

House Bill 2423

Sponsored by Representative BREESE-IVERSON; Representative DIEHL (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs Oregon Health Authority to establish and administer Pregnancy Launch Program to provide certain services to specified persons. Prohibits authority from contracting for provision of program services with organization that directly or indirectly promotes, refers for or assists pregnant persons in obtaining abortions.

Directs authority to establish pregnancy resources hotline. Requires hotline to automatically connect pregnant persons seeking abortions with organizations providing services through Pregnancy Launch Program.

Exempts specified records and information from public disclosure. Creates exceptions.

Requires specified reports.

Becomes operative January 1, 2024.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to pregnancy resources; creating new provisions; amending ORS 192.355; and prescribing
3 an effective date.

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

5 **SECTION 1. Definitions. As used in sections 1 to 5 of this 2023 Act:**

6 (1) **"Abortion" means the use or prescription of any instrument, medicine, drug or any**
7 **other substance or device to terminate the pregnancy of a person known to be pregnant, if**
8 **the intention is other than to increase the probability of a live birth, to preserve the life or**
9 **health of the child after live birth or to remove a dead unborn child who died as the result**
10 **of natural causes in utero, accidental trauma or a criminal assault on the pregnant person**
11 **or the unborn child, and that use or prescription causes the premature termination of the**
12 **pregnancy.**

13 (2) **"Community health worker" has the meaning given that term in ORS 414.025.**

14 (3) **"Nurse practitioner" means a nurse practitioner licensed under ORS 678.375 to**
15 **678.390.**

16 (4) **"Parent" means the biological or adoptive parent, or the legal guardian, of a child.**

17 **SECTION 2. Pregnancy Launch Program. (1) The Oregon Health Authority shall establish**
18 **and administer the Pregnancy Launch Program to:**

19 (a) **Encourage healthy childbirth;**

20 (b) **Support childbirth as an alternative to abortion;**

21 (c) **Promote family formation;**

22 (d) **Aid successful parenting;**

23 (e) **Increase families' economic self-sufficiency; and**

24 (f) **Improve maternal health, mortality and postpartum outcomes.**

25 (2) **The program established under subsection (1) of this section shall provide statewide**
26 **direct services, supports, case management and program referrals, in person or remotely**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 through the use of electronic and telecommunication technologies, to:

2 (a) Pregnant persons;

3 (b) Parents with one or more children under two years of age; and

4 (c) Parents of persons described in paragraphs (a) or (b) of this subsection who are under
5 18 years of age.

6 (3)(a) The authority shall enter into a sufficient number of contracts under this sub-
7 section to ensure that every pregnant person seeking abortion services in this state has ac-
8 cess to services provided through the program.

9 (b) The authority may contract with an organization to provide services through the
10 program only if the organization demonstrates its capability of offering, when necessary,
11 services remotely through the use of electronic and telecommunication technologies and the
12 organization does not:

13 (A) Directly or indirectly provide, promote, refer for or assist pregnant persons in ob-
14 taining abortion services;

15 (B) Own or operate an organization that directly or indirectly provides, promotes, refers
16 for or assists pregnant persons in obtaining abortion services;

17 (C) Employ or contract with any person who has performed an abortion within the pre-
18 vious 24 months; or

19 (D) Have as a director, board member officer or volunteer any person who has performed
20 an abortion within the previous 24 months.

21 (4) An organization with which the authority contracts to provide services through the
22 program shall:

23 (a) Ensure that its agents, employees and volunteers:

24 (A) Meet the qualifications established by the authority by rule, consistent with this
25 section;

26 (B) Maintain the confidentiality of information obtained while providing services under
27 this section; and

28 (C) Complete training to recognize signs that a person has been a victim of human traf-
29 ficking and to learn best practices for providing appropriate assistance to victims of human
30 trafficking.

31 (b) Use nurse practitioners, community health workers and other individuals with
32 equivalent expertise to offer to participants in the program healthy pregnancy program ser-
33 vices, including:

34 (A) Assisting in the assessment and evaluation of needs related to pregnancy or parent-
35 ing;

36 (B) Providing medically accurate pregnancy-related medical information;

37 (C) Providing assistance obtaining obstetric care, primary care, mental or behavioral
38 health counseling and postpartum care;

39 (D) Providing family support services; and

40 (E) Providing information regarding adoption.

