A-Engrossed
House Bill 2929

Ordered by the House May 6
Including House Amendments dated May 6

Introduced and printed pursuant to House Rule 12.00. Presession filed (at the request of Governor Tina Kotek for Oregon Health Authority)

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. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act makes changes to the ADPC. (Flesch Readability Score: 100.0).
Modifies the Alcohol and Drug Policy Commission's membership, functions and powers.
Declares an emergency, effective on passage.

A BILL FOR AN ACT

Relating to substance use; creating new provisions; amending ORS 430.220, 430.221, 430.223, 430.270, 430.357, 430.389 and 657.665 and section 6, chapter 63, Oregon Laws 2022; and declaring an emergency.

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

SECTION 1. ORS 430.220 is amended to read:

430.220. (1) The Governor shall appoint a Director of the Alcohol and Drug Policy Commission who shall serve at the pleasure of the Governor and be responsible for the dissemination and implementation of the Alcohol and Drug Policy Commission's policies and the performance of the commission's duties, functions and powers.

(2) The director shall be paid a salary as provided by law or, if not so provided, as prescribed by the Governor.

(3) Subject to ORS chapter 240, the director shall appoint all employees of the commission, prescribe their duties and fix their compensation.

(4) The director has all powers necessary to effectively and expeditiously carry out the duties, functions and powers of the commission**, including the authority to:**

(a) Enter into contracts;

(b) Apply for and receive gifts and grants from any public or private source; and

(c) Award grants from funds appropriated by the Legislative Assembly to the commission or from funds otherwise available from any other source.

(5) The director shall enter into agreements with participating state agencies for the sharing of information as necessary to carry out the duties of the commission. The agreements shall ensure the confidentiality of all information that is protected from disclosure by state and federal laws.

SECTION 2. ORS 430.221 is amended to read:

430.221. (1) As used in this section and ORS 430.220 and 430.223:

(a) "Participating state agency" means the Department of Corrections, the Department of Human Services, the Oregon Health Authority, the Department of Education, the Oregon Criminal

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.

Justice Commission, the Oregon State Police, the Oregon Youth Authority, the Department of Consumer and Business Services, the Housing and Community Services Department, the Youth Development Division, the Higher Education Coordinating Commission, the Oregon State Lottery Commission, the Oregon Liquor and Cannabis Commission, the Department of Veterans' Affairs or any state agency that administers or funds [*alcohol or drug abuse prevention or treatment services*] **substance use prevention, substance use disorder treatment or recovery support services**.

(b) "Provider" means any person that is licensed by the Oregon Health Authority to provide [*alcohol or drug abuse prevention or treatment services*] **substance use prevention, substance use disorder treatment or recovery support services**.

(2) There is created the Alcohol and Drug Policy Commission, which is charged with improving [*the effectiveness and efficiency of state and local alcohol and drug abuse prevention and treatment services*] **access to evidence-based, evidence-informed and culturally informed substance use prevention, substance use disorder treatment and recovery support services by establishing state policies and holding participating state agencies accountable for carrying out those policies**.

(3) The membership of the commission consists of:

(a) [*No more than 17*] **Twenty-one** members appointed by the Governor, subject to confirmation by the Senate in the manner prescribed in ORS 171.562 and 171.565 and appointed, as the Governor deems practicable, to ensure representation from [*stakeholders directly impacted by the work of the commission*] **every region of the state and from individuals with lived experience with substance use disorder and their family members**, as follows:

[*(A) At least 75 percent of the members appointed by the Governor must be representatives of the following public health and health care stakeholder groups:*]

[*(i) County commissioners, managers and administrators;*]

[*(ii) Indian tribes;*]

[*(iii) The following providers of addiction prevention and recovery services:*]

[*(I) Treatment providers employed by an outpatient addiction treatment program;*]

[*(II) Directors of inpatient addiction treatment centers;*]

[*(III) Addiction treatment providers who are culturally competent to serve specific cultural or ethnic populations;*]

[*(IV) Certified prevention specialists;*]

[*(V) Certified addiction counselors; and*]

[*(VI) Certified addiction recovery mentors;*]

[*(iv) Alcohol or drug treatment researchers or epidemiologists;*]

[*(v) The health insurance industry or hospitals;*]

