

HOUSE AMENDMENTS TO HOUSE BILL 2002

By COMMITTEE ON BEHAVIORAL HEALTH AND HEALTH CARE

April 5

1 On page 1 of the printed bill, line 2, after “ORS” insert “15.430,”.

2 In line 3, after “659.880,” insert “659A.029, 675.070, 675.540, 675.745,”.

3 Delete line 19 and insert:

4 “(2) ‘Public body’ means a public body as defined in ORS 174.109 and the Oregon Health and
5 Science University.”.

6 On page 2, delete lines 6 through 11 and insert:

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

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

12 “**(3) ORS 30.260 to 30.300 apply to an action under this section.**”.

13 In line 18, delete “or provision”.

14 In line 24, delete “or provision”.

15 Delete lines 37 through 40 and insert:

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

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

23 On page 3, delete lines 38 through 45.

24 On page 4, delete lines 1 through 27 and insert:

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

27 “109.640. (1) **As used in this section, ‘reproductive health care’ has the meaning given that
28 term in section 2 of this 2023 Act, except that ‘reproductive health care’ does not include the
29 voluntary sterilization of a minor under 15 years of age.**

30 “[*(1)*] (2) **Notwithstanding subsection (3) of this section, a minor of any age may give
31 consent, without the consent of a parent or guardian of the minor, to receive reproductive
32 health care information and services from** a physician, physician assistant licensed under ORS
33 677.505 to 677.525, nurse practitioner licensed under ORS 678.375 to 678.390, **pharmacist licensed
34 under ORS chapter 689** or naturopathic physician licensed under ORS chapter 685 [*may provide
35 birth control information and services to any person without regard to the age of the person*], **who is**

1 **acting within the provider's scope of practice.**

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

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

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

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

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

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

17 "**109.650. (1) If a physician, physician assistant, nurse practitioner, pharmacist or**
18 **naturopathic physician provides reproductive health care information or services to a minor**
19 **as described in ORS 109.640 (2), the physician, physician assistant, nurse practitioner,**
20 **pharmacist or naturopathic physician may not disclose to the minor's parent or legal**
21 **guardian information regarding the information and services provided unless:**

22 "**(a) The minor has authorized the disclosure in writing;**

23 "**(b) The disclosure is authorized under ORS 192.567; or**

24 "**(c) The disclosure is otherwise required by federal law.**

25 "**(2) If a hospital or a physician, physician assistant, nurse practitioner, naturopathic physician,**
26 **dentist or optometrist provides care, diagnosis or treatment to a minor as described in ORS**
27 **109.640 (3), the hospital, physician, physician assistant, nurse practitioner, naturopathic**
28 **physician, dentist or optometrist may advise [a] the minor's parent or legal guardian [of a**
29 **minor] of the care, diagnosis or treatment [of] provided to the minor or the need for any treatment**
30 **of the minor, without the consent of the minor, and is not liable for advising the parent or legal**
31 **guardian without the consent of the minor."**

32 On page 9, delete lines 19 and 20 and insert:

33 "(4) No later than September 15 of each year, the authority shall submit a report in the manner
34 provided by".

35 In line 31, delete "commission" and insert "authority".

36 Delete line 44 and insert "continuously appropriated to the Oregon Health Authority for the
37 purpose".

38 On page 10, line 1, delete "commission" and insert "authority".

39 In line 5, after "(1)" delete the rest of the line.

40 In line 6, delete the comma.

41 In line 8, delete "commission" and insert "authority".

42 In line 18, delete "commission" and insert "authority".

43 On page 11, delete lines 24 through 26 and insert:

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

45 "(a) Evaluate compliance with this section in each examination or analysis of the market con-

1 duct of a carrier under ORS 731.300; and

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

3 On page 13, line 17, delete the colon and insert “12 calendar months.”.

4 Delete lines 18 through 20.

5 Delete line 37 and insert “progress of the pilot projects and recommendations for continuing the
6 program and for expanding the program to additional”.