41 (c) Use regulated social workers, as defined in ORS 675.510, life coaches, nurse practi-
42 tioners, community health workers, professional counselors licensed under ORS 675.715 and
43 other individuals of equivalent experience to offer to participants in the program care plan
44 coordination services, including:

45 (A) Assistance identifying needs related to the pregnancy or the pregnant person's ability

1 to care for the unborn child, and development of a care plan of resources and supports to
2 address those needs;

3 (B) Referrals to appropriate local resources, including state and federal benefits pro-
4 grams and local charitable organizations;

5 (C) Assistance in applying for state and federal benefits programs;

6 (D) Assistance in accomplishing elements of the care plan;

7 (E) Services related to postpartum depression and related referrals;

8 (F) Assistance obtaining pediatric care and postpartum care;

9 (G) Assistance obtaining substance use disorder treatment;

10 (H) Education on available public and private resources to address the pregnant person's
11 or nonpregnant parent's socioeconomic needs;

12 (I) Social services or assistance in obtaining social services related to education, profes-
13 sional certification, housing, employment, resume development, child care, adoption services,
14 financial needs, substance use disorder treatment and health benefits plan coverage;

15 (J) Assistance for victims of abuse, assault, sexual assault, neglect, coercion and human
16 trafficking; and

17 (K) Assistance obtaining mental health or behavioral health counseling.

18 (5) A program participant whose pregnancy is terminated for any reason may continue
19 to receive services from the program during the six months immediately following the date
20 of the pregnancy termination.

21 (6) Nothing in this section is intended to:

22 (a) Infringe on a person's speech rights protected under the First Amendment to the
23 United States Constitution or Article I, section 8, of the Oregon Constitution; or

24 (b) Create or expand any right to access abortion services in this state.

25 (7) The authority shall adopt rules to implement the provisions of this section.

26 **SECTION 3. Pregnancy resources hotline.** (1) The Oregon Health Authority shall estab-
27 lish a staffed pregnancy resources hotline, available by phone call or text message, dedicated
28 to providing pregnant persons seeking abortion services with information regarding preg-
29 nancy resources in this state. The hotline shall automatically connect pregnant persons with
30 an organization providing services through the Pregnancy Launch Program described in
31 section 2 of this 2023 Act.

32 (2) The authority shall, by rule, establish a formula for determining to which organization
33 providing services through the Pregnancy Launch Program callers are connected. The for-
34 mula must take into consideration an organization's success rates in connecting pregnant
35 persons with services through the Pregnancy Launch Program.

36 (3) The authority shall provide reports by the 10th day of each month to each organiza-
37 tion providing services through the Pregnancy Launch Program, informing the organization
38 of the percentage of pregnant persons referred to the organization by the hotline who sub-
39 sequently obtained abortions in this state during the immediately preceding calendar month.

40 **SECTION 4. Records.** Notwithstanding ORS 192.355 (46), records of or submitted to the
41 pregnancy resources hotline described in section 3 of this 2023 Act and records of or sub-
42 mitted to an organization providing services through the Pregnancy Launch Program de-
43 scribed in section 2 of this 2023 Act, may be disclosed if each individual identified in the
44 records consents to the disclosure or the disclosure is made:

45 (1) For statistical purposes, including the reports required under section 5 of this 2023

1 Act, and any personally identifiable information is redacted;

2 (2) To individuals performing abortions or to organizations providing services through the
3 Pregnancy Launch Program, to the extent necessary to fulfill their obligations under section
4 2 of this 2023 Act;

5 (3) To appropriate state agencies or courts to enforce the provisions of sections 1 to 5
6 of this 2023 Act;

7 (4) To an appropriate health professional regulatory board, as defined in ORS 676.160, to
8 enforce state laws related to licensing health care providers;

9 (5) In response to a subpoena issued by a court of competent jurisdiction, provided the
10 disclosure is made subject to a confidentiality requirement as determined by the court; or

11 (6) To a health care provider currently treating the individual who is the subject of the
12 records, unless otherwise prohibited by state or federal law.

