Enrolled
House Bill 2002

Sponsored by Representatives VALDERRAMA, NELSON, Senators LIEBER, STEINER; Representatives ANDERSEN, BOWMAN, BYNUM, DEXTER, FAHEY, GAMBA, GOMBERG, GRAYBER, HARTMAN, HELM, HOLVEY, HUDSON, KROPF, MARSH, MCLAIN, NGUYEN D, NGUYEN H, NOSSE, PHAM H, PHAM K, REYNOLDS, RUIZ, SOSA, TRAN, WALTERS, Senators CAMPOS, DEMBROW, FREDERICK, GELSER BLOUIN, GOLDEN, GORSEK, JAMA, MANNING JR, MEEK, PATTERSON, PROZANSKI, SOLLMAN, TAYLOR, WAGNER, WOODS

CHAPTER .....

AN ACT

Relating to health; creating new provisions; amending ORS 15.430, 109.640, 161.005, 192.345, 192.820, 192.822, 192.826, 243.144, 243.877, 418.307, 435.215, 435.225, 436.225, 659.880, 659A.029, 675.070, 675.540, 675.745, 676.177, 677.190, 677.225, 677.320, 678.111, 685.110, 689.405 and 743A.067; repealing ORS 109.610, 109.660, 435.200 and 435.435; and declaring an emergency.

Whereas nothing in the insurance provisions of this 2023 Act affects the age at which a minor may consent to receive health care services; now, therefore,

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" means a public body as defined in ORS 174.109 and the Oregon Health and Science University.

(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 health.

SECTION 3. Every individual has a fundamental right to make decisions about the individual's reproductive health, including the right to make decisions about the individual's

reproductive health care, to use or refuse contraception, to continue the individual's pregnancy and give birth or to terminate the individual's pregnancy.

SECTION 4. (1) Any person may bring an action against a public body, or an officer, employee or agent of a public body, for injunctive relief to enforce the requirements of sections 2 to 4 of this 2023 Act.

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

(3) ORS 30.260 to 30.300 apply to an action under this section.

SECTION 5. ORS 659.880 is amended to read:

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

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

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

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

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

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

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

(2)(a) Nothing in this section is intended to prevent the application of laws, rules, ordinances or taxes that affect the method or manner of sales or distribution of contraceptive devices or the provision of reproductive health care, provided that the laws, rules, ordinances or taxes are designed to promote public health and safety and do not unreasonably burden public access to contraception or other reproductive health care.

(b) Nothing in this section requires a public body to provide or pay for reproductive health care.

SECTION 6. ORS 435.215 is amended to read:

435.215. [*The refusal of any person to accept family planning and birth control services shall in no way affect the right of such person to receive public assistance, medical assistance, as defined in ORS 414.025, or any other public benefit and every person to whom such services are offered shall be so advised initially both orally and in writing. Employees engaged in the administration of ORS 435.205 to 435.235 shall recognize that the right to make decisions concerning family planning and birth control is a fundamental personal right of the individual and nothing in ORS 435.205 to 435.235 shall in any way abridge such individual right, nor shall any individual be required to state the reason for refusing the offer of family planning and birth control services.*]

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

(a) Be grounds for the loss of any privilege or immunity to which the individual is otherwise entitled; or

(b) Affect the individual's right to receive public assistance, medical assistance, as defined in ORS 414.025, or any other public benefit.

(2) An officer, employee or agent of a public body who is engaged in the provision of reproductive health care information and services:

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

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

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

SECTION 7. ORS 435.225 is amended to read:

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

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

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

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

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

[*(1)*] **(2)(a) As used in this subsection, "health care provider" means a physician, physician assistant licensed under ORS 677.505 to 677.525, nurse practitioner licensed under ORS 678.375 to 678.390 or a pharmacist licensed under ORS chapter 689.**

(b) A minor under 15 years of age may give consent, without the consent of a parent or guardian of the minor, to an abortion only if the abortion is provided by a health care provider who is acting within the health care provider's scope of practice and who reasonably believes, in the health care provider's professional judgment, that:

(A) Involving the parent or guardian of the minor may result in the physical or emotional abuse of the minor or the neglect of the minor; or

(B) Requiring the consent of a parent or guardian of the minor would not be in the best interest of the minor, for the reasons documented by the health care provider after obtaining the concurrence of another health care provider who is associated with a separate medical practice or facility.

