

HOUSE AMENDMENTS TO HOUSE BILL 4149

By COMMITTEE ON BEHAVIORAL HEALTH AND HEALTH CARE

February 22

- 1 On page 1 of the printed bill, line 2, after “ORS” insert “192.355,”.
2 In line 5, delete “Sections 2 and 3 of this 2024 Act are” and insert “Section 2 of this 2024 Act
3 is”.
- 4 On page 2, delete lines 2 through 10.
5 In line 11, delete “5” and insert “3”.
6 In line 37, delete “entities that”.
7 In line 38, delete “accept risk, third-party payers of claims,”.
8 In line 39, delete “, an employer who is self-insured”.
9 On page 3, line 22, delete “6” and insert “4”.
10 In line 39, delete “7” and insert “5”.
11 On page 4, line 27, delete “8” and insert “6”.
12 On page 5, delete lines 24 through 28.
13 In line 29, delete the boldfaced material and insert “(j)”.
14 In line 40, delete the boldfaced material and insert “(k)”.
15 In line 41, delete the boldfaced material and insert “(L)”.
16 In line 45, delete the boldfaced material and insert “(2)(j)”.
17 On page 6, lines 3 through 6, delete the boldfaced material and restore the bracketed material.
18 In lines 24 through 26, restore the bracketed material.
19 In lines 32 and 33, restore the bracketed material.
20 In line 43, delete “9” and insert “7”.
21 On page 7, line 38, delete “10” and insert “8”.
22 On page 8, delete line 18.
23 In line 30, delete “11” and insert “9”.
24 On page 9, line 5, delete “12” and insert “10”.
25 Delete lines 44 and 45 and delete page 10.
26 On page 11, delete lines 1 through 10 and insert:
27 “**SECTION 11.** ORS 743A.062 is amended to read:
28 “743A.062. (1) As used in this section[,]:
29 “(a) ‘Medical assistance program’ means the state program that provides medical assistance as
30 defined in ORS 414.025.
31 “(b) ‘340B drug’ means a covered drug dispensed by a covered entity, as those terms are
32 defined in 42 U.S.C. 256b, that is subject to the cap on amounts required to be paid in 42
33 U.S.C. 256b(a)(1).
34 “(2) [An insurance policy or] **A policy or certificate of health insurance or other** contract
35 providing [coverage for] **for the reimbursement of the cost of** a prescription drug to a resident

1 of this state may not:

2 “(a) Exclude coverage of the drug for a particular indication solely on the grounds that the in-
3 dication has not been approved by the United States Food and Drug Administration if the Health
4 Evidence Review Commission established under ORS 414.688 or the Pharmacy and Therapeutics
5 Committee established under ORS 414.353 determines that the drug is recognized as effective for the
6 treatment of that indication:

7 “(A) In publications that the commission or the committee determines to be equivalent to:

8 “(i) The American Hospital Formulary Service drug information;

9 “(ii) ‘Drug Facts and Comparisons’ (Lippincott-Raven Publishers);

10 “(iii) The United States Pharmacopoeia drug information; or

11 “(iv) Other publications that have been identified by the United States Secretary of Health and
12 Human Services as authoritative;

13 “(B) In the majority of relevant peer-reviewed medical literature; or

14 “(C) By the United States Secretary of Health and Human Services; [or]

15 “(b) For an insured who is enrolled in the medical assistance program:

16 “(A) Except as provided in subsection (3) of this section, require a prescription for the drug to
17 be filled or refilled at a mail order pharmacy; or

18 “(B) Require a prescription for the drug to be filled or refilled at a pharmacy that is not a local
19 pharmacy enrolled in the medical assistance program[.];

20 **“(c) Discriminate in the reimbursement of a prescription for 340B drugs from other pre-
21 scription drugs;**

22 **“(d) Assess a fee, chargeback, clawback or other adjustment for the dispensing of a 340B
23 drug;**

24 **“(e) Exclude a pharmacy from a pharmacy network on the basis that the pharmacy dis-
25 penses a 340B drug;**

26 **“(f) Restrict the methods by which a 340B drug may be dispensed or delivered; or**

27 **“(g) Restrict the number of pharmacies within a pharmacy network that may dispense
28 or deliver 340B drugs.**

29 “(3) Subsection (2)(b)(A) of this section does not prohibit an insurer from requiring a medical
30 assistance recipient to fill or refill a prescription for a specialty drug at a mail order pharmacy that
31 is a specialty pharmacy.