13 **SECTION 5. Reports.** (1) The Oregon Health Authority shall provide a report to the in-
14 terim committees of the Legislative Assembly regarding health care no later than the 10th
15 day of each month regarding its plans for implementing sections 1 to 5 of this 2023 Act, its
16 progress toward that implementation and the anticipated timeline for completion of key
17 milestones.

18 (2) No later than the 10th day of the second full month during which an organization
19 provides services through the Pregnancy Launch Program described in section 2 of this 2023
20 Act, and the 10th day of each month thereafter, the organization shall submit reports to the
21 authority describing the following data for the calendar month immediately preceding the
22 month of the report:

23 (a) The number of requests for assistance to develop personalized care plans through the
24 Pregnancy Launch Program by pregnant persons, nonpregnant parents of unborn children
25 and parents of pregnant persons who are under 18 years of age.

26 (b) The number of unique pregnant persons, nonpregnant parents of unborn children and
27 parents of pregnant persons under 18 years of age, who are receiving support in the following
28 categories:

29 (A) Education.

30 (B) Training for a professional certification.

31 (C) Housing.

32 (D) Employment.

33 (E) Resume development.

34 (F) Child care.

35 (G) Adoption services.

36 (H) Financial needs.

37 (I) Substance use disorders.

38 (J) Health benefit coverage.

39 (c) The number of pregnant persons receiving services arising out of abuse, assault,
40 sexual assault, neglect, coercion and human trafficking.

41 (d) The number of persons receiving services for postpartum depression and related re-
42 ferrals.

43 (e) The number of persons receiving assistance obtaining obstetric care, pediatric care,
44 postpartum care or mental health treatment or behavioral counseling.

45 (f) The number of pregnant persons receiving assistance or education for issues related

1 **to the pregnant person’s health, the health of the unborn child, the pregnancy, abortion,**
 2 **fetal development or birth.**

3 **(3) The authority may adopt rules to implement the provisions of this section.**

4 **SECTION 6.** ORS 192.355, as amended by section 5, chapter 60, Oregon Laws 2022, is amended
 5 to read:

6 192.355. The following public records are exempt from disclosure under ORS 192.311 to 192.478:

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

12 (2)(a) Information of a personal nature such as but not limited to that kept in a personal, med-
 13 ical or similar file, if public disclosure would constitute an unreasonable invasion of privacy, unless
 14 the public interest by clear and convincing evidence requires disclosure in the particular instance.
 15 The party seeking disclosure shall have the burden of showing that public disclosure would not
 16 constitute an unreasonable invasion of privacy.

17 (b) Images of a dead body, or parts of a dead body, that are part of a law enforcement agency
 18 investigation, if public disclosure would create an unreasonable invasion of privacy of the family of
 19 the deceased person, unless the public interest by clear and convincing evidence requires disclosure
 20 in the particular instance. The party seeking disclosure shall have the burden of showing that public
 21 disclosure would not constitute an unreasonable invasion of privacy.

22 (3) Upon compliance with ORS 192.363, public body employee or volunteer residential addresses,
 23 residential telephone numbers, personal cellular telephone numbers, personal electronic mail ad-
 24 dresses, driver license numbers, employer-issued identification card numbers, emergency contact in-
 25 formation, Social Security numbers, dates of birth and other telephone numbers contained in
 26 personnel records maintained by the public body that is the employer or the recipient of volunteer
 27 services. This exemption:

28 (a) Does not apply to the addresses, dates of birth and telephone numbers of employees or vol-
 29 unteers who are elected officials, except that a judge or district attorney subject to election may
 30 seek to exempt the judge’s or district attorney’s address or telephone number, or both, under the
 31 terms of ORS 192.368;

32 (b) Does not apply to employees or volunteers to the extent that the party seeking disclosure
 33 shows by clear and convincing evidence that the public interest requires disclosure in a particular
 34 instance pursuant to ORS 192.363;

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

37 (d) Does not relieve a public employer of any duty under ORS 243.650 to 243.809.

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

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

1 terest in disclosure.