(3) Except as provided in subsection (2) of this section and notwithstanding subsection (4) of this section, a minor of any age may give consent, without the consent of a parent or guardian of the minor, to receive reproductive health care information and services from a

health care provider who is a physician, physician assistant licensed under ORS 677.505 to 677.525, nurse practitioner licensed under ORS 678.375 to 678.390**, pharmacist licensed under ORS chapter 689** or naturopathic physician licensed under ORS chapter 685 [*may provide birth control information and services to any person without regard to the age of the person*]**, and who is acting within the provider's scope of practice**.

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

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

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

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

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

(5) If a person, including a health care provider, has reasonable cause to believe that a minor the person comes into contact with under this section has suffered abuse, as defined in ORS 419B.005, the person shall immediately comply with the person's mandatory child abuse reporting duties under ORS 419B.010.

NOTE: Section 9 was deleted by amendment. Subsequent sections were not renumbered.

SECTION 10. ORS 418.307 is amended to read:

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

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

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

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

(3) A minor child described in subsection (1) of this section [*who is 15 years of age or older*] may 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:

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

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

(c) Screening for:

(A) Chlamydia;

(B) Gonorrhea;

(C) Hepatitis B;

(D) Hepatitis C;

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

(F) Human papillomavirus;

(G) Syphilis;

(H) Anemia;

(I) Urinary tract infection;

(J) Pregnancy;

(K) Rh incompatibility;

(L) Gestational diabetes;

(M) Osteoporosis;

(N) Breast cancer; and

(O) Cervical cancer.

(d) Screening to determine whether counseling related to the BRCA1 or BRCA2 genetic mutations is indicated and counseling related to the BRCA1 or BRCA2 genetic mutations if indicated.

(e) Screening and appropriate counseling or interventions for:

(A) Tobacco use; and

(B) Domestic and interpersonal violence.

(f) Folic acid supplements.

(g) Abortion.

(h) Breastfeeding comprehensive support, counseling and supplies.

(i) Breast cancer chemoprevention counseling.

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

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

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

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

(D) A health benefit plan may not infringe upon an enrollee's choice of contraceptive drug, device or product and may not require prior authorization, step therapy or other utilization review techniques for medically appropriate covered contraceptive drugs, devices or other products approved by the United States Food and Drug Administration.

(k) Voluntary sterilization.

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

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

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

(i) Management of side effects;

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

(iii) Device insertion and removal; and

(iv) Provision of alternative contraceptive drugs, devices or products deemed medically appropriate in the judgment of the enrollee's provider.

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

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

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

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

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

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

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

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

(a) Experimental or investigational treatments;

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

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

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

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

(A) Has a certificate of authority to transact insurance in this state issued by the Department of Consumer and Business Services; and

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

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

(a) There is no in-network provider to furnish the service, drug, device, product or procedure 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

NOTE: Sections 13 through 18 were deleted by amendment. Subsequent sections were not renumbered.

(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-affirming treatment.

(c) Exclude 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.

(d) Issue an adverse benefit determination denying or limiting access to 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 access to the treatment.

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

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

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

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

(4) The Department of Consumer and Business Services shall:

(a) Evaluate compliance with this section in each examination or analysis of the market conduct of a carrier under ORS 731.300; and

(b) Adopt rules to implement the provisions of this section.

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

SECTION 21. The Department of Consumer and Business Services shall conduct a targeted market conduct examination of all carriers that are subject to the requirements of section 20 of this 2023 Act to ensure compliance with section 20 of this 2023 Act. The examinations must be completed no later than January 2, 2027.

SECTION 22. No later than December 31, 2026, the Department of Consumer and Business Services shall report to the interim committees of the Legislative Assembly related to

health, in the manner provided in ORS 192.245, on the implementation of section 20 of this 2023 Act.

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

SECTION 24. (1) As used in this section, "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.

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

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

(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 12 calendar months.

NOTE: Sections 29 and 30 were deleted by amendment. Subsequent sections were not renumbered.