[*(vi) Consumers of addiction recovery services who are in recovery and the family members of consumers;*]

[*(vii) Experts in addiction medicine;*]

[*(viii) Entities that provide housing to individuals who are in recovery; and*]

[*(ix) Social service providers.*]

[*(B) Up to 25 percent of the members appointed by the Governor shall be representatives of one or more of the following stakeholder groups:*]

[*(i) District attorneys.*]

[*(ii) County sheriffs.*]

[*(iii) Chiefs of police.*]

[*(iv) Criminal defense attorneys.*]

[*(v) County community corrections agencies.*]

(A) One representative of a federally recognized Indian tribe;

(B) One county commissioner, manager or administrator;

(C) Nine health care providers who have substance use disorder expertise and who, collectively, have experience in the following settings:

(i) Outpatient care;

(ii) Inpatient care;

(iii) Emergency response;

(iv) Housing that is supportive to people who have a current diagnosis of a substance use disorder or are in recovery from a substance use disorder; and

(v) Peer support;

(D) One certified prevention specialist;

(E) One coordinated care organization representative;

(F) One representative of the criminal justice system, including a county sheriff, chief of police or community corrections director;

(G) One attorney who is a district attorney, criminal defense attorney or assistant attorney general;

(H) One community mental health program representative;

(I) One health insurer representative;

(J) One county juvenile department director;

(K) One school administrator;

(L) One city representative; and

(M) One local public health administrator, as defined in ORS 431.003.

(b) Two members of the Legislative Assembly appointed to the commission as nonvoting members of the commission, acting in an advisory capacity only and including:

(A) One member from among members of the Senate appointed by the President of the Senate; and

(B) One member from among members of the House of Representatives appointed by the Speaker of the House of Representatives.

(c) A judge of a circuit court appointed to the commission as a nonvoting member by the Chief Justice of the Supreme Court.

[*(d) The director of the behavioral health program of the Oregon Health Authority as a nonvoting member.*]

[*(e) A representative of a coordinated care organization appointed to the commission as a nonvoting member by the Governor.*]

(d) Up to three representatives of different participating state agencies, including one representative of a primarily youth-serving agency, appointed to the commission as nonvoting members by the Governor.

(4) The [*Alcohol and Drug Policy Commission*] **Governor** shall select one [*of its members*] **member of the commission to serve** as chairperson and another **to serve** as vice chairperson, for such terms and with duties and powers necessary for the performance of the functions of such offices as the [*commission*] **Governor** determines.

(5)(a) A majority of the voting members of the commission constitutes a quorum for the transaction of business.

(b) If a member of the commission **appointed by the Governor** is absent for more than two consecutive scheduled meetings of the commission, the Director of the Alcohol and Drug Policy Commission appointed under ORS 430.220 may recommend to the Governor that the member be replaced.

(6) Official action of the commission requires the approval of a majority of a quorum.

(7) The commission may establish a steering committee and subcommittees. These committees may be continuing or temporary. A person who is not a member of the commission may be appointed by the commission to serve on a subcommittee. The commission shall appoint subcommittee members to ensure representation from all stakeholders directly impacted by the work of the commission.

(8) The term of office of each commission member appointed by the Governor is four years, but a member serves at the pleasure of the Governor. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective.

(9) The Oregon Health Authority shall provide staff support to the commission. Subject to available funding, the commission may contract with a public or private entity to provide staff support.

(10) Members of the commission who are not members of the Legislative Assembly are entitled to compensation and expenses incurred by them in the performance of their official duties in the manner and amounts provided for in ORS 292.495. Claims for compensation and expenses shall be paid out of funds appropriated to the Oregon Health Authority or funds appropriated to the commission for purposes of the commission.

SECTION 3. Nothing in the amendments to ORS 430.221 by section 2 of this 2025 Act affects the term of office of any member of the Alcohol and Drug Policy Commission appointed prior to and serving on the effective date of this 2025 Act.

SECTION 4. ORS 430.223 is amended to read:

430.223. (1) For purposes of this section, "program" means a [*state, local or tribal alcohol and drug abuse prevention and treatment program*] **substance use prevention, substance use disorder treatment or recovery support services program that receives state funds or state-administered funds**.