32 “(4) Required coverage of a prescription drug under this section shall include coverage for
33 medically necessary services associated with the administration of that drug.

34 “(5) Nothing in this section requires coverage for any prescription drug if the United States
35 Food and Drug Administration has determined use of the drug to be contraindicated.

36 “(6) Nothing in this section requires coverage for experimental drugs not approved for any in-
37 dication by the United States Food and Drug Administration.

38 **“(7) Notwithstanding ORS 750.055 (1)(h), this section does not apply to a health mainte-
39 nance organization as defined in ORS 750.005.**

40 “[7] (8) This section is exempt from ORS 743A.001.”

41 In line 11, delete “14” and insert “12”.

42 On page 12, delete lines 33 through 45 and delete page 13 and insert:

43 **“SECTION 13.** ORS 192.355 is amended to read:

44 **“192.355.** The following public records are exempt from disclosure under ORS 192.311 to 192.478:

45 **“(1) Communications within a public body or between public bodies of an advisory nature to the**

1 extent that they cover other than purely factual materials and are preliminary to any final agency
2 determination of policy or action. This exemption shall not apply unless the public body shows that
3 in the particular instance the public interest in encouraging frank communication between officials
4 and employees of public bodies clearly outweighs the public interest in disclosure.

5 “(2)(a) Information of a personal nature such as but not limited to that kept in a personal,
6 medical or similar file, if public disclosure would constitute an unreasonable invasion of privacy,
7 unless the public interest by clear and convincing evidence requires disclosure in the particular in-
8 stance. The party seeking disclosure shall have the burden of showing that public disclosure would
9 not constitute an unreasonable invasion of privacy.

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

15 “(3) Upon compliance with ORS 192.363, public body employee or volunteer residential ad-
16 dresses, residential telephone numbers, personal cellular telephone numbers, personal electronic
17 mail addresses, driver license numbers, employer-issued identification card numbers, emergency
18 contact information, Social Security numbers, dates of birth and other telephone numbers contained
19 in personnel records maintained by the public body that is the employer or the recipient of volunteer
20 services. This exemption:

21 “(a) Does not apply to the addresses, dates of birth and telephone numbers of employees or
22 volunteers who are elected officials, except that a judge or district attorney subject to election may
23 seek to exempt the judge’s or district attorney’s address or telephone number, or both, under the
24 terms of ORS 192.368;

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

28 “(c) Does not apply to a substitute teacher as defined in ORS 342.815 when requested by a
29 professional education association of which the substitute teacher may be a member; and

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

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

35 “(5) Information or records of the Department of Corrections, including the State Board of
36 Parole and Post-Prison Supervision, to the extent that disclosure would interfere with the rehabili-
37 tation of a person in custody of the department or substantially prejudice or prevent the carrying
38 out of the functions of the department, if the public interest in confidentiality clearly outweighs the
39 public interest in disclosure.

40 “(6) Records, reports and other information received or compiled by the Director of the De-
41 partment of Consumer and Business Services in the administration of ORS chapters 723 and 725 not
42 otherwise required by law to be made public, to the extent that the interests of lending institutions,
43 their officers, employees and customers in preserving the confidentiality of such information out-
44 weighs the public interest in disclosure.

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

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

3 “(9)(a) Public records or information the disclosure of which is prohibited or restricted or oth-
4 erwise made confidential or privileged under Oregon law.

5 “(b) Subject to ORS 192.360, paragraph (a) of this subsection does not apply to factual informa-
6 tion compiled in a public record when:

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

8 “(B) The factual information is not prohibited from disclosure under any applicable state or
9 federal law, regulation or court order and is not otherwise exempt from disclosure under ORS
10 192.311 to 192.478;

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

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

17 “(E) The holder of the privilege under ORS 40.225 has made or authorized a public statement
18 characterizing or partially disclosing the factual information compiled by or at the attorney’s di-
19 rection.

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

24 “(11) Records of the Energy Facility Siting Council concerning the review or approval of secu-
25 rity programs pursuant to ORS 469.530.

26 “(12) Employee and retiree address, telephone number and other nonfinancial membership re-
27 cords and employee financial records maintained by the Public Employees Retirement System pur-
28 suant to ORS chapters 238 and 238A or by another retirement system operated by a public body.

