

HB 2002-1
(LC 4214)
3/17/23 (LAS/ps)

Requested by Representative RAYFIELD

**PROPOSED AMENDMENTS TO
HOUSE BILL 2002**

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
5 Oregon Health and 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
8 body, or an officer, employee or agent of a public body, for injunctive
9 relief to enforce the requirements of sections 2 to 4 of this 2023 Act.**

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

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

13 In line 39, after “devices” insert “or the provision of reproductive health
14 care”.

15 In line 40, after “contraception” insert “or other reproductive health
16 care”.

17 On page 3, delete lines 38 through 45.

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

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

21 **“109.640. (1) As used in this section, ‘reproductive health care’ has**

1 **the meaning given that term in section 2 of this 2023 Act, except that**
2 **‘reproductive health care’ does not include the voluntary sterilization**
3 **of a minor under 15 years of age.**

4 **“(2) Notwithstanding subsection (3) of this section, a minor of any**
5 **age may give consent, without the consent of a parent or guardian of**
6 **the minor, to receive reproductive health care information and ser-**
7 **vices from** a physician, physician assistant licensed under ORS 677.505 to
8 677.525, nurse practitioner licensed under ORS 678.375 to 678.390,
9 **pharmacist licensed under ORS chapter 689** or naturopathic physician
10 licensed under ORS chapter 685 [*may provide birth control information and*
11 *services to any person without regard to the age of the person*], **who is acting**
12 **within the provider’s scope of practice.**

13 **“[(2)] (3) A minor 15 years of age or older may give consent, without the**
14 **consent of a parent or guardian of the minor, to:**

15 **“(a) Hospital care, medical or surgical diagnosis or treatment by a phy-**
16 **sician licensed by the Oregon Medical Board or a naturopathic physician**
17 **licensed under ORS chapter 685, and dental or surgical diagnosis or treat-**
18 **ment by a dentist licensed by the Oregon Board of Dentistry[, *except as pro-***
19 ***vided by ORS 109.660*].**

20 **“(b) Diagnosis or treatment by a physician assistant who is licensed under**
21 **ORS 677.505 to 677.525 and who is acting pursuant to a collaboration agree-**
22 **ment as defined in ORS 677.495.**

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

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

30 **“SECTION 9. ORS 109.650 is amended to read:**

1 “109.650. (1) If a physician, physician assistant, nurse practitioner,
2 **pharmacist or naturopathic physician provides reproductive health**
3 **care information or services to a minor as described in ORS 109.640 (2),**
4 **the physician, physician assistant, nurse practitioner, pharmacist or**
5 **naturopathic physician may not disclose to the minor’s parent or legal**
6 **guardian information regarding the information and services provided**
7 **unless:**

8 “(a) The minor has authorized the disclosure in writing;

9 “(b) The disclosure is authorized under ORS 192.567; or

10 “(c) The disclosure is otherwise required by federal law.

11 “(2) If a hospital or a physician, physician assistant, nurse practitioner,
12 naturopathic physician, dentist or optometrist **provides care, diagnosis or**
13 **treatment to a minor as described in ORS 109.640 (3), the hospital, phy-**
14 **sician, physician assistant, nurse practitioner, naturopathic physician,**
15 **dentist or optometrist** may advise [a] **the minor’s** parent or legal guardian
16 [*of a minor*] of the care, diagnosis or treatment [*of*] **provided to** the minor
17 or the need for any treatment of the minor, without the consent of the minor,
18 and is not liable for advising the parent or legal guardian without the con-
19 sent of the minor.”.

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

21 “(4) No later than September 15 of each year, the authority shall submit
22 a report in the manner provided by”.

23 In line 31, delete “commission” and insert “authority”.

24 Delete line 44 and insert “continuously appropriated to the Oregon Health
25 Authority for the purpose”.

26 On page 10, line 1, delete “commission” and insert “authority”.

27 In line 5, after “(1)” delete the rest of the line.

28 In line 6, delete the comma.

29 In line 8, delete “commission” and insert “authority”.

30 In line 18, delete “commission” and insert “authority”.

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

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

3 “(a) Evaluate compliance with this section in each examination or anal-
4 ysis of the market conduct of a carrier under ORS 731.300; and

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

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

7 Delete lines 18 through 20.

8 Delete line 37 and insert “progress of the pilot projects and recommen-
9 dations for continuing the program and for expanding the program to addi-
10 tional”.