(2) The Alcohol and Drug Policy Commission established under ORS 430.221 shall develop a comprehensive [*addiction, prevention, treatment and recovery*] **substance use prevention, substance use disorder treatment and recovery support services** plan for this state. The plan [*must*] **may** include, but is not limited to, recommendations regarding:

(a) Capacity, type and utilization of programs;

(b) Methods to assess the effectiveness and performance of programs;

(c) The best use of existing programs;

(d) Budget policy priorities for participating state agencies;

(e) Standards for licensing programs;

(f) Minimum standards for contracting for, providing and coordinating [*alcohol and drug abuse prevention and treatment services among programs that use federal, private or state funds administered by the state*] **substance use prevention, substance use disorder treatment and recovery support services**; [*and*]

(g) The most effective and efficient use of participating state agency resources to support programs**; and**

(h) Youth substance use prevention and youth substance use disorder treatment and recovery strategies to reduce substance use disorders among individuals who are up to 26 years

of age and their families.

(3) All participating state agencies shall:

(a) Meet with the commission on a quarterly basis**, or as requested by the commission,** to review and report on each agency's progress on implementing the plan; [*and*]

(b) Report to the commission, in the manner prescribed by the commission, each agency's process and outcome measures established under the plan**; and**

(c) Provide notice to the commission at least 45 days before adopting any rule relating to substance use prevention, substance use disorder treatment or recovery support services.

(4) The commission shall review and update the plan no later than July 1 of each even-numbered year and shall [*produce and publish*] **submit to the Governor and to the appropriate committees or interim committees of the Legislative Assembly** a report on the metrics and other indicators of progress in achieving the goals of the plan.

(5) The commission may:

(a) Conduct studies related to the duties of the commission in collaboration with other state agencies;

(b) Apply for and receive gifts and grants for public and private sources; and

(c) Use funds received by the commission to carry out the purposes of ORS 430.220 and 430.221 and this section.

(6) All participating state agencies and local agencies shall assist the commission in developing the comprehensive [*addiction, prevention, treatment and recovery*] **substance use prevention, substance use disorder treatment and recovery support services** plan.

(7) The commission may adopt rules to carry out its duties under this section.

SECTION 5. ORS 430.270 is amended to read:

430.270. (1) The Oregon Health Authority shall take such means as it considers most effective to bring to the attention of the general public, employers, the professional community and particularly the youth of the state, the harmful effects to the individual and society of the irresponsible use of alcoholic beverages, controlled substances and other chemicals, and substances with abuse potential.

(2) The activities of the authority under this section may not be inconsistent with the comprehensive [*addiction, prevention, treatment and recovery*] **substance use prevention, substance use disorder treatment and recovery support services** plan developed by the Alcohol and Drug Policy Commission under ORS 430.223.

SECTION 6. ORS 430.357 is amended to read:

430.357. (1) The Oregon Health Authority shall adopt rules to implement ORS 430.338 to 430.380 and to establish minimum standards for alcohol and drug prevention and treatment programs in accordance with the comprehensive [*addiction, prevention, treatment and recovery*] **substance use prevention, substance use disorder treatment and recovery support services** plan developed by the Alcohol and Drug Policy Commission under ORS 430.223.

(2) All standards and guidelines adopted by the authority to implement programs authorized under ORS 430.338 to 430.380 shall be adopted as rules pursuant to ORS chapter 183 regardless of whether they come within the definition of rule in ORS 183.310 (9).

SECTION 7. Section 6, chapter 63, Oregon Laws 2022, is amended to read:

Sec. 6. (1) The Opioid Settlement Prevention, Treatment and Recovery Board is created in the Oregon Health Authority for the purpose of determining the allocation of funding from the Opioid

Settlement Prevention, Treatment and Recovery Fund established in section 5 [*of this 2022 Act*]**, chapter 63, Oregon Laws 2022**. The board consists of:

(a) The following members appointed by the Governor:

(A) A policy advisor to the Governor;

(B) A representative of the Department of Justice;

(C) A representative of the Oregon Health Authority; and

(D) A representative of the Department of Human Services;

(b) The Director of the Alcohol and Drug Policy Commission or the director's designee;

(c) The chairperson of the Oversight and Accountability Council established in ORS 430.388 or the chairperson's designee;

(d) The following members appointed by the Governor from a list of candidates provided by the Association of Oregon Counties and the League of Oregon Cities or the successor organizations to the Association of Oregon Counties and the League of Oregon Cities:

(A) An individual representing Clackamas, Washington or Multnomah County;

(B) An individual representing Clatsop, Columbia, Coos, Curry, Jackson, Josephine, Lane or Yamhill County;

(C) An individual representing the City of Portland;

(D) An individual representing a city with a population above 10,000 residents as of July 21, 2021;

(E) An individual representing a city with a population at or below 10,000 residents as of July 21, 2021; and

(F) A representative of the Oregon Coalition of Local Health Officials or its successor organization;

(e) The following members appointed by the Governor from a list of candidates provided by the members described in paragraphs (a) to (d) of this subsection:

(A) A representative of a community mental health program;

(B) An individual who has experienced a substance use disorder or a representative of an organization that advocates on behalf of individuals with substance use disorders; and

(C) An individual representing law enforcement, first responders or jail commanders or wardens;

(f) A member of the House of Representatives appointed by the Speaker of the House of Representatives, who shall be a nonvoting member of the board;

(g) A member of the Senate appointed by the President of the Senate, who shall be a nonvoting member of the board; and

(h) The State Court Administrator or the administrator's designee, who shall be a nonvoting member of the board.

(2) The Governor shall select from the members described in subsection (1)(a), (b) and (c) of this section one cochairperson to represent state entities, and the members described in subsection (1)(d) of this section shall select from one of their members a cochairperson to represent cities or counties.

(3) The term of each member of the board who is not an ex officio member is four years, but a member serves at the pleasure of the appointing authority. Before the expiration of a member's term, the appointing authority shall appoint a successor whose term begins on January 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective for the unexpired term.

(4) Decision-making by the board shall be based on consensus and supported by at least a majority of the members. The board shall document all objections to board decisions.

(5) The board shall conduct at least four public meetings in accordance with ORS [*192.610 to 192.690*] **192.610 to 192.705**, which shall be publicized to facilitate attendance at the meetings and during which the board shall receive testimony and input from the community. The board shall also establish a process for the public to provide written comments and proposals at each meeting of the board.

(6) In determining the allocation of moneys from the Opioid Settlement Prevention, Treatment and Recovery Fund:

(a) No more than five percent of the moneys may be spent on administering the board and the fund.

(b) A portion of the moneys shall be allocated toward a unified and evidence-based state system for collecting, analyzing and publishing data about the availability and efficacy of substance use prevention, treatment and recovery services statewide.

(c) Moneys remaining after allocations in accordance with paragraphs (a) and (b) of this subsection shall be allocated for funding statewide and regional programs identified in the Distributor Settlement Agreement, the Janssen Settlement Agreement and any other judgment or settlement described in section 5 (1)(c) [*of this 2022 Act*]**, chapter 63, Oregon Laws 2022**, including but not limited to:

(A) Programs that use evidence-based or evidence-informed strategies to treat opioid use disorders and any co-occurring substance use disorders or mental health conditions;

(B) Programs that use evidence-based or evidence-informed strategies to support individuals in recovery from opioid use disorders and any co-occurring substance use disorders or mental health conditions;

(C) Programs that use evidence-based or evidence-informed strategies to provide connections to care for individuals who have or are at risk of developing opioid use disorders and any co-occurring substance use disorders or mental health conditions;

(D) Programs that use evidence-based or evidence-informed strategies to address the needs of individuals with opioid use disorders and any co-occurring substance use disorders or mental health conditions and who are involved in, at risk of becoming involved in, or in transition from, the criminal justice system;

(E) Programs that use evidence-based or evidence-informed strategies to address the needs of pregnant or parenting women with opioid use disorders and any co-occurring substance use disorders or mental health conditions, and the needs of their families, including babies with neonatal abstinence syndrome;

(F) Programs that use evidence-based or evidence-informed strategies to support efforts to prevent over-prescribing of opioids and ensure appropriate prescribing and dispensing of opioids;

(G) Programs that use evidence-based or evidence-informed strategies to support efforts to discourage or prevent misuse of opioids;

(H) Programs that use evidence-based or evidence-informed strategies to support efforts to prevent or reduce overdose deaths or other opioid-related harms;

(I) Programs to educate law enforcement or other first responders regarding appropriate practices and precautions when dealing with users of fentanyl or other opioids;

(J) Programs to provide wellness and support services for first responders and others who experience secondary trauma associated with opioid-related emergency events;

(K) Programs to support efforts to provide leadership, planning, coordination, facilitation, training and technical assistance to abate the opioid epidemic through activities, programs or

strategies; or

(L) Funding to support opioid abatement research.

