

A-Engrossed
Senate Bill 626

Ordered by the Senate March 24
Including Senate Amendments dated March 24

Sponsored by Senators KRUSE, BATES, MONNES ANDERSON

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.

Shortens timeframe within which pharmacies must electronically report to Oregon Health Authority information under prescription monitoring program.

Allows additional persons to access information from prescription monitoring program.
[Requires practitioners to access information from program before prescribing or dispensing prescription drugs classified in schedules II through IV. Creates exceptions.]

Becomes operative January 1, 2016.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to prescription drugs; creating new provisions; amending ORS 192.502, 431.964 and 431.966;
3 and declaring an emergency.

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

5 **SECTION 1.** ORS 431.964 is amended to read:

6 431.964. (1) Not later than *[one week]* **72 hours** after dispensing a prescription drug that is
7 subject to the prescription monitoring program established under ORS 431.962, a pharmacy shall
8 electronically report to the Oregon Health Authority:

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

11 (b) The identity of the pharmacy that dispensed the prescription drug and the date on which the
12 prescription drug was dispensed;

13 (c) The identity of the practitioner who prescribed the prescription drug and the date on which
14 the prescription drug was prescribed;

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

16 (e) The prescription number assigned to the prescription drug;

17 (f) The quantity of the prescription drug dispensed;

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

19 (h) The number of refills of the prescription authorized by the practitioner and the number of
20 the refill that the pharmacy dispensed.

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

22 *[(a)]* **(A)** Require the reporting of prescription drugs administered directly to a patient or dis-
23 pensed pursuant to ORS 127.800 to 127.897;

24 *[(b)]* **(B)** Collect or use Social Security numbers in the prescription monitoring program; or

25 *[(c)]* **(C)** Disclose under ORS 431.966 (2)(a) the sex of the patient for whom a drug was pre-

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 scribed.

2 (b) The sex of the patient **for whom a drug was prescribed** may be disclosed only for the
3 purpose of research or epidemiological study under ORS 431.966 (2)(b) **or (c)**.

4 (3) Upon receipt of the data reported pursuant to subsection (1) of this section, the authority
5 shall record the data in the electronic system [*operated pursuant to the prescription monitoring pro-*
6 *gram*] **established, maintained and operated pursuant to ORS 431.962**.

7 (4)(a) The authority may, **for good cause as determined by the authority**, grant a pharmacy
8 a waiver of the [*electronic submission requirement of subsection (1) of this section for good cause as*
9 *determined by the authority*] **requirement that the information to be reported under subsection**
10 **(1) of this section be submitted electronically**. The waiver [*shall*] **must** state the format, method
11 and frequency of the alternate nonelectronic submissions from the pharmacy and the duration of the
12 waiver.

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

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

15 **SECTION 2.** ORS 431.966 is amended to read:

16 431.966. (1)(a) Except as provided under subsection (2) of this section, prescription monitoring
17 information submitted under ORS 431.964 to the prescription monitoring program established in ORS
18 431.962:

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

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

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

24 (2)(a) To the extent that the law or regulation is applicable to the prescription monitoring pro-
25 gram, if a disclosure of prescription monitoring information, other than the sex of a patient for
26 whom a drug was prescribed, complies with the federal Health Insurance Portability and Account-
27 ability Act of 1996 (P.L. 104-191) and regulations adopted under it, including 45 C.F.R. parts 160
28 and 164, federal alcohol and drug treatment confidentiality laws and regulations [*adopted under those*
29 *laws*], including 42 C.F.R. part 2, and state health and mental health confidentiality laws, including
30 ORS 179.505, 192.517 and 192.553 to 192.581, the Oregon Health Authority shall disclose the infor-
31 mation:

32 (A) To a practitioner or pharmacist, or, if a practitioner or pharmacist authorizes the authority
33 to disclose the information to a member of the practitioner’s or pharmacist’s staff, to a member of
34 the practitioner’s or pharmacist’s staff. If a practitioner or pharmacist authorizes disclosing the in-
35 formation to a member of the practitioner’s or pharmacist’s staff under this subparagraph, the
36 practitioner or pharmacist remains responsible for the use or misuse of the information by the staff
37 member. To receive information under this subparagraph, or to authorize the receipt of information
38 by a staff member under this subparagraph, a practitioner or pharmacist must certify that the re-
39 quested information is for the purpose of evaluating the need for or providing medical or pharma-
40 ceutical treatment [*for*] **to** a patient to whom the practitioner or pharmacist anticipates providing,
41 is providing or has provided care.

