

9 (C) The date and time the information was requested and the date and time the information was
10 provided.

11 (b) Records maintained as required by this subsection may be reviewed by the Prescription
12 Monitoring Program Advisory Commission.

13 (4) Information in the prescription monitoring program that identifies an individual patient must
14 be removed no later than three years from the date the information is entered into the program.

15 (5) The authority shall notify the Attorney General and each affected individual of an improper
16 disclosure of information from the prescription monitoring program.

17 (6)(a) If the authority or a person or entity required to report or authorized to receive or release
18 [*controlled substance*] prescription **drug** information under this section violates this section or ORS
19 431.964 or 431.968, a person injured by the violation may bring a civil action against the authority,
20 person or entity and may recover damages in the amount of \$1,000 or actual damages, whichever is
21 greater.

22 (b) Notwithstanding paragraph (a) of this subsection, the authority and a person or entity re-
23 quired to report or authorized to receive or release [*controlled substance*] prescription **drug** infor-
24 mation under this section are immune from civil liability for violations of this section or ORS
25 431.964 or 431.968 unless the authority, person or entity acts with malice, criminal intent, gross
26 negligence, recklessness or willful intent.

27 (7) Nothing in ORS 431.962 to 431.978 and 431.992 requires a practitioner or pharmacist who
28 prescribes or dispenses a prescription drug to obtain information about a patient from the pre-
29 scription monitoring program. A practitioner or pharmacist who prescribes or dispenses a pre-
30 scription drug may not be held liable for damages in any civil action on the basis that the
31 practitioner or pharmacist did or did not request or obtain information from the prescription moni-
32 toring program.

33 **SECTION 5.** ORS 431.970 is amended to read:

34 431.970. If a practitioner or pharmacist authorized to obtain [*controlled substance*] prescription
35 **drug** information from the prescription monitoring system established under ORS 431.962 discloses
36 or uses information obtained from the system in violation of ORS 431.966, the Oregon Health Au-
37 thority shall report the individual to the appropriate health professional regulatory board.

38 **SECTION 6.** ORS 192.502, as amended by section 26, chapter 45, Oregon Laws 2012, and
39 sections 19 and 30, chapter 90, Oregon Laws 2012, is amended to read:

40 192.502. The following public records are exempt from disclosure under ORS 192.410 to 192.505:

41 (1) Communications within a public body or between public bodies of an advisory nature to the
42 extent that they cover other than purely factual materials and are preliminary to any final agency
43 determination of policy or action. This exemption shall not apply unless the public body shows that
44 in the particular instance the public interest in encouraging frank communication between officials
45 and employees of public bodies clearly outweighs the public interest in disclosure.

1 (2) Information of a personal nature such as but not limited to that kept in a personal, medical
2 or similar file, if public disclosure would constitute an unreasonable invasion of privacy, unless the
3 public interest by clear and convincing evidence requires disclosure in the particular instance. The
4 party seeking disclosure shall have the burden of showing that public disclosure would not consti-
5 tute an unreasonable invasion of privacy.

6 (3) Public body employee or volunteer addresses, Social Security numbers, dates of birth and
7 telephone numbers contained in personnel records maintained by the public body that is the em-
8 ployer or the recipient of volunteer services. This exemption:

9 (a) Does not apply to the addresses, dates of birth and telephone numbers of employees or vol-
10 unteers who are elected officials, except that a judge or district attorney subject to election may
11 seek to exempt the judge's or district attorney's address or telephone number, or both, under the
12 terms of ORS 192.445;

13 (b) Does not apply to employees or volunteers to the extent that the party seeking disclosure
14 shows by clear and convincing evidence that the public interest requires disclosure in a particular
15 instance;

16 (c) Does not apply to a substitute teacher as defined in ORS 342.815 when requested by a pro-
17 fessional education association of which the substitute teacher may be a member; and

18 (d) Does not relieve a public employer of any duty under ORS 243.650 to 243.782.

19 (4) Information submitted to a public body in confidence and not otherwise required by law to
20 be submitted, where such information should reasonably be considered confidential, the public body
21 has obliged itself in good faith not to disclose the information, and when the public interest would
22 suffer by the disclosure.

