

Requested by HOUSE COMMITTEE ON JUDICIARY (at the request of the Department of Justice)

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2395**

1 On page 1 of the printed bill, delete lines 5 through 30.

2 On page 2, delete lines 1 through 11 and insert:

3 **“SECTION 1. (1) As used in this section:**

4 **“(a) ‘Connected device’ means a device or other physical object**  
5 **that:**

6 **“(A) Connects, directly or indirectly, to the Internet and is used**  
7 **primarily for personal, family or household purposes; and**

8 **“(B) Is assigned an Internet Protocol address or another address or**  
9 **number that identifies the connected device for the purpose of making**  
10 **a short-range wireless connection to another device.**

11 **“(b) ‘Manufacturer’ means a person that makes a connected device**  
12 **and sells or offers to sell the connected device in this state.**

13 **“(c) ‘Reasonable security features’ means methods to protect a**  
14 **connected device, and any information the connected device stores,**  
15 **from unauthorized access, destruction, use, modification or disclosure**  
16 **that are appropriate for the nature and function of the connected de-**  
17 **vice and for the type of information the connected device may collect,**  
18 **store or transmit.**

19 **“(2) A manufacturer shall equip a connected device with reasonable**  
20 **security features. A reasonable security feature may consist of:**

21 **“(a) A means for authentication from outside a local area network,**

1 **including:**

2 **“(A) A preprogrammed password that is unique for each connected**  
3 **device; or**

4 **“(B) A requirement that a user generate a new means of**  
5 **authentication before gaining access to the connected device for the**  
6 **first time; or**

7 **“(b) Compliance with requirements of federal law or federal regu-**  
8 **lations that apply to security measures for connected devices.**

9 **“(3) This section does not:**

10 **“(a) Require a provider of an electronic store, gateway, marketplace**  
11 **or other means for purchasing or downloading software or firmware**  
12 **to verify or enforce compliance with the provisions of this section.**

13 **“(b) Require a person to prevent a consumer from having or ob-**  
14 **taining full control over a connected device, including the ability to**  
15 **modify the connected device or any software or firmware installed on**  
16 **the connected device.**

17 **“(c) Limit the authority of a law enforcement officer or law**  
18 **enforcement agency to obtain information from a manufacturer as**  
19 **provided by law or authorized in an order from a court of competent**  
20 **jurisdiction.**

21 **“(d) Impose a duty on a manufacturer to provide reasonable secu-**  
22 **rity features for software, firmware or peripheral devices that another**  
23 **manufacturer makes and that a consumer installs in or adds to the**  
24 **connected device.**

25 **“(4) This section does not apply to:**

26 **“(a) A connected device on which a consumer installs or otherwise**  
27 **adds software or other devices that the manufacturer of the connected**  
28 **device does not approve for use with the connected device or that**  
29 **damages, evades, disables or otherwise modifies the reasonable secu-**  
30 **rity features that a manufacturer incorporates into the connected de-**

1 **vice.**

2 **“(b) A covered entity, a health care provider, a business associate,**  
3 **a health care service plan, a contractor, an employer or another per-**  
4 **son that is subject to the Health Insurance Portability and Account-**  
5 **ability Act of 1996 (P.L. 104-191, 110 Stat. 1936) or regulations**  
6 **promulgated under the Act, with respect to any action that the Act**  
7 **regulates.**

8 **“(c) A connected device, the functions of which are subject to and**  
9 **comply with the requirements, regulations and guidance that the**  
10 **United States Food and Drug Administration promulgates under 21**  
11 **C.F.R. parts 800 to 1299 or other requirements, regulations and guid-**  
12 **ance the United States Food and Drug Administration promulgates**  
13 **with respect to medical devices, including software as a medical de-**  
14 **vice.**

15 **“(5) The duties and obligations that this section imposes are in ad-**  
16 **dition to and not in lieu of any other duties and obligations imposed**  
17 **under other applicable law and do not relieve any person from the**  
18 **person’s duties and obligations under any other applicable law.**

19 **“(6) A manufacturer that violates subsection (2) of this section en-**  
20 **gages in an unlawful trade practice under ORS 646.607.”.**

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