42 **(B) To a practitioner or pharmacist as part of an automated system integrated into the**
43 **prescription monitoring program by the authority. An automated system integrated into the**
44 **prescription monitoring program under this subparagraph may disclose information only for**
45 **the purposes of notifying a practitioner or pharmacist of a potentially dangerous drug**

1 **interaction or of multiple practitioners prescribing drugs to a patient.**

2 [(B)] (C) To a practitioner in a form that catalogs all prescription drugs prescribed by the
3 practitioner according to the number assigned to the practitioner by the Drug Enforcement Admin-
4 istration of the United States Department of Justice.

5 **(D) To a district or county health officer appointed, employed or under contract as de-**
6 **scribed in ORS 431.418.**

7 [(C)] (E) To designated representatives of the authority or any vendor or contractor with whom
8 the authority has contracted to establish or maintain the electronic system of the prescription
9 monitoring program.

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

13 [(E)] (G) To a health professional regulatory board that certifies in writing that the requested
14 information is necessary for an investigation related to licensure, **licensure** renewal or a discipli-
15 nary action involving the applicant, licensee or registrant to whom the requested information per-
16 tains.

17 **(H) To the State Medical Examiner or designee of the State Medical Examiner, a district**
18 **medical examiner appointed under ORS 146.065 or a deputy medical examiner appointed under**
19 **ORS 146.085, for the purpose of conducting a medicolegal investigation or autopsy.**

20 **(I) Upon request, and in accordance with rules adopted by the authority, to a person to**
21 **whom information is disclosed under paragraph (c)(A) or (d) of this subsection for the pur-**
22 **pose of comparing information kept in different databases, provided that the person to whom**
23 **the information is disclosed does not publish or otherwise disclose any information that**
24 **identifies a patient, practitioner or drug outlet.**

25 [(F)] (J) To a prescription monitoring program of another state if the confidentiality, security
26 and privacy standards of the requesting state are determined by the authority to be equivalent to
27 those of the authority.

28 [(G) *To the State Medical Examiner or designee of the State Medical Examiner, for the purpose*
29 *of conducting a medicolegal investigation or autopsy.*]

30 **(b) The authority may disclose identifiable prescription monitoring information for pur-**
31 **poses related to research and epidemiological study, subject to rules adopted by the author-**
32 **ity. Rules adopted by the authority under this paragraph must include:**

33 **(A) A requirement that research be approved by an institutional review board appointed**
34 **by the authority under ORS 192.547;**

35 **(B) The imposition of any requirement the authority considers necessary to ensure that**
36 **the disclosure of the information is for legitimate public health, scientific or educational**
37 **purposes and that the recipient of the information will maintain the confidentiality of the**
38 **information; and**

39 **(C) A prohibition on the further disclosure of information that identifies a patient, prac-**
40 **titioner or drug outlet.**

41 [(b)] (c) The authority may disclose information from the prescription monitoring program that
42 does not identify a patient, practitioner or drug outlet:

43 (A) For educational, research or public health purposes;

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

45 (C) To officials of the authority who are conducting special epidemiologic morbidity and mor-

1 tality studies in accordance with ORS 413.196 and rules adopted under ORS 431.110.

2 **(d) A local public health authority, as defined in ORS 431.260, may disclose information**
3 **from the prescription monitoring program that does not identify a patient, practitioner or**
4 **drug outlet for educational, research or public health purposes.**

5 [(c)] **(e)** The authority shall disclose information relating to a patient maintained in the elec-
6 tronic system operated pursuant to the prescription monitoring program [*established under ORS*
7 *431.962*] to that patient at no cost to the patient within 10 business days after the authority receives
8 a request from the patient for the information.

9 [(d)(A)] **(f)(A)** A patient may request the authority to correct any information about the patient
10 that is erroneous. The authority shall grant or deny a request to correct information within 10
11 business days after the authority receives the request.

12 **(B)** If the authority denies a patient's request to correct information under this paragraph, or
13 fails to grant a patient's request to correct information under this paragraph within 10 business days
14 after the authority receives the request, the patient may appeal the denial or failure to grant the
15 request. Upon [*receipt*] **receiving notice** of an appeal under this subparagraph, the authority shall
16 conduct a contested case hearing as provided in ORS chapter 183. Notwithstanding ORS 183.450,
17 [*in the contested case hearing,*] the authority has the burden **in the contested case hearing** of es-
18 tablishing that the information included in the prescription monitoring program is correct.

19 [(e)] **(g)** The information in the prescription monitoring program may not be used for any com-
20 mercial purpose.