23 (5) Information or records of the Department of Corrections, including the State Board of Parole
24 and Post-Prison Supervision, to the extent that disclosure would interfere with the rehabilitation of
25 a person in custody of the department or substantially prejudice or prevent the carrying out of the
26 functions of the department, if the public interest in confidentiality clearly outweighs the public in-
27 terest in disclosure.

28 (6) Records, reports and other information received or compiled by the Director of the Depart-
29 ment of Consumer and Business Services in the administration of ORS chapters 723 and 725 not
30 otherwise required by law to be made public, to the extent that the interests of lending institutions,
31 their officers, employees and customers in preserving the confidentiality of such information out-
32 weighs the public interest in disclosure.

33 (7) Reports made to or filed with the court under ORS 137.077 or 137.530.

34 (8) Any public records or information the disclosure of which is prohibited by federal law or
35 regulations.

36 (9)(a) Public records or information the disclosure of which is prohibited or restricted or other-
37 wise made confidential or privileged under Oregon law.

38 (b) Subject to ORS 192.423, paragraph (a) of this subsection does not apply to factual information
39 compiled in a public record when:

40 (A) The basis for the claim of exemption is ORS 40.225;

41 (B) The factual information is not prohibited from disclosure under any applicable state or fed-
42 eral law, regulation or court order and is not otherwise exempt from disclosure under ORS 192.410
43 to 192.505;

44 (C) The factual information was compiled by or at the direction of an attorney as part of an
45 investigation on behalf of the public body in response to information of possible wrongdoing by the

1 public body;

2 (D) The factual information was not compiled in preparation for litigation, arbitration or an
3 administrative proceeding that was reasonably likely to be initiated or that has been initiated by
4 or against the public body; and

5 (E) The holder of the privilege under ORS 40.225 has made or authorized a public statement
6 characterizing or partially disclosing the factual information compiled by or at the attorney's di-
7 rection.

8 (10) Public records or information described in this section, furnished by the public body ori-
9 ginally compiling, preparing or receiving them to any other public officer or public body in con-
10 nection with performance of the duties of the recipient, if the considerations originally giving rise
11 to the confidential or exempt nature of the public records or information remain applicable.

12 (11) Records of the Energy Facility Siting Council concerning the review or approval of security
13 programs pursuant to ORS 469.530.

14 (12) Employee and retiree address, telephone number and other nonfinancial membership records
15 and employee financial records maintained by the Public Employees Retirement System pursuant to
16 ORS chapters 238 and 238A.

17 (13) Records of or submitted to the State Treasurer, the Oregon Investment Council or the
18 agents of the treasurer or the council relating to active or proposed publicly traded investments
19 under ORS chapter 293, including but not limited to records regarding the acquisition, exchange or
20 liquidation of the investments. For the purposes of this subsection:

21 (a) The exemption does not apply to:

22 (A) Information in investment records solely related to the amount paid directly into an invest-
23 ment by, or returned from the investment directly to, the treasurer or council; or

24 (B) The identity of the entity to which the amount was paid directly or from which the amount
25 was received directly.

26 (b) An investment in a publicly traded investment is no longer active when acquisition, exchange
27 or liquidation of the investment has been concluded.

28 (14)(a) Records of or submitted to the State Treasurer, the Oregon Investment Council, the
29 Oregon Growth Account Board or the agents of the treasurer, council or board relating to actual
30 or proposed investments under ORS chapter 293 or 348 in a privately placed investment fund or a
31 private asset including but not limited to records regarding the solicitation, acquisition, deployment,
32 exchange or liquidation of the investments including but not limited to:

33 (A) Due diligence materials that are proprietary to an investment fund, to an asset ownership
34 or to their respective investment vehicles.

35 (B) Financial statements of an investment fund, an asset ownership or their respective invest-
36 ment vehicles.

37 (C) Meeting materials of an investment fund, an asset ownership or their respective investment
38 vehicles.

39 (D) Records containing information regarding the portfolio positions in which an investment
40 fund, an asset ownership or their respective investment vehicles invest.

41 (E) Capital call and distribution notices of an investment fund, an asset ownership or their re-
42 spective investment vehicles.

43 (F) Investment agreements and related documents.

44 (b) The exemption under this subsection does not apply to:

45 (A) The name, address and vintage year of each privately placed investment fund.