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

33 “(a) The exemption does not apply to:

34 “(A) Information in investment records solely related to the amount paid directly into an in-
35 vestment by, or returned from the investment directly to, the treasurer or council; or

36 “(B) The identity of the entity to which the amount was paid directly or from which the amount
37 was received directly.

38 “(b) An investment in a publicly traded investment is no longer active when acquisition, ex-
39 change or liquidation of the investment has been concluded.

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

45 “(A) Due diligence materials that are proprietary to an investment fund, to an asset ownership

1 or to their respective investment vehicles.

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

4 “(C) Meeting materials of an investment fund, an asset ownership or their respective investment
5 vehicles.

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

8 “(E) Capital call and distribution notices of an investment fund, an asset ownership or their
9 respective investment vehicles.

10 “(F) Investment agreements and related documents.

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

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

13 “(B) The dollar amount of the commitment made to each privately placed investment fund since
14 inception of the fund.

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

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

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

23 “(F) The net internal rate of return of each privately placed investment fund since inception of
24 the fund.

25 “(G) The investment multiple of each privately placed investment fund since inception of the
26 fund.

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

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

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

34 “(16) Reports of unclaimed property filed by the holders of such property to the extent permitted
35 by ORS 98.352.

36 “(17)(a) The following records, communications and information submitted to the Oregon Busi-
37 ness Development Commission, the Oregon Business Development Department, the State Department
38 of Agriculture, the Oregon Growth Board, the Port of Portland or other ports as defined in ORS
39 777.005, or a county or city governing body and any board, department, commission, council or
40 agency thereof, by applicants for investment funds, grants, loans, services or economic development
41 moneys, support or assistance including, but not limited to, those described in ORS 285A.224:

42 “(A) Personal financial statements.

43 “(B) Financial statements of applicants.

44 “(C) Customer lists.

45 “(D) Information of an applicant pertaining to litigation to which the applicant is a party if the

1 complaint has been filed, or if the complaint has not been filed, if the applicant shows that such
2 litigation is reasonably likely to occur; this exemption does not apply to litigation which has been
3 concluded, and nothing in this subparagraph shall limit any right or opportunity granted by discov-
4 ery or deposition statutes to a party to litigation or potential litigation.

5 “(E) Production, sales and cost data.

6 “(F) Marketing strategy information that relates to applicant’s plan to address specific markets
7 and applicant’s strategy regarding specific competitors.

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

10 “(A) Personal financial statements.

11 “(B) Financial statements of applicants.

12 “(C) Customer lists.

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

18 “(E) Production, sales and cost data.

19 “(F) Marketing strategy information that relates to applicant’s plan to address specific markets
20 and applicant’s strategy regarding specific competitors.

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

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

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

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

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

37 “(20) Workers’ compensation claim records of the Department of Consumer and Business Ser-
38 vices, except in accordance with rules adopted by the Director of the Department of Consumer and
39 Business Services, in any of the following circumstances:

40 “(a) When necessary for insurers, self-insured employers and third party claim administrators to
41 process workers’ compensation claims.

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

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

1 “(d) When a worker or the worker’s representative requests review of the worker’s claim record.
2 “(21) Sensitive business records or financial or commercial information of the Oregon Health
3 and Science University that is not customarily provided to business competitors.
4 “(22) Records of Oregon Health and Science University regarding candidates for the position of
5 president of the university.
6 “(23) The records of a library, including:
7 “(a) Circulation records, showing use of specific library material by a named person;
8 “(b) The name of a library patron together with the address or telephone number of the patron;
9 and
10 “(c) The electronic mail address of a patron.
11 “(24) The following records, communications and information obtained by the Housing and
12 Community Services Department in connection with the department’s monitoring or administration
13 of financial assistance or of housing or other developments:
14 “(a) Personal and corporate financial statements and information, including tax returns.
15 “(b) Credit reports.
16 “(c) Project appraisals, excluding appraisals obtained in the course of transactions involving an
17 interest in real estate that is acquired, leased, rented, exchanged, transferred or otherwise disposed
18 of as part of the project, but only after the transactions have closed and are concluded.
19 “(d) Market studies and analyses.
20 “(e) Articles of incorporation, partnership agreements and operating agreements.
21 “(f) Commitment letters.
22 “(g) Project pro forma statements.
23 “(h) Project cost certifications and cost data.
24 “(i) Audits.
25 “(j) Project tenant correspondence.
26 “(k) Personal information about a tenant.
27 “(L) Housing assistance payments.
28 “(25) Raster geographic information system (GIS) digital databases, provided by private
29 forestland owners or their representatives, voluntarily and in confidence to the State Forestry De-
30 partment, that is not otherwise required by law to be submitted.
31 “(26) Sensitive business, commercial or financial information furnished to or developed by a
32 public body engaged in the business of providing electricity or electricity services, if the information
33 is directly related to a transaction described in ORS 261.348, or if the information is directly related
34 to a bid, proposal or negotiations for the sale or purchase of electricity or electricity services, and
35 disclosure of the information would cause a competitive disadvantage for the public body or its re-
36 tail electricity customers. This subsection does not apply to cost-of-service studies used in the de-
37 velopment or review of generally applicable rate schedules.
38 “(27) Sensitive business, commercial or financial information furnished to or developed by the
39 City of Klamath Falls, acting solely in connection with the ownership and operation of the Klamath
40 Cogeneration Project, if the information is directly related to a transaction described in ORS 225.085
41 and disclosure of the information would cause a competitive disadvantage for the Klamath
42 Cogeneration Project. This subsection does not apply to cost-of-service studies used in the develop-
43 ment or review of generally applicable rate schedules.
44 “(28) Personally identifiable information about customers of a municipal electric utility or a
45 people’s utility district or the names, dates of birth, driver license numbers, telephone numbers,