7 On page 14, delete lines 14 through 27 and insert:

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

12 **“(1) Based solely on the health care provider’s providing, authorizing, recommending,
13 aiding, assisting, referring for or otherwise participating in a reproductive or gender-
14 affirming health care service that is lawful in this state but unlawful in the jurisdiction in
15 which the health care provider provided the service, so long as the service provided was
16 performed in accordance with the standard of care applicable to the service; or**

17 **“(2) A result of an adverse action taken against the health care provider’s license issued
18 by another state that resulted solely from the health care provider’s providing, authorizing,
19 recommending, aiding, assisting, referring for or otherwise participating in a reproductive
20 or gender-affirming health care service that is lawful in this state but provided to a resident
21 of a jurisdiction in which the service is unlawful or is unlawful in the jurisdiction in which
22 the health care provider provided the service, so long as the service provided was performed
23 in accordance with the standard of care applicable to the service.**

24 **“SECTION 31a.** ORS 675.070 is amended to read:

25 **“675.070. (1) If any of the grounds enumerated in subsection (2) of this section exist, the Oregon
26 Board of Psychology may impose any of the following sanctions:**

27 **“(a) Deny a license to an applicant;**

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

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

31 **“(d) Issue a letter of reprimand;**

32 **“(e) Impose probation with authority to restrict the scope of practice of a psychologist or psy-
33 chologist associate or require practice under supervision;**

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

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

36 **“(2) Subject to subsection (7) of this section, the board may impose a sanction listed in sub-
37 section (1) of this section against a psychologist or psychologist associate or applicant, or, if appli-
38 cable, an unlicensed person found in violation of ORS 675.010 to 675.150, when, in the judgment of
39 the board, the person:**

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

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

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

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

45 **“(A) Conduct or practice contrary to recognized standard of ethics of the psychological profes-**

1 sion or conduct or practice that constitutes a danger to the health or safety of a patient or the
2 public, or conduct, practice or a condition that adversely affects a psychologist or psychologist
3 associate's ability to practice psychology safely and skillfully.

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

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

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

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

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

15 “(i) Has obtained a fee or payment from a patient or third party payer through fraud or inten-
16 tional misrepresentation; or

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

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

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

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

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

25 “(B) The person subject to the penalty has a history of discipline for the same or similar con-
26 duct;

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

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

30 “(E) The person subject to the penalty violated ORS 675.020 by practicing psychology or repre-
31 senting that the person is a psychologist without having a license.

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

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

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

42 “(7) **The board may not suspend or revoke a person's license to practice psychology, or**
43 **refuse to grant a license to practice psychology to a person, because of a conviction or li-**
44 **cence suspension or revocation resulting solely from the person's provision of psychological**
45 **services relating to reproductive or gender-affirming health care that are otherwise lawful**

1 **in this state but unlawful in the jurisdiction in which the person provided the services, so**
2 **long as the services provided were performed in accordance with the standard of care appli-**
3 **cable to the services.**

4 **“SECTION 31b.** ORS 675.540 is amended to read:

5 **“675.540. (1) Subject to subsection (8) of this section,** the State Board of Licensed Social
6 Workers may impose any or all of the sanctions specified in subsection (2) of this section, upon
7 proof, after a hearing pursuant to the provisions of ORS chapter 183 relating to a contested case,
8 that a regulated social worker:

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

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

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

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

13 **“(e) Has been grossly negligent or has engaged in unprofessional conduct in the practice of so-**
14 **cial work;**

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

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

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

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

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

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

26 **“(3) The expiration, or voluntary surrender by a regulated social worker, of an authorization to**
27 **practice regulated social work does not deprive the board of jurisdiction to proceed with any in-**
28 **vestigation of, or any action or disciplinary proceedings against, the regulated social worker.**

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

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

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

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

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

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

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

44 **“(7) Subject to the provisions of ORS chapter 183 relating to a contested case, the board may**
45 **impose a civil penalty of up to \$5,000 upon proof that a person who is not a clinical social worker**

1 licensed under ORS 675.530 or a clinical social work associate certified under ORS 675.537 has:

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

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

5 “(8)(a) **As used in this section, ‘social work services’ means clinical social work, the
6 practice of baccalaureate social work, the practice of master’s social work or the practice
7 of social work.**