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

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

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

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

12 (b) Subject to ORS 192.360, paragraph (a) of this subsection does not apply to factual information
 13 compiled in a public record when:

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

15 (B) The factual information is not prohibited from disclosure under any applicable state or fed-
 16 eral law, regulation or court order and is not otherwise exempt from disclosure under ORS 192.311
 17 to 192.478;

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

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

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

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

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

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

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

40 (a) The exemption does not apply to:

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

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

45 (b) An investment in a publicly traded investment is no longer active when acquisition, exchange

1 or liquidation of the investment has been concluded.

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

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

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

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

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

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

17 (F) Investment agreements and related documents.

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

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

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

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

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

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

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

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

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

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

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

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

42 (17)(a) The following records, communications and information submitted to the Oregon Business
 43 Development Commission, the Oregon Business Development Department, the State Department of
 44 Agriculture, the Oregon Growth Board, the Port of Portland or other ports as defined in ORS
 45 777.005, or a county or city governing body and any board, department, commission, council or

1 agency thereof, by applicants for investment funds, grants, loans, services or economic development
 2 moneys, support or assistance including, but not limited to, those described in ORS 285A.224:

3 (A) Personal financial statements.

4 (B) Financial statements of applicants.

5 (C) Customer lists.

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

11 (E) Production, sales and cost data.

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

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

16 (A) Personal financial statements.

17 (B) Financial statements of applicants.

18 (C) Customer lists.

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

24 (E) Production, sales and cost data.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (b) Credit reports.

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

25 (d) Market studies and analyses.

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

27 (f) Commitment letters.

28 (g) Project pro forma statements.

29 (h) Project cost certifications and cost data.

30 (i) Audits.

31 (j) Project tenant correspondence.

32 (k) Personal information about a tenant.

33 (L) Housing assistance payments.

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

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

44 (27) Sensitive business, commercial or financial information furnished to or developed by the
45 City of Klamath Falls, acting solely in connection with the ownership and operation of the Klamath

1 Cogeneration Project, if the information is directly related to a transaction described in ORS 225.085
 2 and disclosure of the information would cause a competitive disadvantage for the Klamath
 3 Cogeneration Project. This subsection does not apply to cost-of-service studies used in the develop-
 4 ment or review of generally applicable rate schedules.

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

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

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

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

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

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

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

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

36 (a) Generation, storage or conveyance of:

37 (A) Electricity;

38 (B) Gas in liquefied or gaseous form;

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

40 (D) Petroleum products;

41 (E) Sewage; or

42 (F) Water.

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

44 (c) Data transmissions by whatever means provided.

45 (34) The information specified in ORS 25.020 (8) if the Chief Justice of the Supreme Court des-

ignates the information as confidential by rule under ORS 1.002.

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

(b) As used in this subsection, “employer account records” means all records maintained in any form that are specifically related to the account of any employer insured, previously insured or under consideration to be insured by the State Accident Insurance Fund Corporation and any information obtained or developed by the corporation in connection with providing, offering to provide or declining to provide insurance to a specific employer. “Employer account records” includes, but is not limited to, an employer’s payroll records, premium payment history, payroll classifications, employee names and identification information, experience modification factors, loss experience and dividend payment history.

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

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

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

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

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

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

(39) Information reported to the Oregon Health Authority under ORS 431A.860, except as provided in ORS 431A.865 (3)(b), information disclosed by the authority under ORS 431A.865 and any information related to disclosures made by the authority under ORS 431A.865, including information identifying the recipient of the information.

(40)(a) Electronic mail addresses in the possession or custody of an agency or subdivision of the executive department, as defined in ORS 174.112, the legislative department, as defined in ORS 174.114, a local government or local service district, as defined in ORS 174.116, or a special government body, as defined in ORS 174.117.

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

(c) This subsection and ORS 244.040 do not prohibit the campaign office of the current officeholder or current candidates who have filed to run for that elective office from receiving upon request the electronic mail addresses used by the current officeholder’s legislative office for newsletter distribution, except that a campaign office that receives electronic mail addresses under this paragraph may not make a further disclosure of those electronic mail addresses to any other person.

(41) Residential addresses, residential telephone numbers, personal cellular telephone numbers, personal electronic mail addresses, driver license numbers, emergency contact information, Social Security numbers, dates of birth and other telephone numbers of individuals currently or previously

1 certified or licensed by the Department of Public Safety Standards and Training contained in the
 2 records maintained by the department.