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

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

15 “(30) Sensitive business records, capital development plans or financial or commercial informa-
16 tion of Oregon Corrections Enterprises that is not customarily provided to business competitors.

17 “(31) Documents, materials or other information submitted to the Director of the Department
18 of Consumer and Business Services in confidence by a state, federal, foreign or international regu-
19 latory or law enforcement agency or by the National Association of Insurance Commissioners, its
20 affiliates or subsidiaries under ORS 86A.095 to 86A.198, 697.005 to 697.095, 697.602 to 697.842,
21 705.137, 717.200 to 717.320, 717.900 or 717.905, ORS chapter 59, 723, 725 or 726, the Bank Act or the
22 Insurance Code when:

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

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

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

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

30 “(a) Generation, storage or conveyance of:

31 “(A) Electricity;

32 “(B) Gas in liquefied or gaseous form;

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

34 “(D) Petroleum products;

35 “(E) Sewage; or

36 “(F) Water.

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

38 “(c) Data transmissions by whatever means provided.

39 “(34) The information specified in ORS 25.020 (8) if the Chief Justice of the Supreme Court
40 designates the information as confidential by rule under ORS 1.002.

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

42 “(b) As used in this subsection, ‘employer account records’ means all records maintained in any
43 form that are specifically related to the account of any employer insured, previously insured or un-
44 der consideration to be insured by the State Accident Insurance Fund Corporation and any infor-
45 mation obtained or developed by the corporation in connection with providing, offering to provide

1 or declining to provide insurance to a specific employer. ‘Employer account records’ includes, but
2 is not limited to, an employer’s payroll records, premium payment history, payroll classifications,
3 employee names and identification information, experience modification factors, loss experience and
4 dividend payment history.

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

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

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

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

13 “(37) Except as authorized by ORS 408.425, records that certify or verify an individual’s dis-
14 charge or other separation from military service.

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

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

26 “(40)(a) Electronic mail addresses in the possession or custody of an agency or subdivision of
27 the executive department, as defined in ORS 174.112, the legislative department, as defined in ORS
28 174.114, a local government or local service district, as defined in ORS 174.116, or a special gov-
29 ernment body, as defined in ORS 174.117.

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

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

37 “(41) Residential addresses, residential telephone numbers, personal cellular telephone numbers,
38 personal electronic mail addresses, driver license numbers, emergency contact information, Social
39 Security numbers, dates of birth and other telephone numbers of individuals currently or previously
40 certified or licensed by the Department of Public Safety Standards and Training contained in the
41 records maintained by the department.

42 “(42) Personally identifiable information and contact information of veterans as defined in ORS
43 408.225 and of persons serving on active duty or as reserve members with the Armed Forces of the
44 United States, National Guard or other reserve component that was obtained by the Department of
45 Veterans’ Affairs in the course of performing its duties and functions, including but not limited to

1 names, residential and employment addresses, dates of birth, driver license numbers, telephone
2 numbers, electronic mail addresses, Social Security numbers, marital status, dependents, the char-
3 acter of discharge from military service, military rating or rank, that the person is a veteran or has
4 provided military service, information relating to an application for or receipt of federal or state
5 benefits, information relating to the basis for receipt or denial of federal or state benefits and in-
6 formation relating to a home loan or grant application, including but not limited to financial infor-
7 mation provided in connection with the application.