21 [(f)] **(h)** In accordance with ORS 192.553 to 192.581 and federal privacy regulations, any person
22 authorized to prescribe or dispense a prescription drug and who is entitled to access a patient's
23 prescription monitoring information may discuss or release the information to other health care
24 providers involved with the patient's care[, *in order to provide*] **for the purpose of providing safe**
25 **and appropriate care coordination.**

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

28 **(A)** The identity of each person who requests or receives information from the program and [*the*
29 *organization, if any,*] **any organization that** the person represents;

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

31 **(C)** The date and time the information was requested and the date and time the information was
32 provided.

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

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

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

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

43 **(b)** Notwithstanding paragraph (a) of this subsection, the authority and a person or entity re-
44 quired to report or authorized to receive or release controlled substance prescription information
45 under this section are immune from civil liability for violations of this section or ORS 431.964 or

1 431.968 unless the authority, person or entity acts with malice, criminal intent, gross negligence,
2 recklessness or willful intent.

3 (7) *[Nothing in ORS 431.962 to 431.978 and 431.992 requires a practitioner or pharmacist who*
4 *prescribes or dispenses a prescription drug to obtain information about a patient from the prescription*
5 *monitoring program.]* A practitioner or pharmacist who prescribes or dispenses a prescription drug
6 may not be held liable for damages in any civil action on the basis that the practitioner or
7 pharmacist *[did or did not request or obtain]* **requested or obtained** information from the pre-
8 scription monitoring program.

9 **SECTION 3.** ORS 192.502 is amended to read:

10 192.502. The following public records are exempt from disclosure under ORS 192.410 to 192.505:

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

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

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

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

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

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

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

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

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

43 (6) Records, reports and other information received or compiled by the Director of the Depart-
44 ment of Consumer and Business Services in the administration of ORS chapters 723 and 725 not
45 otherwise required by law to be made public, to the extent that the interests of lending institutions,

1 their officers, employees and customers in preserving the confidentiality of such information out-
2 weighs the public interest in disclosure.

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (a) The exemption does not apply to:

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

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

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

43 (14)(a) Records of or submitted to the State Treasurer, the Oregon Investment Council, the
44 Oregon Growth Board or the agents of the treasurer, council or board relating to actual or proposed
45 investments under ORS chapter 293 or 348 in a privately placed investment fund or a private asset

1 including but not limited to records regarding the solicitation, acquisition, deployment, exchange or
2 liquidation of the investments including but not limited to:

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

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

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

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

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

13 (F) Investment agreements and related documents.

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

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

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

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

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

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

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

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

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

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

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

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

38 (17)(a) The following records, communications and information submitted to the Oregon Business
39 Development Commission, the Oregon Business Development Department, the State Department of
40 Agriculture, the Oregon Growth Board, the Port of Portland or other ports as defined in ORS
41 777.005, or a county or city governing body and any board, department, commission, council or
42 agency thereof, by applicants for investment funds, grants, loans, services or economic development
43 moneys, support or assistance including, but not limited to, those described in ORS 285A.224:

44 (A) Personal financial statements.

45 (B) Financial statements of applicants.

1 (C) Customer lists.

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

7 (E) Production, sales and cost data.

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

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

12 (A) Personal financial statements.

13 (B) Financial statements of applicants.

14 (C) Customer lists.

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

20 (E) Production, sales and cost data.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (a) Personal and corporate financial statements and information, including tax returns.

17 (b) Credit reports.

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

21 (d) Market studies and analyses.

22 (e) Articles of incorporation, partnership agreements and operating agreements.

23 (f) Commitment letters.

24 (g) Project pro forma statements.

25 (h) Project cost certifications and cost data.

26 (i) Audits.

27 (j) Project tenant correspondence.

28 (k) Personal information about a tenant.

29 (L) Housing assistance payments.

30 (25) Raster geographic information system (GIS) digital databases, provided by private forestland
31 owners or their representatives, voluntarily and in confidence to the State Forestry Department,
32 that is not otherwise required by law to be submitted.

33 (26) Sensitive business, commercial or financial information furnished to or developed by a
34 public body engaged in the business of providing electricity or electricity services, if the information
35 is directly related to a transaction described in ORS 261.348, or if the information is directly related
36 to a bid, proposal or negotiations for the sale or purchase of electricity or electricity services, and
37 disclosure of the information would cause a competitive disadvantage for the public body or its re-
38 tail electricity customers. This subsection does not apply to cost-of-service studies used in the
39 development or review of generally applicable rate schedules.

40 (27) Sensitive business, commercial or financial information furnished to or developed by the
41 City of Klamath Falls, acting solely in connection with the ownership and operation of the Klamath
42 Cogeneration Project, if the information is directly related to a transaction described in ORS 225.085
43 and disclosure of the information would cause a competitive disadvantage for the Klamath
44 Cogeneration Project. This subsection does not apply to cost-of-service studies used in the develop-
45 ment or review of generally applicable rate schedules.