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

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

17 **“(1) Based solely on the health care provider’s providing, authoriz-**
18 **ing, recommending, aiding, assisting, referring for or otherwise par-**
19 **ticipating in a reproductive or gender-affirming health care service**
20 **that is lawful in this state but unlawful in the jurisdiction in which**
21 **the health care provider provided the service, so long as the service**
22 **provided was performed in accordance with the standard of care ap-**
23 **plicable to the service; or**

24 **“(2) A result of an adverse action taken against the health care**
25 **provider’s license issued by another state that resulted solely from the**
26 **health care provider’s providing, authorizing, recommending, aiding,**
27 **assisting, referring for or otherwise participating in a reproductive or**
28 **gender-affirming health care service that is lawful in this state but**
29 **provided to a resident of a jurisdiction in which the service is unlawful**
30 **or is unlawful in the jurisdiction in which the health care provider**

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

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

4 “675.070. (1) If any of the grounds enumerated in subsection (2) of this
5 section exist, the Oregon Board of Psychology may impose any of the fol-
6 lowing sanctions:

7 “(a) Deny a license to an applicant;

8 “(b) Refuse to renew the license of a psychologist or psychologist associ-
9 ate;

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

12 “(d) Issue a letter of reprimand;

13 “(e) Impose probation with authority to restrict the scope of practice of
14 a psychologist or psychologist associate or require practice under super-
15 vision;

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

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

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

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

24 “(b) Has been convicted of violation of a law relating to controlled sub-
25 stances;

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

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

30 “(A) Conduct or practice contrary to recognized standard of ethics of the

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

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

11 “(e) Has practiced or attempted to practice medicine without being li-
12 censed to do so;

13 “(f) Has obtained or attempted to obtain a license under ORS 675.010 to
14 675.150 by fraud or material misrepresentation;

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

17 “(h) Has violated a provision of ORS 675.010 to 675.150 or 675.850 or a
18 provision of the code of professional conduct formulated under ORS 675.110
19 (13);

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

22 “(j) Notwithstanding ORS 670.280, has been convicted of a sex crime as
23 defined in ORS 163A.005 or has been convicted in another state or jurisdic-
24 tion of a crime that is substantially equivalent to a sex crime as defined in
25 ORS 163A.005.

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

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

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

1 “(A) The conduct giving rise to the penalty had a serious detrimental ef-
2 fect on the health or safety of another person;

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

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

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

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

12 “(4) **Except as provided in subsection (7) of this section,** if a con-
13 viction described in subsection (2) of this section is used as grounds for de-
14 nial, refusal, suspension, revocation, reprimand, probation or imposition of
15 a civil penalty, a certified copy of the record of the conviction shall be
16 conclusive evidence.

17 “(5) The board may license an applicant or renew or restore a license
18 suspended or revoked under subsection (2)(a) of this section due to a mental
19 health condition if the board determines that the applicant or former li-
20 censed psychologist or former psychologist associate no longer has an
21 impairment due to a mental health condition.

22 “(6) **Except as provided in subsection (7) of this section,** license sus-
23 pension or revocation in another state is grounds for license denial or dis-
24 ciplinary action by the board.

25 “(7) **The board may not suspend or revoke a person’s license to**
26 **practice psychology, or refuse to grant a license to practice psychology**
27 **to a person, because of a conviction or license suspension or revoca-**
28 **tion resulting solely from the person’s provision of psychological ser-**
29 **VICES relating to reproductive or gender-affirming health care that are**
30 **otherwise lawful in this state but unlawful in the jurisdiction in which**

1 **the person provided the services, so long as the services provided were**
2 **performed in accordance with the standard of care applicable to the**
3 **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
6 of Licensed Social Workers may impose any or all of the sanctions specified
7 in subsection (2) of this section, upon proof, after a hearing pursuant to the
8 provisions of ORS chapter 183 relating to a contested case, that a regulated
9 social worker:

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

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

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

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

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

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

20 “(g) Notwithstanding ORS 670.280, has been convicted of a sex crime as
21 defined in ORS 163A.005 or has been convicted in another state or jurisdic-
22 tion of a crime that is substantially equivalent to a sex crime as defined in
23 ORS 163A.005.

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

26 “(a) Deny, suspend, revoke or refuse to renew any authorization to prac-
27 tice regulated social work issued under ORS 675.510 to 675.600.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 “675.745. (1) The Oregon Board of Licensed Professional Counselors and
15 Therapists may deny, suspend, revoke or refuse to issue or to renew any li-
16 cense issued under ORS 675.715 to 675.835 upon proof that the applicant for
17 licensure or the licensee:

18 “(a) **Except as provided in subsection (8) of this section,** has been
19 convicted of violating ORS 675.825 or of a crime in this or any other state
20 or territory or against the federal government that brings into question the
21 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 mar-
23 riage and family therapy 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
26 or marriage and family 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
29 professional counselors or licensed marriage and family therapists;

30 “(g) Has failed to file a professional disclosure statement or has filed a

1 false, incomplete or misleading professional disclosure statement;

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

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

8 “(j) Notwithstanding ORS 670.280, has been convicted of a sex crime as
9 defined in ORS 163A.005 or has been convicted in another state or jurisdic-
10 tion of a crime that is substantially equivalent to a sex crime as defined in
11 ORS 163A.005.

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

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

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

18 “(B) Requirements for specific training;

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

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

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

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

28 “(5) Pursuant to ORS 183.745, the board may impose a civil penalty of not
29 more than \$2,500 for each violation of or failure to observe any limitation
30 or condition imposed by the board on the licensee’s or registered associate’s

1 practice under subsection (2) of this section.