(d) The board shall be guided and informed by:

(A) The comprehensive [*addiction, prevention, treatment and recovery*] **substance use prevention, substance use disorder treatment and recovery support services** plan developed by the Alcohol and Drug Policy Commission in accordance with ORS 430.223;

(B) The board's ongoing evaluation of the efficacy of the funding allocations;

(C) Evidence-based and evidence-informed strategies and best practices;

(D) Input the board receives from the public;

(E) Equity considerations for underserved populations; and

(F) The terms of the settlement agreements.

(7) The Oregon Health Authority shall provide staff support to the board.

SECTION 8. ORS 430.389, as amended by section 68, chapter 70, Oregon Laws 2024, is amended to read:

430.389. (1) The Oversight and Accountability Council shall approve grants and funding provided by the Oregon Health Authority in accordance with this section to implement Behavioral Health Resource Networks and increase access to community care. A Behavioral Health Resource Network is an entity or collection of entities that individually or jointly provide some or all of the services described in subsection (2)(e) of this section.

(2)(a) The authority shall establish an equitable:

(A) Process for applying for grants and funding by agencies or organizations, whether government or community based, to establish Behavioral Health Resource Networks for the purposes of immediately screening the acute needs of individuals with substance use, including those who also have a mental illness, and assessing and addressing any ongoing needs through ongoing case management, harm reduction, treatment, housing and linkage to other care and services.

(B) Evaluation process to assess the effectiveness of Behavioral Health Resource Networks that receive grants or funding.

(b) Recipients of grants or funding must be licensed, certified or credentialed by the state, including certification under ORS 743A.168 (9), or meet criteria prescribed by rule by the authority under ORS 430.390. A recipient of a grant or funding under this subsection may not use the grant or funding to supplant the recipient's existing funding.

(c) The council and the authority shall ensure that residents of each county have access to all of the services described in paragraph (e) of this subsection.

(d) Applicants for grants and funding may apply individually or jointly with other network participants to provide services in one or more counties.

(e) A network must have the capacity to provide the following services and any other services specified by the authority by rule but no individual participant in a network is required to provide all of the services:

(A) Screening by certified addiction peer support or wellness specialists or other qualified persons designated by the council to determine a client's need for immediate medical or other treatment to determine what acute care is needed and where it can be best provided, identify other needs and link the client to other appropriate local or statewide services, including treatment for substance use and coexisting health problems, housing, employment, training and child care. Networks shall provide this service 24 hours a day, seven days a week, every calendar day of the year through a telephone line or other means. Networks may rely on the statewide telephone hotline established

by the authority under ORS 430.391 for telephone screenings during nonbusiness hours such as evenings, weekends and holidays. Notwithstanding paragraph (c) of this subsection, only one grantee in each network within each county is required to provide the screenings described in this subparagraph.

(B) Comprehensive behavioral health needs assessment, including a substance use screening by a certified alcohol and drug counselor or other credentialed addiction treatment professional. The assessment shall prioritize the self-identified needs of a client.

(C) Individual intervention planning, case management and connection to services. If, after the completion of a screening, a client indicates a desire to address some or all of the identified needs, a case manager shall work with the client to design an individual intervention plan. The plan must address the client's need for substance use treatment, coexisting health problems, housing, employment and training, child care and other services.

(D) Ongoing peer counseling and support from screening and assessment through implementation of individual intervention plans as well as peer outreach workers to engage directly with marginalized community members who could potentially benefit from the network's services.

(E) Assessment of the need for, and provision of, mobile or virtual outreach services to:

(i) Reach clients who are unable to access the network; and

(ii) Increase public awareness of network services.

(F) Harm reduction services and information and education about harm reduction services.

(G) Low-barrier substance use treatment.

(H) Transitional and supportive housing for individuals with substance use.

(f) If an applicant for a grant or funding under this subsection is unable to provide all of the services described in paragraph (e) of this subsection, the applicant may identify how the applicant intends to partner with other entities to provide the services, and the authority and the council may facilitate collaboration among applicants.