PROTECTIONS FOR PROVIDERS AND INDIVIDUALS
(Malpractice insurance and licensing)

SECTION 31. An insurer that provides malpractice insurance for a health care provider for care provided in this state 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's 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 unlawful in the jurisdiction in which the health care provider provided the service, so long as the service provided was performed in accordance with the standard of care applicable to the service; 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's 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 provided to a resident of a jurisdiction in which the service is unlawful or is unlawful in the jurisdiction in which the health care provider provided the service, so long as the service provided was performed in accordance with the standard of care applicable to the service.

SECTION 31a. ORS 675.070 is amended to read:

675.070. (1) If any of the grounds enumerated in subsection (2) of this section exist, the Oregon Board of Psychology may impose any of the following sanctions:

(a) Deny a license to an applicant;

(b) Refuse to renew the license of a psychologist or psychologist associate;

(c) Suspend the license of a psychologist or psychologist associate for a period of not less than one year;

(d) Issue a letter of reprimand;

(e) Impose probation with authority to restrict the scope of practice of a psychologist or psychologist associate or require practice under supervision;

(f) Revoke the license of a psychologist or psychologist associate; or

(g) Impose a civil penalty as described in subsection (3) of this section.

(2) **Subject to subsection (7) of this section,** the board may impose a sanction listed in subsection (1) of this section against a psychologist or psychologist associate or applicant, or, if applicable, an unlicensed person found in violation of ORS 675.010 to 675.150, when, in the judgment of the board, the person:

(a) Has an impairment as defined in ORS 676.303;

(b) Has been convicted of violation of a law relating to controlled substances;

(c) Has been convicted of a felony or misdemeanor involving moral turpitude;

(d) Is guilty of immoral or unprofessional conduct or of gross negligence in the practice of psychology, including but not limited to:

(A) Conduct or practice contrary to recognized standard of ethics of the psychological profession or conduct or practice that constitutes a danger to the health or safety of a patient or the public, or conduct, practice or a condition that adversely affects a psychologist or psychologist associate's ability to practice psychology safely and skillfully.

(B) Willful ordering or performing of unnecessary tests or studies, administration of unnecessary treatment, failure to obtain consultations or perform referrals when failing to do so is not consistent with the standard of care, or otherwise ordering or performing a psychological service or treatment that is contrary to recognized standards of practice of the psychological profession;

(e) Has practiced or attempted to practice medicine without being licensed to do so;

(f) Has obtained or attempted to obtain a license under ORS 675.010 to 675.150 by fraud or material misrepresentation;

(g) Has impersonated a licensed psychologist or psychologist associate or has allowed another person to use the license of the psychologist;

(h) Has violated a provision of ORS 675.010 to 675.150 or 675.850 or a provision of the code of professional conduct formulated under ORS 675.110 (13);

(i) Has obtained a fee or payment from a patient or third party payer through fraud or intentional misrepresentation; or

(j) Notwithstanding ORS 670.280, has been convicted of a sex crime as defined in ORS 163A.005 or has been convicted in another state or jurisdiction of a crime that is substantially equivalent to a sex crime as defined in ORS 163A.005.

(3) The board may impose a civil penalty under subsection (1) of this section:

(a) In an amount not to exceed $5,000; or

(b) In an amount not to exceed $10,000, if any of the following conditions exist:

(A) The conduct giving rise to the penalty had a serious detrimental effect on the health or safety of another person;

(B) The person subject to the penalty has a history of discipline for the same or similar conduct;

(C) The conduct giving rise to the penalty involves a willful or reckless disregard of the law;

(D) The conduct giving rise to the penalty was perpetrated against a minor, an elderly person or a person with a disability; or

(E) The person subject to the penalty violated ORS 675.020 by practicing psychology or representing that the person is a psychologist without having a license.

(4) **Except as provided in subsection (7) of this section,** if a conviction described in subsection (2) of this section is used as grounds for denial, refusal, suspension, revocation, reprimand, probation or imposition of a civil penalty, a certified copy of the record of the conviction shall be conclusive evidence.

(5) The board may license an applicant or renew or restore a license suspended or revoked under subsection (2)(a) of this section due to a mental health condition if the board determines that the applicant or former licensed psychologist or former psychologist associate no longer has an impairment due to a mental health condition.