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

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

10 **“(8) The board may not suspend or revoke a person’s license or**
11 **registration to practice professional counseling or marriage and family**
12 **therapy, or refuse to grant a license or registration to practice pro-**
13 **fessional counseling or marriage and family therapy to a person, be-**
14 **cause of a conviction or disciplinary action resulting solely from the**
15 **person’s provision of professional counseling services or marriage and**
16 **family therapy services relating to reproductive or gender-affirming**
17 **health care that are otherwise lawful in this state but unlawful in the**
18 **jurisdiction in which the person provided the services, so long as the**
19 **services provided were performed in accordance with the standard of**
20 **care applicable to the services.”.**

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

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

29 Delete lines 44 and 45.

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

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

8 On page 17, delete lines 20 and 21 and insert “lawful in this state but
9 unlawful in the jurisdiction in which the licensee provided, or assisted in the
10 provision of, the service, so long as the service provided was performed in
11 accordance with”.

12 Delete lines 25 through 29 and insert:

13 **“SECTION 35. The Oregon State Board of Nursing may not suspend**
14 **or revoke a person’s license or refuse to grant a license to a person,**
15 **because of a conviction or disciplinary action by another state result-**
16 **ing solely from the person’s provision of a reproductive or gender-**
17 **affirming health care service that is otherwise lawful in this state but**
18 **unlawful in the jurisdiction in which the person provided the service,**
19 **so long as the service provided was performed in accordance with the**
20 **standard of care applicable to the service.”.**

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

25 On page 19, delete lines 10 and 11 and insert “or gender-affirming health
26 care service that is otherwise lawful in this state but unlawful in the juris-
27 diction in which the person provided the service, so long as the service was
28 performed in”.

29 In line 45, after “subsection” insert “ , unless the disciplinary action re-
30 sulted solely from the licensee’s provision of a reproductive or gender-

1 affirming health care service that is otherwise lawful in this state but
2 unlawful in the jurisdiction in which the licensee provided the service, so
3 long as the service provided was performed in accordance with the standard
4 of care applicable to the service.”.

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

6 “(4) The board may not suspend or revoke a person’s license, or refuse to
7 grant a license to a person, because of a conviction resulting solely from the
8 person’s provision of a reproductive or gender-affirming health care service
9 that is otherwise lawful in this state but unlawful in the jurisdiction in
10 which the person provided the service, so long as the service provided was
11 performed in accordance with the standard of care applicable to the
12 service.”.

13 On page 37, after line 17, insert:

14

15

“(Employees)”

16

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

18 “659A.029. For purposes of ORS 659A.030, the phrase ‘because of sex’ in-
19 cludes, but is not limited to, because of pregnancy, childbirth and related
20 medical conditions or occurrences. [*Women*] **An individual** affected by **the**
21 **individual’s** pregnancy, childbirth or related medical conditions or occur-
22 rences shall be treated the same for all employment-related purposes, in-
23 cluding receipt of benefits under fringe benefit programs, as [*other persons*]
24 **any other person** not so affected but similar in [*their*] ability or inability
25 to work by reason of physical condition, and nothing in this section shall
26 be interpreted to permit otherwise.

27

28

“(Interstate Actions)”

29

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

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

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

8 “(c) ‘Reproductive health care’ includes family planning and
9 contraception, pregnancy termination services, prenatal, postnatal and
10 delivery care, miscarriage management, fertility care, sterilization
11 services, treatments for sexually transmitted infections and reproduc-
12 tive cancers and any other health care and medical services related to
13 reproductive health.

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

17 “(a) Receive reproductive health care or gender-affirming treat-
18 ment;

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

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

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

30 “(a) An out-of-state action founded in tort, contract or statute, for

1 **which a similar claim would exist under the laws of this state, brought**
2 **by a patient or the patient’s authorized legal representative, for dam-**
3 **ages suffered by the patient; or**

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

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

9 “15.430. Notwithstanding ORS 15.440, 15.445 and 15.455, Oregon law gov-
10 erns noncontractual claims in the following actions:

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

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

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

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

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

24 “(6) Actions between an employer and an employee who is primarily em-
25 ployed in Oregon that arise out of an injury that occurs in Oregon.

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

29 **“(8)(a) Actions against a provider of reproductive health care or**
30 **gender-affirming treatment, as those terms are defined in section 48**

1 of this 2023 Act, if the reproductive health care or gender-affirming
2 treatment at issue was provided in this state.

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

6 “(c) Actions against any person who provides aid, assistance, re-
7 sources or support to a person in providing or receiving reproductive
8 health care or gender-affirming treatment in this state.”.

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

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

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

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

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

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

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

16 “(4) Sections 31 and 35 of this 2023 Act and the amendments to ORS
17 675.070, 675.540, 675.745, 677.190, 677.225, 677.320, 678.111, 685.110 and 689.405
18 by sections 31a to 33, 36 to 38 and 51 of this 2023 Act apply to reproductive
19 and gender-affirming health care services provided on or after the effective
20 date of this 2023 Act.

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

24 “(6) The amendments to ORS 659A.029 by section 47 of this 2023 Act apply
25 to unlawful employment discrimination occurring before, on or after the ef-
26 fective date of this 2023 Act.”.

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

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

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

30