(g) All services provided through the networks must be evidence-informed, trauma-informed, culturally specific, linguistically responsive, person-centered and nonjudgmental. The goal shall be to address effectively the client's substance use and any other social determinants of health.

(h) The networks must be adequately staffed to address the needs of people with substance use within their regions as prescribed by the authority by rule, including, at a minimum, at least one person in each of the following categories:

(A) Alcohol and drug counselor certified by the authority or other credentialed addiction treatment professional;

(B) Case manager;

(C) Addiction peer support specialist certified by the authority;

(D) Addiction peer wellness specialist certified by the authority;

(E) Recovery mentor, certified by the Mental Health and Addiction Certification Board of Oregon or its successor organization; and

(F) Youth support specialist certified by the authority.

(i) Verification of a screening by a certified addiction peer support specialist, wellness specialist or other person in accordance with paragraph (e)(A) of this subsection shall promptly be provided to the client by the entity conducting the screening. If the client executes a valid release of information, the entity shall provide verification of the screening to the authority or a contractor of the authority and the authority or the authority's contractor shall forward the verification to any entity the client has authorized to receive the verification.

(3)(a) If moneys remain in the Drug Treatment and Recovery Services Fund after the council has committed grants and funding to establish behavioral health resource networks serving every county in this state, the council shall authorize grants and funding to other agencies or organizations, whether government or community based, and to the nine federally recognized tribes in this state and service providers that are affiliated with the nine federally recognized tribes in this state to increase access to one or more of the following:

(A) Low-barrier substance use treatment that is evidence-informed, trauma-informed, culturally specific, linguistically responsive, person-centered and nonjudgmental;

(B) Peer support and recovery services;

(C) Transitional, supportive and permanent housing for persons with substance use;

(D) Harm reduction interventions including, but not limited to, overdose prevention education, access to short-acting opioid antagonists, as defined in ORS 689.800, and sterile syringes and stimulant-specific drug education and outreach; or

(E) Incentives and supports to expand the behavioral health workforce to support the services delivered by behavioral health resource networks and entities receiving grants or funding under this subsection.

(b) A recipient of a grant or funding under this subsection may not use the grant or funding to supplant the recipient's existing funding.

(4) In awarding grants and funding under subsections (1) and (3) of this section, the council shall:

(a) Distribute grants and funding to ensure access to:

(A) Historically underserved populations; and

(B) Culturally specific and linguistically responsive services.

(b) Consider any inventories or surveys of currently available behavioral health services.

(c) Consider available regional data related to the substance use treatment needs and the access to culturally specific and linguistically responsive services in communities in this state.

(d) Consider the needs of residents of this state for services, supports and treatment at all ages.

(5) The council shall require any government entity that applies for a grant to specify in the application details regarding subgrantees and how the government entity will fund culturally specific organizations and culturally specific services. A government entity receiving a grant must make an explicit commitment not to supplant or decrease any existing funding used to provide services funded by the grant.

(6) In determining grants and funding to be awarded, the council may consult the comprehensive [*addiction, prevention, treatment and recovery*] **substance use prevention, substance use disorder treatment and recovery support services** plan established by the Alcohol and Drug Policy Commission under ORS 430.223 and the advice of any other group, agency, organization or individual that desires to provide advice to the council that is consistent with the terms of this section.

(7) Services provided by grantees, including services provided by a Behavioral Health Resource Network, shall be free of charge to the clients receiving the services. Grantees in each network shall seek reimbursement from insurance issuers, the medical assistance program or any other third party responsible for the cost of services provided to a client and grants and funding provided by the council or the authority under this section may be used for copayments, deductibles or other out-of-pocket costs incurred by the client for the services.

(8) Subsection (7) of this section does not require the medical assistance program to reimburse the cost of services for which another third party is responsible in violation of 42 U.S.C. 1396a(25).

SECTION 9. ORS 657.665 is amended to read:

657.665. (1) Except as provided in subsections (2) to (5) of this section, all information in the records of the Employment Department pertaining to the administration of the unemployment insurance, employment service and workforce and labor market information programs:

(a) Is confidential and for the exclusive use and information of the Director of the Employment Department in administering the unemployment insurance, employment service and workforce and labor market information programs in Oregon.