(6) **Except as provided in subsection (7) of this section,** license suspension or revocation in another state is grounds for license denial or disciplinary action by the board.

(7) The board may not suspend or revoke a person's license to practice psychology, or refuse to grant a license to practice psychology to a person, because of a conviction or license suspension or revocation resulting solely from the person's provision of psychological services relating to reproductive or gender-affirming health care that are otherwise lawful in this state but unlawful in the jurisdiction in which the person provided the services, so long as the services provided were performed in accordance with the standard of care applicable to the services.

SECTION 31b. ORS 675.540 is amended to read:

675.540. (1) **Subject to subsection (8) of this section,** the State Board of Licensed Social Workers may impose any or all of the sanctions specified in subsection (2) of this section, upon proof, after a hearing pursuant to the provisions of ORS chapter 183 relating to a contested case, that a regulated social worker:

(a) Has been convicted in this or any other state of a crime that is a felony in this state;

(b) Has been convicted of a felony in a federal court;

(c) Is unable to perform the practice of social work by reason of physical illness;

(d) Has an impairment as defined in ORS 676.303;

(e) Has been grossly negligent or has engaged in unprofessional conduct in the practice of social work;

(f) Has violated any provision of ORS 675.510 to 675.600 or 675.850 or any rule adopted under ORS 675.600; or

(g) Notwithstanding ORS 670.280, has been convicted of a sex crime as defined in ORS 163A.005 or has been convicted in another state or jurisdiction of a crime that is substantially equivalent to a sex crime as defined in ORS 163A.005.

(2) Pursuant to the provisions of subsection (1) of this section, the board may:

(a) Deny, suspend, revoke or refuse to renew any authorization to practice regulated social work issued under ORS 675.510 to 675.600.

(b) Place a regulated social worker on probation and impose conditions or limits on the scope of practice of a regulated social worker.

(c) Impose a civil penalty not to exceed $3,000 for each violation.

(3) The expiration, or voluntary surrender by a regulated social worker, of an authorization to practice regulated social work does not deprive the board of jurisdiction to proceed with any investigation of, or any action or disciplinary proceedings against, the regulated social worker.

(4) Information that the board obtains as part of an investigation into the conduct of a regulated social worker or an applicant for an authorization to practice regulated social work or as part of a contested case proceeding, consent order or stipulated agreement involving the conduct of a regulated social worker or applicant, is confidential as provided under ORS 676.175.

(5) Subject to the provisions of ORS chapter 183 relating to a contested case, the board may impose a civil penalty in an amount up to $5,000 upon proof that, after a person's authorization to practice regulated social work has been revoked by the board, the person has:

(a) Engaged in the practice of clinical social work; or

(b) Represented that the person is a regulated social worker.

(6) Subject to the provisions of ORS chapter 183 relating to a contested case, the board may impose a civil penalty of up to $3,000 upon proof that a person who is not a regulated social worker has:

(a) Represented that the person is a regulated social worker; or

(b) Used the title "social worker" or any title, words or abbreviations that indicate that the person has an authorization to practice regulated social work in violation of ORS 675.520.

(7) Subject to the provisions of ORS chapter 183 relating to a contested case, the board may impose a civil penalty of up to $5,000 upon proof that a person who is not a clinical social worker licensed under ORS 675.530 or a clinical social work associate certified under ORS 675.537 has:

(a) Engaged in the practice of clinical social work, unless the person is permitted to practice clinical social work under ORS 675.523; or

(b) Represented that the person is a clinical social worker or clinical social work associate.

(8)(a) As used in this section, "social work services" means clinical social work, the practice of baccalaureate social work, the practice of master's social work or the practice of social work.

(b) The board may not suspend or revoke a person's authorization to practice regulated social work, or refuse to grant a person an authorization to practice regulated social work, because of a conviction or license suspension or revocation resulting solely from the person's provision of social work services relating to reproductive or gender-affirming health care that are otherwise lawful in this state but unlawful in the jurisdiction in which the person provided the services, so long as the services provided were performed in accordance with the standard of care applicable to the services.