1 (28) Personally identifiable information about customers of a municipal electric utility or a
2 people's utility district or the names, dates of birth, driver license numbers, telephone numbers,
3 electronic mail addresses or Social Security numbers of customers who receive water, sewer or
4 storm drain services from a public body as defined in ORS 174.109. The utility or district may re-
5 lease personally identifiable information about a customer, and a public body providing water, sewer
6 or storm drain services may release the name, date of birth, driver license number, telephone num-
7 ber, electronic mail address or Social Security number of a customer, if the customer consents in
8 writing or electronically, if the disclosure is necessary for the utility, district or other public body
9 to render services to the customer, if the disclosure is required pursuant to a court order or if the
10 disclosure is otherwise required by federal or state law. The utility, district or other public body
11 may charge as appropriate for the costs of providing such information. The utility, district or other
12 public body may make customer records available to third party credit agencies on a regular basis
13 in connection with the establishment and management of customer accounts or in the event such
14 accounts are delinquent.

15 (29) A record of the street and number of an employee's address submitted to a special district
16 to obtain assistance in promoting an alternative to single occupant motor vehicle transportation.

17 (30) Sensitive business records, capital development plans or financial or commercial information
18 of Oregon Corrections Enterprises that is not customarily provided to business competitors.

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

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

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

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

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

32 (a) Generation, storage or conveyance of:

33 (A) Electricity;

34 (B) Gas in liquefied or gaseous form;

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

36 (D) Petroleum products;

37 (E) Sewage; or

38 (F) Water.

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

40 (c) Data transmissions by whatever means provided.

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

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

44 (b) As used in this subsection, "employer account records" means all records maintained in any
45 form that are specifically related to the account of any employer insured, previously insured or un-

1 der consideration to be insured by the State Accident Insurance Fund Corporation and any infor-
2 mation obtained or developed by the corporation in connection with providing, offering to provide
3 or declining to provide insurance to a specific employer. “Employer account records” includes, but
4 is not limited to, an employer’s payroll records, premium payment history, payroll classifications,
5 employee names and identification information, experience modification factors, loss experience and
6 dividend payment history.

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

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

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

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

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

17 (38) Records of or submitted to a domestic violence service or resource center that relate to the
18 name or personal information of an individual who visits a center for service, including the date of
19 service, the type of service received, referrals or contact information or personal information of a
20 family member of the individual. As used in this subsection, “domestic violence service or resource
21 center” means an entity, the primary purpose of which is to assist persons affected by domestic or
22 sexual violence by providing referrals, resource information or other assistance specifically of ben-
23 efit to domestic or sexual violence victims.

24 (39) Information reported to the Oregon Health Authority under ORS 431.964, except as provided
25 in ORS 431.964 [(2)(c)] **(2)(b)** information disclosed by the authority under ORS 431.966 and any in-
26 formation related to disclosures made by the authority under ORS 431.966, including information
27 identifying the recipient of the information.

28 (40)(a) Electronic mail addresses in the possession or custody of an agency or subdivision of the
29 executive department, as defined in ORS 174.112, a local government or local service district, as
30 defined in ORS 174.116, or a special government body, as defined in ORS 174.117.

31 (b) This subsection does not apply to electronic mail addresses assigned by a public body to
32 public employees for use by the employees in the ordinary course of their employment.

33 **SECTION 4. The amendments to ORS 431.964 by section 1 of this 2015 Act apply to pre-**
34 **scription drugs dispensed by pharmacies on and after the operative date specified in section**
35 **6 of this 2015 Act.**

36 **SECTION 5. The amendments to ORS 431.966 by section 2 of this 2015 Act apply to in-**
37 **formation related to prescription drugs classified in schedules II through IV that are dis-**
38 **persed before, on or after the operative date specified in section 6 of this 2015 Act.**

39 **SECTION 6. (1) The amendments to ORS 192.502, 431.964 and 431.966 by sections 1, 2 and**
40 **3 of this 2015 Act become operative on January 1, 2016.**

41 **(2) The Oregon Health Authority may take any action before the operative date specified**
42 **in subsection (1) of this section that is necessary to enable the authority to exercise, on and**
43 **after the operative date specified in subsection (1) of this section, all the duties, powers and**
44 **functions conferred on the authority by the amendments to ORS 192.502, 431.964 and 431.966**
45 **by sections 1, 2 and 3 of this 2015 Act.**

1 **SECTION 7. This 2015 Act being necessary for the immediate preservation of the public**
2 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
3 **on its passage.**

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