1 (B) The dollar amount of the commitment made to each privately placed investment fund since
2 inception of the fund.

3 (C) The dollar amount of cash contributions made to each privately placed investment fund since
4 inception of the fund.

5 (D) The dollar amount, on a fiscal year-end basis, of cash distributions received by the State
6 Treasurer, the Oregon Investment Council, the Oregon Growth Account Board or the agents of the
7 treasurer, council or board from each privately placed investment fund.

8 (E) The dollar amount, on a fiscal year-end basis, of the remaining value of assets in a privately
9 placed investment fund attributable to an investment by the State Treasurer, the Oregon Investment
10 Council, the Oregon Growth Account Board or the agents of the treasurer, council or board.

11 (F) The net internal rate of return of each privately placed investment fund since inception of
12 the fund.

13 (G) The investment multiple of each privately placed investment fund since inception of the fund.

14 (H) The dollar amount of the total management fees and costs paid on an annual fiscal year-end
15 basis to each privately placed investment fund.

16 (I) The dollar amount of cash profit received from each privately placed investment fund on a
17 fiscal year-end basis.

18 (15) The monthly reports prepared and submitted under ORS 293.761 and 293.766 concerning the
19 Public Employees Retirement Fund and the Industrial Accident Fund may be uniformly treated as
20 exempt from disclosure for a period of up to 90 days after the end of the calendar quarter.

21 (16) Reports of unclaimed property filed by the holders of such property to the extent permitted
22 by ORS 98.352.

23 (17)(a) The following records, communications and information submitted to the Oregon Business
24 Development Commission, the Oregon Business Development Department, the State Department of
25 Agriculture, the Oregon Growth Account Board, the Port of Portland or other ports as defined in
26 ORS 777.005, or a county or city governing body and any board, department, commission, council
27 or agency thereof, by applicants for investment funds, grants, loans, services or economic develop-
28 ment moneys, support or assistance including, but not limited to, those described in ORS 285A.224:

29 (A) Personal financial statements.

30 (B) Financial statements of applicants.

31 (C) Customer lists.

32 (D) Information of an applicant pertaining to litigation to which the applicant is a party if the
33 complaint has been filed, or if the complaint has not been filed, if the applicant shows that such
34 litigation is reasonably likely to occur; this exemption does not apply to litigation which has been
35 concluded, and nothing in this subparagraph shall limit any right or opportunity granted by discov-
36 ery or deposition statutes to a party to litigation or potential litigation.

37 (E) Production, sales and cost data.

38 (F) Marketing strategy information that relates to applicant's plan to address specific markets
39 and applicant's strategy regarding specific competitors.

40 (b) The following records, communications and information submitted to the State Department
41 of Energy by applicants for tax credits or for grants awarded under ORS 469B.256:

42 (A) Personal financial statements.

43 (B) Financial statements of applicants.

44 (C) Customer lists.

45 (D) Information of an applicant pertaining to litigation to which the applicant is a party if the

1 complaint has been filed, or if the complaint has not been filed, if the applicant shows that such
2 litigation is reasonably likely to occur; this exemption does not apply to litigation which has been
3 concluded, and nothing in this subparagraph shall limit any right or opportunity granted by discov-
4 ery or deposition statutes to a party to litigation or potential litigation.

5 (E) Production, sales and cost data.

6 (F) Marketing strategy information that relates to applicant's plan to address specific markets
7 and applicant's strategy regarding specific competitors.

8 (18) Records, reports or returns submitted by private concerns or enterprises required by law
9 to be submitted to or inspected by a governmental body to allow it to determine the amount of any
10 transient lodging tax payable and the amounts of such tax payable or paid, to the extent that such
11 information is in a form which would permit identification of the individual concern or enterprise.
12 Nothing in this subsection shall limit the use which can be made of such information for regulatory
13 purposes or its admissibility in any enforcement proceedings. The public body shall notify the tax-
14 payer of the delinquency immediately by certified mail. However, in the event that the payment or
15 delivery of transient lodging taxes otherwise due to a public body is delinquent by over 60 days, the
16 public body shall disclose, upon the request of any person, the following information:

17 (a) The identity of the individual concern or enterprise that is delinquent over 60 days in the
18 payment or delivery of the taxes.

19 (b) The period for which the taxes are delinquent.