SECTION 31c. ORS 675.745 is amended to read:

675.745. (1) The Oregon Board of Licensed Professional Counselors and Therapists may deny, suspend, revoke or refuse to issue or to renew any license issued under ORS 675.715 to 675.835 upon proof that the applicant for licensure or the licensee:

(a) **Except as provided in subsection (8) of this section,** has been convicted of violating ORS 675.825 or of a crime in this or any other state or territory or against the federal government that brings into question the competence of the licensee in the role of a counselor or a therapist;

(b) Is unable to perform the practice of professional counseling or marriage and family therapy by reason of physical illness;

(c) Has an impairment as defined in ORS 676.303;

(d) Has been grossly negligent in the practice of professional counseling or marriage and family therapy;

(e) Has violated any provision of ORS 675.715 to 675.835 or 675.850;

(f) Has violated any rule of the board pertaining to the licensure of professional counselors or licensed marriage and family therapists;

(g) Has failed to file a professional disclosure statement or has filed a false, incomplete or misleading professional disclosure statement;

(h) Has practiced outside the scope of activities, including administering, constructing or interpreting tests or diagnosing or treating mental disorders, for which the licensee has individual training and qualification;

(i) **Except as provided in subsection (8) of this section,** has been disciplined by a state mental health licensing board or program in this or any other state for violation of competency or conduct standards; or

(j) Notwithstanding ORS 670.280, has been convicted of a sex crime as defined in ORS 163A.005 or has been convicted in another state or jurisdiction of a crime that is substantially equivalent to a sex crime as defined in ORS 163A.005.

(2)(a) The board may reprimand or impose probation on a licensee or a registered associate upon proof of any of the grounds for discipline provided in subsection (1) of this section.

(b) If the board elects to place a licensee or a registered associate on probation, the board may impose:

(A) Restrictions on the scope of practice of the licensee or associate;

(B) Requirements for specific training;

(C) Supervision of the practice of the licensee or associate; or

(D) Other conditions the board finds necessary for the protection of the public.

(3) The board may initiate injunctive proceedings in any circuit court against persons violating any provision of ORS 675.715 to 675.835 or any rules adopted by the board.

(4) Pursuant to ORS 183.745, the board may impose a civil penalty of not more than $2,500 for each ground for discipline listed in subsection (1) of this section found by the board.

(5) Pursuant to ORS 183.745, the board may impose a civil penalty of not more than $2,500 for each violation of or failure to observe any limitation or condition imposed by the board on the licensee's or registered associate's practice under subsection (2) of this section.

(6) Information that the board obtains as part of an investigation into licensee or applicant conduct or as part of a contested case proceeding, consent order or stipulated agreement involving licensee or applicant conduct is confidential as provided under ORS 676.175.

(7) In addition to the actions authorized by subsections (1) and (2) of this section, the board may take such disciplinary action as the board in its discretion finds proper, including but not limited to the assessment of the costs of the disciplinary process.

(8) The board may not suspend or revoke a person's license or registration to practice professional counseling or marriage and family therapy, or refuse to grant a license or registration to practice professional counseling or marriage and family therapy to a person, because of a conviction or disciplinary action resulting solely from the person's provision of professional counseling services or marriage and family therapy services relating to reproductive or gender-affirming health care that are otherwise lawful in this state but unlawful in the jurisdiction in which the person provided the services, so long as the services provided were performed in accordance with the standard of care applicable to the services.

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 substances.

(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 or revoke a person's license, or refuse to grant a license to a person, because of a conviction resulting solely from the person's provision of a reproductive or gender-affirming health care service that is otherwise lawful in this state but

unlawful in the jurisdiction in which the person provided the service, so long as the service provided 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 or revoke a person's license, or refuse to grant a license to a person, because of a disciplinary action by another state resulting solely from the person's provision of a reproductive or gender-affirming health care service that is otherwise lawful in this state but unlawful in the jurisdiction in which the person provided the service, so long as the service provided was performed in accordance with the standard of care applicable to the service.

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

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

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

(19) Imprisonment as provided in ORS 677.225.

(20) Making a fraudulent claim.

(21)(a) Performing psychosurgery.

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

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

(23) Violation of the federal Controlled Substances Act.