3 (42) Personally identifiable information and contact information of veterans as defined in ORS
 4 408.225 and of persons serving on active duty or as reserve members with the Armed Forces of the
 5 United States, National Guard or other reserve component that was obtained by the Department of
 6 Veterans' Affairs in the course of performing its duties and functions, including but not limited to
 7 names, residential and employment addresses, dates of birth, driver license numbers, telephone
 8 numbers, electronic mail addresses, Social Security numbers, marital status, dependents, the char-
 9 acter of discharge from military service, military rating or rank, that the person is a veteran or has
 10 provided military service, information relating to an application for or receipt of federal or state
 11 benefits, information relating to the basis for receipt or denial of federal or state benefits and in-
 12 formation relating to a home loan or grant application, including but not limited to financial infor-
 13 mation provided in connection with the application.

14 (43) Business, commercial, financial, operational and research data and information, including
 15 but not limited to pricing, intellectual property and customer records, furnished to, developed by or
 16 generated in connection with the ownership and operation of an unmanned aerial system test range,
 17 if disclosure of the information would cause a competitive disadvantage to the test range or its us-
 18 ers.

19 (44) Personally identifiable information about a child under the age of 16 years that is submitted
 20 to the State Fish and Wildlife Commission or an agent of the commission to obtain a license, tag
 21 or permit under the wildlife laws.

22 (45) Proprietary information subject to a nondisclosure agreement that is provided to the Oregon
 23 Broadband Office pursuant to section 4, chapter 60, Oregon Laws 2022.

24 **(46) Records of or submitted to the pregnancy resource hotline described in section 3 of**
 25 **this 2023 Act, or of or submitted to an organization providing services through the Preg-**
 26 **nancy Launch Program described in section 2 of this 2023 Act, if the records relate to the**
 27 **name or personal information of an individual who contacts the hotline or receives services**
 28 **from the organization, including the date of contact or service, the type of contact or service**
 29 **and any referrals arising out of the contact or service, and any contact or personal infor-**
 30 **mation of a family member of the individual or the name or personal information of any**
 31 **owner, agent, employee or volunteer of an organization providing services through the**
 32 **Pregnancy Launch Program.**

33 **SECTION 7. Deadlines. (1) The Oregon Health Authority shall enter into the contracts**
 34 **described in section 2 (3) of this 2023 Act no later than 10 months following the effective date**
 35 **of this 2023 Act.**

36 **(2) The reports described in section 3 (3) of this 2023 Act is first due no later than the**
 37 **10th day of the second full month following the date the hotline described in section 3 of this**
 38 **2023 Act receives its first call, and the 10th day of every month thereafter.**

39 **(3) The report described in section 5 (1) of this 2023 Act is first due on the 10th day of**
 40 **the second full month following the effective date of this 2023 Act, and the 10th day of every**
 41 **month thereafter until the Pregnancy Launch Program described in section 2 of this 2023**
 42 **Act and the pregnancy resource hotline described in section 3 of this 2023 Act are fully im-**
 43 **plemented.**

44 **SECTION 8. Repeal. Section 7 of this 2023 Act is repealed on January 2, 2026.**

45 **SECTION 9. Operative date. (1) Sections 1 to 5 and 7 of this 2023 Act and the amendments**

1 to ORS 192.355 by section 6 of this 2023 Act become operative on January 1, 2024.

2 (2) The Oregon Health Authority may take any action before the operative date specified
3 in subsection (1) of this section that is necessary to enable the authority to exercise, on or
4 after the operative date specified in subsection (1) of this section, all the duties, functions
5 and powers conferred on the authority by sections 1 to 5 and 7 of this 2023 Act and the
6 amendments to ORS 192.355 by section 6 of this 2023 Act.

7 SECTION 10. Captions. The section captions used in this 2023 Act are provided only for
8 the convenience of the reader and do not become part of the statutory law of this state or
9 express any legislative intent in the enactment of this 2023 Act.

10 SECTION 11. Effective date. This 2023 Act takes effect on the 91st day after the date on
11 which the 2023 regular session of the Eighty-second Legislative Assembly adjourns sine die.

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