20 (c) The actual, or estimated, amount of the delinquency.

21 (19) All information supplied by a person under ORS 151.485 for the purpose of requesting ap-
22 pointed counsel, and all information supplied to the court from whatever source for the purpose of
23 verifying the financial eligibility of a person pursuant to ORS 151.485.

24 (20) Workers' compensation claim records of the Department of Consumer and Business Services,
25 except in accordance with rules adopted by the Director of the Department of Consumer and Busi-
26 ness Services, in any of the following circumstances:

27 (a) When necessary for insurers, self-insured employers and third party claim administrators to
28 process workers' compensation claims.

29 (b) When necessary for the director, other governmental agencies of this state or the United
30 States to carry out their duties, functions or powers.

31 (c) When the disclosure is made in such a manner that the disclosed information cannot be used
32 to identify any worker who is the subject of a claim.

33 (d) When a worker or the worker's representative requests review of the worker's claim record.

34 (21) Sensitive business records or financial or commercial information of the Oregon Health and
35 Science University that is not customarily provided to business competitors.

36 (22) Records of Oregon Health and Science University regarding candidates for the position of
37 president of the university.

38 (23) The records of a library, including:

39 (a) Circulation records, showing use of specific library material by a named person;

40 (b) The name of a library patron together with the address or telephone number of the patron;
41 and

42 (c) The electronic mail address of a patron.

43 (24) The following records, communications and information obtained by the Housing and Com-
44 munity Services Department in connection with the department's monitoring or administration of
45 financial assistance or of housing or other developments:

- 1 (a) Personal and corporate financial statements and information, including tax returns.
- 2 (b) Credit reports.
- 3 (c) Project appraisals.
- 4 (d) Market studies and analyses.
- 5 (e) Articles of incorporation, partnership agreements and operating agreements.
- 6 (f) Commitment letters.
- 7 (g) Project pro forma statements.
- 8 (h) Project cost certifications and cost data.
- 9 (i) Audits.
- 10 (j) Project tenant correspondence.
- 11 (k) Personal information about a tenant.
- 12 (L) Housing assistance payments.
- 13 (25) Raster geographic information system (GIS) digital databases, provided by private forestland
14 owners or their representatives, voluntarily and in confidence to the State Forestry Department,
15 that is not otherwise required by law to be submitted.
- 16 (26) Sensitive business, commercial or financial information furnished to or developed by a
17 public body engaged in the business of providing electricity or electricity services, if the information
18 is directly related to a transaction described in ORS 261.348, or if the information is directly related
19 to a bid, proposal or negotiations for the sale or purchase of electricity or electricity services, and
20 disclosure of the information would cause a competitive disadvantage for the public body or its re-
21 tail electricity customers. This subsection does not apply to cost-of-service studies used in the de-
22 velopment or review of generally applicable rate schedules.
- 23 (27) Sensitive business, commercial or financial information furnished to or developed by the
24 City of Klamath Falls, acting solely in connection with the ownership and operation of the Klamath
25 Cogeneration Project, if the information is directly related to a transaction described in ORS 225.085
26 and disclosure of the information would cause a competitive disadvantage for the Klamath
27 Cogeneration Project. This subsection does not apply to cost-of-service studies used in the develop-
28 ment or review of generally applicable rate schedules.
- 29 (28) Personally identifiable information about customers of a municipal electric utility or a
30 people's utility district or the names, dates of birth, driver license numbers, telephone numbers,
31 electronic mail addresses or Social Security numbers of customers who receive water, sewer or
32 storm drain services from a public body as defined in ORS 174.109. The utility or district may re-
33 lease personally identifiable information about a customer, and a public body providing water, sewer
34 or storm drain services may release the name, date of birth, driver license number, telephone num-
35 ber, electronic mail address or Social Security number of a customer, if the customer consents in
36 writing or electronically, if the disclosure is necessary for the utility, district or other public body
37 to render services to the customer, if the disclosure is required pursuant to a court order or if the
38 disclosure is otherwise required by federal or state law. The utility, district or other public body
39 may charge as appropriate for the costs of providing such information. The utility, district or other
40 public body may make customer records available to third party credit agencies on a regular basis
41 in connection with the establishment and management of customer accounts or in the event such
42 accounts are delinquent.
- 43 (29) A record of the street and number of an employee's address submitted to a special district
44 to obtain assistance in promoting an alternative to single occupant motor vehicle transportation.
- 45 (30) Sensitive business records, capital development plans or financial or commercial information

1 of Oregon Corrections Enterprises that is not customarily provided to business competitors.