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

15 “**SECTION 31c.** ORS 675.745 is amended to read:

16 “675.745. (1) The Oregon Board of Licensed Professional Counselors and Therapists may deny,
17 suspend, revoke or refuse to issue or to renew any license issued under ORS 675.715 to 675.835 upon
18 proof that the applicant for licensure or the licensee:

19 “(a) **Except as provided in subsection (8) of this section,** has been convicted of violating ORS
20 675.825 or of a crime in this or any other state or territory or against the federal government that
21 brings into question the competence of the licensee in the role of a counselor or a therapist;

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

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

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

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

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

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

32 “(h) Has practiced outside the scope of activities, including administering, constructing or in-
33 terpreting tests or diagnosing or treating mental disorders, for which the licensee has individual
34 training and qualification;

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

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

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

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

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

1 “(B) Requirements for specific training;

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

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

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

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

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

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

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

17 “(8) **The board may not suspend or revoke a person’s license or registration to practice**
18 **professional counseling or marriage and family therapy, or refuse to grant a license or reg-**
19 **istration to practice professional counseling or marriage and family therapy to a person,**
20 **because of a conviction or disciplinary action resulting solely from the person’s provision of**
21 **professional counseling services or marriage and family therapy services relating to repro-**
22 **ductive or gender-affirming health care that are otherwise lawful in this state but unlawful**
23 **in the jurisdiction in which the person provided the services, so long as the services provided**
24 **were performed in accordance with the standard of care applicable to the services.”.**

25 On page 15, delete lines 14 through 18 and insert:

26 “(b) The board may not suspend or revoke a person’s license, or refuse to grant a license to a
27 person, because of a conviction resulting solely from the person’s provision of a reproductive or
28 gender-affirming health care service that is otherwise lawful in this state but unlawful in the juris-
29 diction in which the person provided the service, so long as the service provided was performed in
30 accordance with the standard of care applicable to the service.”.

31 Delete lines 44 and 45.

32 On page 16, delete lines 1 through 3 and insert:

33 “(b) The board may not suspend or revoke a person’s license, or refuse to grant a license to a
34 person, because of a disciplinary action by another state resulting solely from the person’s provision
35 of a reproductive or gender-affirming health care service that is otherwise lawful in this state but
36 unlawful in the jurisdiction in which the person provided the service, so long as the service provided
37 was performed in accordance with the standard of care applicable to the service.”.

38 On page 17, delete lines 20 and 21 and insert “lawful in this state but unlawful in the jurisdic-
39 tion in which the licensee provided, or assisted in the provision of, the service, so long as the ser-
40 vice provided was performed in accordance with the”.

41 Delete lines 25 through 29 and insert:

42 “**SECTION 35. The Oregon State Board of Nursing may not suspend or revoke a person’s**
43 **license or refuse to grant a license to a person, because of a conviction or disciplinary action**
44 **by another state resulting solely from the person’s provision of a reproductive or gender-**
45 **affirming health care service that is otherwise lawful in this state but unlawful in the juris-**

1 **diction in which the person provided the service, so long as the service provided was**
2 **performed in accordance with the standard of care applicable to the service.”.**

3 On page 18, delete lines 32 and 33 and insert “that is otherwise lawful in this state but unlawful
4 in the jurisdiction in which the person provided the service, so long as the service provided was
5 performed in accordance with the standard of care”.

6 On page 19, delete lines 10 and 11 and insert “or gender-affirming health care service that is
7 otherwise lawful in this state but unlawful in the jurisdiction in which the person provided the
8 service, so long as the service was performed in”.

9 In line 45, after “subsection” insert “, unless the disciplinary action resulted solely from the
10 licensee’s provision of a reproductive or gender-affirming health care service that is otherwise law-
11 ful in this state but unlawful in the jurisdiction in which the licensee provided the service, so long
12 as the service provided was performed in accordance with the standard of care applicable to the
13 service”.