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

13 “(44) Personally identifiable information about a child under the age of 16 years that is submit-
14 ted to the State Fish and Wildlife Commission or an agent of the commission to obtain a license, tag
15 or permit under the wildlife laws.

16 “(45) Proprietary information subject to a nondisclosure agreement that is provided to the
17 Oregon Broadband Office pursuant to ORS 285A.176.

18 “(46) With respect to records held by the State Treasurer relating to unclaimed properties under
19 ORS 98.302 to 98.436:

20 “(a) All materials or communications received during an examination under ORS 98.412 (2) and
21 (3), except to the extent that the information in the materials or communications appears within a
22 report under ORS 98.412 (4) or 98.352 and the information is not otherwise exempt under ORS 98.352
23 (4).

24 “(b) All materials or communications assembled or used by the state or its auditor during the
25 preparation of a report under ORS 98.412 (4), including drafts, correspondence, working papers and
26 other preparatory documents.

27 “(c) Information obtained during an examination under ORS 98.412 (2) and (3) concerning an
28 unclaimed property holder’s potential liability in a state other than Oregon, even if that information
29 is included in a report under ORS 98.412 (4) or 98.352.

30 “(d) Information in or supporting claims to unclaimed property under ORS 98.392, except to the
31 extent that the claimant consents to the information’s disclosure.

32 “(47) Any document, record or plan for protection relating to the existence, nature, location or
33 function of cybersecurity devices, programs or systems designed to protect computer, information
34 technology or communications systems against threat or attack, including but not limited to:

35 “(a) Records pertaining to devices, programs or systems that depend for their effectiveness in
36 whole or part upon a lack of public knowledge; and

37 “(b) Contractual records or insurance records that set forth cybersecurity specifications, insur-
38 ance application and coverage details.

39 “(48) **Sensitive business, commercial or financial information, that is not customarily**
40 **provided to business competitors, that is furnished to or developed by the Oregon Pre-**
41 **scription Drug Program in connection with purchasing prescription drugs or contracting for**
42 **the services of a pharmacy benefit manager or pharmacy networks pursuant to ORS 414.312.**

43 “**SECTION 14. No later than January 1, 2025, the Department of Consumer and Business**
44 **Services shall hire at least one additional full-time employee to assist in the regulation of**
45 **pharmacy benefit managers under ORS 735.530 to 735.552.**

1 **“SECTION 15.** The amendments to ORS 735.534, 735.536, 735.540 and 735.542 by sections
2 **6, 7, 9 and 10 of this 2024 Act apply to contracts between pharmacies and pharmacy benefit**
3 **managers that are entered into, renewed, extended or automatically renewed on or after**
4 **January 1, 2025.**

5 **“SECTION 16.** (1) Section 2 of this 2024 Act and the amendments to ORS 646A.694,
6 **735.530, 735.532, 735.533, 735.534, 735.536, 735.537, 735.540, 735.542 and 743A.062 by sections 3 to**
7 **12 of this 2024 Act become operative on January 1, 2025.**

8 **“(2) The Department of Consumer and Business Services shall take all steps necessary**
9 **before January 1, 2025, to carry out the amendments to ORS 735.532 and 735.533 by sections**
10 **4 and 5 of this 2024 Act on and after January 1, 2025.**

11 **“SECTION 17.** Notwithstanding any other law limiting expenditures, the amount of
12 **\$_____ is established for the biennium ending June 30, 2025, as the maximum limit for**
13 **payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts,**
14 **but excluding lottery funds and federal funds, collected or received by the Department of**
15 **Consumer and Business Services for the purpose of carrying out sections 2 and 14 of this**
16 **2024 Act and the amendments to ORS 646A.694, 735.530, 735.532, 735.533, 735.534, 735.536,**
17 **735.537, 735.540, 735.542 and 743A.062 by sections 3 to 12 of this 2024 Act.**

18 **“SECTION 18.** Section 14 of this 2024 Act is repealed on January 2, 2025.

19 **“SECTION 19.** This 2024 Act being necessary for the immediate preservation of the public
20 **peace, health and safety, an emergency is declared to exist, and this 2024 Act takes effect**
21 **on its passage.”.**

22