2 (31) Documents, materials or other information submitted to the Director of the Department of
3 Consumer and Business Services in confidence by a state, federal, foreign or international regulatory
4 or law enforcement agency or by the National Association of Insurance Commissioners, its affiliates
5 or subsidiaries under ORS 86A.095 to 86A.198, 697.005 to 697.095, 697.602 to 697.842, 705.137, 717.200
6 to 717.320, 717.900 or 717.905, ORS chapter 59, 723, 725 or 726, the Bank Act or the Insurance Code
7 when:

8 (a) The document, material or other information is received upon notice or with an under-
9 standing that it is confidential or privileged under the laws of the jurisdiction that is the source of
10 the document, material or other information; and

11 (b) The director has obligated the Department of Consumer and Business Services not to dis-
12 close the document, material or other information.

13 (32) A county elections security plan developed and filed under ORS 254.074.

14 (33) Information about review or approval of programs relating to the security of:

15 (a) Generation, storage or conveyance of:

16 (A) Electricity;

17 (B) Gas in liquefied or gaseous form;

18 (C) Hazardous substances as defined in ORS 453.005 (7)(a), (b) and (d);

19 (D) Petroleum products;

20 (E) Sewage; or

21 (F) Water.

22 (b) Telecommunication systems, including cellular, wireless or radio systems.

23 (c) Data transmissions by whatever means provided.

24 (34) The information specified in ORS 25.020 (8) if the Chief Justice of the Supreme Court des-
25 ignates the information as confidential by rule under ORS 1.002.

26 (35)(a) Employer account records of the State Accident Insurance Fund Corporation.

27 (b) As used in this subsection, "employer account records" means all records maintained in any
28 form that are specifically related to the account of any employer insured, previously insured or un-
29 der consideration to be insured by the State Accident Insurance Fund Corporation and any infor-
30 mation obtained or developed by the corporation in connection with providing, offering to provide
31 or declining to provide insurance to a specific employer. "Employer account records" includes, but
32 is not limited to, an employer's payroll records, premium payment history, payroll classifications,
33 employee names and identification information, experience modification factors, loss experience and
34 dividend payment history.

35 (c) The exemption provided by this subsection may not serve as the basis for opposition to the
36 discovery documents in litigation pursuant to applicable rules of civil procedure.

37 (36)(a) Claimant files of the State Accident Insurance Fund Corporation.

38 (b) As used in this subsection, "claimant files" includes, but is not limited to, all records held
39 by the corporation pertaining to a person who has made a claim, as defined in ORS 656.005, and all
40 records pertaining to such a claim.

41 (c) The exemption provided by this subsection may not serve as the basis for opposition to the
42 discovery documents in litigation pursuant to applicable rules of civil procedure.

43 (37) Except as authorized by ORS 408.425, records that certify or verify an individual's discharge
44 or other separation from military service.

45 (38) Records of or submitted to a domestic violence service or resource center that relate to the

1 name or personal information of an individual who visits a center for service, including the date of
2 service, the type of service received, referrals or contact information or personal information of a
3 family member of the individual. As used in this subsection, “domestic violence service or resource
4 center” means an entity, the primary purpose of which is to assist persons affected by domestic or
5 sexual violence by providing referrals, resource information or other assistance specifically of ben-
6 efit to domestic or sexual violence victims.

7 **(39) Information reported to the Oregon Health Authority under ORS 431.964, information**
8 **disclosed by the authority under ORS 431.966 and any information related to disclosures**
9 **made by the authority under ORS 431.966, including information identifying the recipient of**
10 **the information.**

11 **SECTION 7. (1) The amendments to ORS 431.964 by section 3 of this 2013 Act apply to**
12 **prescription drugs dispensed on or after the effective date of this 2013 Act.**

13 **(2) The amendments to ORS 192.502 and 431.966 by sections 4 and 6 of this 2013 Act apply**
14 **to information related to prescription drugs dispensed before, on or after the effective date**
15 **of this 2013 Act.**

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