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

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

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

(27) Failure by the licensee to notify the board of the licensee's voluntary resignation from the staff of a health care institution or voluntary limitation of a licensee's staff privileges at the institution if that action occurs while the licensee is under investigation by the institution or a committee thereof for any reason related to medical incompetence, unprofessional conduct, physical incapacity or impairment.

SECTION 33. ORS 677.225 is amended to read:

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

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

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

(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 but unlawful in the jurisdiction in which the licensee provided, or assisted in the provision of, the service, so long as the service provided 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 or revoke a person's license or refuse to grant a license to a person, because of a conviction or disciplinary action by another state resulting solely from the person's provision of a reproductive or gender-

affirming health care service that is otherwise lawful in this state but unlawful in the jurisdiction in which the person provided the service, so long as the service provided 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 nursing.

(e) Impairment as defined in ORS 676.303.

(f) Conduct derogatory to the standards of nursing.

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

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

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

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

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

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

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

SECTION 37. ORS 685.110 is amended to read:

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

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

(2) Impersonating another physician.

(3) Practicing naturopathic medicine under an assumed name.

(4) Performing an abortion.

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

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

(7) Being convicted of a crime relating to practice of naturopathic medicine**, unless the conviction is solely the result of providing a reproductive or gender-affirming health care service that is otherwise lawful in this state but unlawful in the jurisdiction in which the person**

provided the service, so long as the service provided was performed in accordance with the standard of care applicable to the service.

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

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

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

(11) Obtaining a fee through fraud or misrepresentation.

(12) Committing gross or repeated malpractice.

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

(14) Engaging in any conduct or practice contrary to a recognized standard of ethics of the profession or any conduct or practice that does or might constitute a danger to the health or safety of a patient or the public or any conduct, practice or condition that does or might adversely affect 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 but unlawful in the jurisdiction in which the person provided the service, so long as the service 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**, unless the disciplinary action resulted solely from the licensee's provision of a reproductive or gender-affirming health care service that is otherwise lawful in this state but unlawful in the jurisdiction in which the licensee provided the service, so long as the service provided was performed in accordance with the standard of care applicable to the service**. 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 or revoke a person's license, or refuse to grant a license to a person, because of a conviction resulting solely from the person's provision of a reproductive or gender-affirming health care service that is otherwise lawful in this state but unlawful in the jurisdiction in which the person provided the service, so long as the service provided 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 persons administering, grading or evaluating an examination or testing procedure are included in this exemption, to the extent that disclosure would create a risk that the result might be affected.

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

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

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

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

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

(10) Records, reports and other information received or compiled by the Director of the Department of Consumer and Business Services under ORS 697.732.

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

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

(13) Fish and wildlife information:

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

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

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

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

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

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

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

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

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

(18) Specific operational plans in connection with an anticipated threat to individual or public safety for deployment and use of personnel and equipment, prepared or used by a public body, if

public disclosure of the plans would endanger an individual's life or physical safety or jeopardize a law enforcement activity.

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

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

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

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

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

(b) Credit reports;

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

(d) Market studies and analyses;

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

(f) Commitment letters;

(g) Project pro forma statements;

(h) Project cost certifications and cost data;

(i) Audits;

(j) Project tenant correspondence requested to be confidential;

(k) Tenant files relating to certification; and

(L) Housing assistance payment requests.

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

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

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

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

(23) Records or information that would reveal or otherwise identify security measures, or weaknesses or potential weaknesses in security measures, taken or recommended to be taken to protect:

(a) An individual;

(b) Buildings or other property;

(c) Information processing, communication or telecommunication systems, including the information contained in the systems; or

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

(24) Personal information held by or under the direction of officials of the Oregon Health and Science University or a public university listed in ORS 352.002 about a person who has or who is interested in donating money or property to the Oregon Health and Science University or a public

university, if the information is related to the family of the person, personal assets of the person or is incidental information not related to the donation.

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

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

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

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

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

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

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

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

(b) The home address and home telephone number of the public safety officer or county juvenile department employee contained in records of the Department of Public Safety Standards and Training.

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

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

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

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

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

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

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

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

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

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

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

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

(33) The following voluntary conservation agreements and reports:

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

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

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

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

(b) Apply to contracts for advertising, public relations or lobbying services or to documents related to the formation of such contracts;

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

(d) Provide the basis for opposing the discovery of documents in litigation pursuant to the applicable rules of civil procedure.