(b) May not be used in any court action or in any proceeding pending in the court unless the director or the state is a party to the action or proceeding or unless the proceeding concerns the establishment, enforcement or modification of a support obligation and support services are being provided by the Division of Child Support or the district attorney pursuant to ORS 25.080.

(c) Is exempt from disclosure under ORS 192.311 to 192.478.

(2) The Employment Department shall disclose information:

(a) To any claimant or legal representative, at a hearing before an administrative law judge, to the extent necessary for the proper presentation of an unemployment insurance claim.

(b) Upon request to the United States Secretary of Labor. The Employment Department shall disclose the information in a form and containing the information that the United States Secretary of Labor may require. The information disclosed is confidential and may not be used for any other purpose.

(c) Pursuant to section 303(a)(7) of the Social Security Act, upon request to any agency of the United States charged with the administration of public works or assistance through public employment. Under this paragraph, the Employment Department shall disclose the name, address, ordinary occupation and employment status of each recipient of unemployment insurance benefits and a statement of the recipient's right to further benefits under this chapter. The information disclosed is confidential and may not be used for any other purpose.

(d) Pursuant to section 303(c)(1) of the Social Security Act, to the Railroad Retirement Board. Under this paragraph, the Employment Department shall disclose unemployment insurance records. The information disclosed is confidential and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the board.

(e) Pursuant to section 303(d) of the Social Security Act, upon request to officers and employees of the United States Department of Agriculture and to officers or employees of any state Supplemental Nutrition Assistance Program agency for the purpose of determining an individual's eligibility for or the amount of supplemental nutrition assistance. The information disclosed is confidential and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the United States Department of Agriculture.

(f) Pursuant to section 303(e)(1) and (2)(A)(ii) of the Social Security Act, to state or local child support enforcement agencies enforcing child support obligations under Title IV-D of the Social Security Act for the purposes of establishing child support obligations, locating individuals owing child support obligations and collecting child support obligations from those individuals. The information disclosed is confidential and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the child support enforcement agency.

(g) Pursuant to sections 303(f) and 1137 of the Social Security Act, to agencies participating in the income and eligibility verification system for the purpose of verifying an individual's eligibility for benefits, or the amount of benefits, under unemployment insurance, temporary assistance for needy families, Medicaid, the Supplemental Nutrition Assistance Program, Supplemental Security

Income, child support enforcement or Social Security programs. The information disclosed is confidential and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the requesting agency.

(h) Pursuant to section 303(h) of the Social Security Act and section 3304(a)(16)(B) of the Federal Unemployment Tax Act, to the United States Department of Health and Human Services National Directory of New Hires. The information disclosed is confidential and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the United States Department of Health and Human Services.

(i) Pursuant to section 303(i) of the Social Security Act, to officers and employees of the United States Department of Housing and Urban Development and to representatives of a public housing agency for the purpose of determining an individual's eligibility for benefits, or the amount of benefits, under a housing assistance program of the United States Department of Housing and Urban Development. The information disclosed is confidential and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the United States Department of Housing and Urban Development or the public housing agency.

(j) Pursuant to regulations of the United States Secretary of Health and Human Services issued under section 3304(a)(16)(A) of the Federal Unemployment Tax Act, and except as required by section 303 of the Social Security Act, to the state, a political subdivision or a federally recognized Indian tribe that has signed an agreement with the Department of Human Services to administer Part A of Title IV of the Social Security Act for the purpose of determining an individual's eligibility for assistance, or the amount of assistance, under a program funded under Part A of Title IV of the Social Security Act. The information disclosed is confidential and may not be used for any other purpose.

(k) Upon request, to the United States Attorney's Office. Under this paragraph, the Employment Department may disclose an individual's employment and wage information in response to a federal grand jury subpoena or for the purpose of collecting civil and criminal judgments, including restitution and special assessment fees. The information disclosed is confidential and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the United States Attorney's Office.

(3) The Employment Department may disclose information secured from employing units:

(a) To state agencies, federal agencies, local government agencies, public universities listed in ORS 352.002 and the Oregon Health and Science University established under ORS 353.020, to the extent necessary to properly carry out governmental planning, performance measurement, program analysis, socioeconomic analysis or policy analysis functions performed under applicable law. The information disclosed is confidential and may not be disclosed by the agencies or universities in any manner that would identify individuals, claimants, employees or employing units. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the agency or university requesting the information.