14 On page 20, delete lines 6 through 10 and insert:

15 “(4) The board may not suspend or revoke a person’s license, or refuse to grant a license to a
16 person, because of a conviction resulting solely from the person’s provision of a reproductive or
17 gender-affirming health care service that is otherwise lawful in this state but unlawful in the juris-
18 diction in which the person provided the service, so long as the service provided was performed in
19 accordance with the standard of care applicable to the service.”.

20 On page 37, after line 17, insert:

21
22 **“(Employees)**

23
24 **“SECTION 47.** ORS 659A.029 is amended to read:

25 “659A.029. For purposes of ORS 659A.030, the phrase ‘because of sex’ includes, but is not limited
26 to, because of pregnancy, childbirth and related medical conditions or occurrences. [*Women*] **An**
27 **individual** affected by **the individual’s** pregnancy, childbirth or related medical conditions or oc-
28 currences shall be treated the same for all employment-related purposes, including receipt of benefits
29 under fringe benefit programs, as [*other persons*] **any other person** not so affected but similar in
30 [*their*] ability or inability to work by reason of physical condition, and nothing in this section shall
31 be interpreted to permit otherwise.

32
33 **“(Interstate Actions)**

34
35 **“SECTION 48. (1) As used in this section:**

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

40 **“(b) ‘Reproductive health’ means reproductive processes, functions and systems at all**
41 **stages of life.**

42 **“(c) ‘Reproductive health care’ includes family planning and contraception, pregnancy**
43 **termination services, prenatal, postnatal and delivery care, miscarriage management,**
44 **fertility care, sterilization services, treatments for sexually transmitted infections and re-**
45 **productive cancers and any other health care and medical services related to reproductive**

1 **health.**

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

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

5 **“(b) Provide or attempt to provide reproductive health care or gender-affirming treat-**
6 **ment; or**

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

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

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

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

20 **“SECTION 49.** ORS 15.430 is amended to read:

21 **“15.430. Notwithstanding ORS 15.440, 15.445 and 15.455, Oregon law governs noncontractual**
22 **claims in the following actions:**

23 **“(1) Actions in which, after the events giving rise to the dispute, the parties agree to the ap-**
24 **plication of Oregon law.**

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

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

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

31 **“(5) Actions against an owner, lessor or possessor of land, buildings or other real property sit-**
32 **uated in Oregon that seek to recover for, or to prevent, injury on that property and arising out of**
33 **conduct that occurs in Oregon.**

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

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

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

41 **“(b) Actions against a patient receiving reproductive health care or gender-affirming**
42 **treatment if the reproductive health care or gender-affirming treatment at issue was re-**
43 **ceived in this state.**

44 **“(c) Actions against any person who provides aid, assistance, resources or support to a**
45 **person in providing or receiving reproductive health care or gender-affirming treatment in**

1 **this state.”.**

2 In line 21, delete “47” and insert “50”.

3 In line 33, delete “48” and insert “51”.

4 On page 38, line 29, delete “49” and insert “52”.

5 In line 30, delete “50” and insert “53”.

6 In line 35, delete “51” and insert “54”.

7 In line 42, delete “52” and insert “55”.

8 On page 39, delete lines 6 through 12 and insert:

9 “(4) Sections 31 and 35 of this 2023 Act and the amendments to ORS 675.070, 675.540, 675.745,
10 677.190, 677.225, 677.320, 678.111, 685.110 and 689.405 by sections 31a to 33, 36 to 38 and 51 of this
11 2023 Act apply to reproductive and gender-affirming health care services provided on or after the
12 effective date of this 2023 Act.

13 “(5) The repeal of ORS 167.820 by section 52 of this 2023 Act and the amendments to ORS
14 161.005 by section 50 of this 2023 Act apply to acts committed on or after the effective date of this
15 2023 Act.

16 “(6) The amendments to ORS 659A.029 by section 47 of this 2023 Act apply to unlawful em-
17 ployment discrimination occurring before, on or after the effective date of this 2023 Act.”.

18 In line 13, delete “53” and insert “56”.

19 In line 16, delete “54” and insert “57”.

20 In line 17, delete “55” and insert “58”.

21