(35) Records of the Department of Public Safety Standards and Training relating to investigations conducted under ORS 181A.640 or 181A.870 (6), until the department issues the report described in ORS 181A.640 or 181A.870.

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

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

(38)(a) Personally identifiable information collected as part of an electronic fare collection system of a mass transit system.

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

(c) As used in this subsection:

(A) "Electronic fare collection system" means the software and hardware used for, associated with or relating to the collection of transit fares for a mass transit system, including but not limited to computers, radio communication systems, personal mobile devices, wearable technology, fare instruments, information technology, data storage or collection equipment, or other equipment or improvements.

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

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

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

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

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

(A) The home address and home telephone number of the civil code enforcement officer contained in the voter registration records for the officer.

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

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

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

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

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

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

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

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

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

(10) Records, reports and other information received or compiled by the Director of the Department of Consumer and Business Services under ORS 697.732.

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

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

(13) Fish and wildlife information developed pursuant to ORS 496.004, 496.172 and 498.026 or ORS 496.192 and 564.100, regarding the habitat, location or population of any threatened species or endangered species.

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Credit reports;

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

(d) Market studies and analyses;

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

(f) Commitment letters;

(g) Project pro forma statements;

(h) Project cost certifications and cost data;

(i) Audits;

(j) Project tenant correspondence requested to be confidential;

(k) Tenant files relating to certification; and

(L) Housing assistance payment requests.

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

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

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

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

(23) Records or information that would reveal or otherwise identify security measures, or weaknesses or potential weaknesses in security measures, taken or recommended to be taken to protect:

(a) An individual;

(b) Buildings or other property;

(c) Information processing, communication or telecommunication systems, including the information contained in the systems; or

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

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

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

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

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

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

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

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

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

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

(b) The home address and home telephone number of the public safety officer or county juvenile department employee contained in records of the Department of Public Safety Standards and Training.

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

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

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

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

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

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

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

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

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

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

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

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

(33) The following voluntary conservation agreements and reports:

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

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

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

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

(b) Apply to contracts for advertising, public relations or lobbying services or to documents related to the formation of such contracts;

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

(d) Provide the basis for opposing the discovery of documents in litigation pursuant to the applicable rules of civil procedure.

(35) Records of the Department of Public Safety Standards and Training relating to investigations conducted under ORS 181A.640 or 181A.870 (6), until the department issues the report described in ORS 181A.640 or 181A.870.

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

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

(38)(a) Personally identifiable information collected as part of an electronic fare collection system of a mass transit system.

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

(c) As used in this subsection:

(A) "Electronic fare collection system" means the software and hardware used for, associated with or relating to the collection of transit fares for a mass transit system, including but not limited to computers, radio communication systems, personal mobile devices, wearable technology, fare instruments, information technology, data storage or collection equipment, or other equipment or improvements.

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

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

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

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

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

(A) The home address and home telephone number of the civil code enforcement officer contained in the voter registration records for the officer.

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

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

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

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

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

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

SECTION 43. ORS 192.826 is amended to read:

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

(a) An adult individual.

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

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

(2) The application must be dated, signed and verified by the applicant and the application assistant who assisted in the preparation of the application.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(h) A sworn statement by the applicant that to the best of the applicant's knowledge the information contained in the application is true.

(i) A recommendation by an application assistant that the applicant be a participant in the Address Confidentiality Program.

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

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

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

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

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

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

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

SECTION 44. ORS 676.177 is amended to read:

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

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

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

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

(b) A district attorney;

(c) The Department of Justice;

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

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

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

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

(Health Care Facilities)

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)(a) No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this right.

(b) Nothing in this section prohibits lawful picketing, lawful protesting or peaceful assembly, 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.

(Employees)

SECTION 47. ORS 659A.029 is amended to read:

659A.029. For purposes of ORS 659A.030, the phrase "because of sex" includes, but is not limited to, because of pregnancy, childbirth and related medical conditions or occurrences. [*Women*] **An individual** affected by **the individual's** pregnancy, childbirth or related medical conditions or occurrences shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as [*other persons*] **any other person** not so affected but similar in [*their*] ability or inability to work by reason of physical condition, and nothing in this section shall be interpreted to permit otherwise.

(Interstate Actions)

SECTION 48. (1) As used in this section:

(a) "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.

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

(c) "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 health.

(2) A law of another state that authorizes a person to bring a civil or criminal action against a person that does any of the following is contrary to the public policy of this state:

(a) Receive reproductive health care or gender-affirming treatment;

(b) Provide or attempt to provide reproductive health care or gender-affirming treatment; or

(c) Knowingly engage in conduct that aids or abets the provision of reproductive health care or gender-affirming treatment.

(3) Notwithstanding ORCP 38 C, a person may not request that a clerk of court issue a subpoena for service upon a person to whom a foreign subpoena is directed if the foreign subpoena relates to gender-affirming treatment or reproductive health care services that are permitted under the laws of this state, unless the person requesting the subpoena provides a written declaration that the foreign subpoena relates to:

(a) An out-of-state action founded in tort, contract or statute, for which a similar claim would exist under the laws of this state, brought by a patient or the patient's authorized legal representative, for damages suffered by the patient; or

(b) An out-of-state action founded in contract, and for which a similar claim would exist under the laws of this state, brought or sought to be enforced by a party with a contractual relationship with the person that is the subject of the subpoena.

SECTION 49. ORS 15.430 is amended to read:

15.430. Notwithstanding ORS 15.440, 15.445 and 15.455, Oregon law governs noncontractual claims in the following actions:

(1) Actions in which, after the events giving rise to the dispute, the parties agree to the application of Oregon law.

(2) Actions in which none of the parties raises the issue of applicability of foreign law.

(3) Actions in which the party or parties who rely on foreign law fail to assist the court in establishing the relevant provisions of foreign law after being requested by the court to do so.

(4) Actions filed against a public body of the State of Oregon, unless the application of Oregon law is waived by a person authorized by Oregon law to make the waiver on behalf of the public body.

(5) Actions against an owner, lessor or possessor of land, buildings or other real property situated in Oregon that seek to recover for, or to prevent, injury on that property and arising out of conduct that occurs in Oregon.

(6) Actions between an employer and an employee who is primarily employed in Oregon that arise out of an injury that occurs in Oregon.

(7) Actions for professional malpractice arising from services rendered entirely in Oregon by personnel licensed to perform those services under Oregon law.

(8)(a) Actions against a provider of reproductive health care or gender-affirming treatment, as those terms are defined in section 48 of this 2023 Act, if the reproductive health care or gender-affirming treatment at issue was provided in this state.

(b) Actions against a patient receiving reproductive health care or gender-affirming treatment if the reproductive health care or gender-affirming treatment at issue was received in this state.

(c) Actions against any person who provides aid, assistance, resources or support to a person in providing or receiving reproductive health care or gender-affirming treatment in this state.

CONFORMING AMENDMENTS

SECTION 50. 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, 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 51. 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 52. ORS 109.610, 109.660, 435.200 and 435.435 are repealed.

NOTE: Sections 53 through 58 were deleted by amendment. Subsequent sections were not renumbered.

MISCELLANEOUS

SECTION 59. **(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.

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

(4) Sections 31 and 35 of this 2023 Act and the amendments to ORS 675.070, 675.540, 675.745, 677.190, 677.225, 677.320, 678.111, 685.110 and 689.405 by sections 31a to 33, 36 to 38 and 51 of this 2023 Act apply to reproductive and gender-affirming health care services provided on or after the effective date of this 2023 Act.

(5) The amendments to ORS 659A.029 by section 47 of this 2023 Act apply to unlawful employment discrimination occurring before, on or after the effective date of this 2023 Act.

SECTION 60. **The unit captions used in this 2023 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2023 Act.**

SECTION 61. **This 2023 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect on its passage.**

Passed by House May 1, 2023

Repassed by House June 21, 2023

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Dan Rayfield, Speaker of House

Passed by Senate June 15, 2023

.....
Rob Wagner, President of Senate

Received by Governor:

.....M.,....., 2023

Approved:

.....M.,....., 2023

.....
Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2023

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Secretary of State