(b) As part of a geographic information system. Points on a map may be used to represent economic data, including the location, employment size class and industrial classification of businesses in Oregon. Information presented as part of a geographic information system may not give specific details regarding a business's address, actual employment or proprietary information. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the party requesting the information.

(c) In accordance with ORS 657.673.

(4) The Employment Department may:

(a) Disclose information to public employees in the performance of their duties under state or federal laws relating to the payment of unemployment insurance benefits, the provision of employment services and the provision of workforce and labor market information.

(b) At the discretion of the Director of the Employment Department and subject to an interagency agreement, disclose information to public officials in the performance of their official duties administering or enforcing laws within their authority and to the agents or contractors of public officials. The public official shall agree to assume responsibility for misuse of the information by the official's agent or contractor.

(c) Disclose information pursuant to an informed consent, received from an employer or claimant, to disclose the information.

(d) Disclose information to partners under the federal Workforce Innovation and Opportunity Act for the purpose of administering state workforce programs under the Act. The information disclosed is confidential and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the requesting partner.

(e) Disclose the names and addresses of employing units to the Bureau of Labor and Industries for the purpose of disseminating information to employing units. The names and addresses disclosed are confidential and may not be used for any other purpose. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the bureau.

(f) Disclose information to the Commissioner of the Bureau of Labor and Industries for the purpose of performing duties under ORS 279C.800 to 279C.870, 658.005 to 658.245 or 658.405 to 658.511 or ORS chapter 652, 653 or 659A. The information disclosed may include the names and addresses of employers and employees and payroll data of employers and employees. The information disclosed is confidential and may not be used for any other purpose. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the bureau.

(g) Disclose information required under ORS 657.660 (3) and (4) to the Public Employees Retirement System for the purpose of determining the eligibility of members of the retirement system for disability under ORS chapters 238 and 238A. The information disclosed is confidential and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the Public Employees Retirement System.

(h) Disclose to the Oregon Business Development Commission and the Oregon Business Development Department information required by the commission and the department in performing their duties under ORS 285A.050 and 285B.630 to verify changes in employment levels following direct employer participation in department programs or indirect participation through municipalities under ORS 285B.410 to 285B.482. The information disclosed to the commission and the department may include an employer's employment level, total subject wages payroll and whole hours worked. The information disclosed is confidential and may not be used for any other purpose. The commission and the department may not disclose the information in any manner that would identify an employing unit or employee except to the extent necessary to carry out the commission's and the department's duties under ORS 285A.050 and 285B.630. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the commission or the Oregon Business Development Department.

(i) Disclose information to the Department of Revenue for the purpose of performing its duties

under ORS 293.250 or under the revenue and tax laws of this state, or for the purpose of using information reported by employers and claimants to detect potential identity theft or fraudulent claims. The information disclosed may include the names and addresses of employers and employees and payroll data of employers and employees. The information disclosed is confidential and may not be disclosed by the Department of Revenue in any manner that would identify an employing unit or employee except to the extent necessary to carry out the department's duties under ORS 293.250 or in auditing or reviewing any report or return required or permitted to be filed under the revenue and tax laws administered by the department. The Department of Revenue may not disclose any information received to any private collection agency or for any other purpose. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the Department of Revenue.

(j) Disclose information to the Department of Consumer and Business Services for the purpose of performing its duties under ORS chapters 654 and 656. The information disclosed may include the name, address, number of employees and industrial classification code of an employer and payroll data of employers and employees. The information disclosed is confidential and may not be disclosed by the Department of Consumer and Business Services in any manner that would identify an employing unit or employee except to the extent necessary to carry out the department's duties under ORS chapters 654 and 656, including administrative hearings and court proceedings in which the Department of Consumer and Business Services is a party. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the Department of Consumer and Business Services.

(k) Disclose information to the Construction Contractors Board for the purpose of performing its duties under ORS chapter 701. The information disclosed to the board may include the names and addresses of employers and status of their compliance with this chapter. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the board.

(L) Disclose information to the State Fire Marshal to assist the State Fire Marshal in carrying out duties under ORS 453.307 to 453.414. The information disclosed may include the name, address, telephone number and industrial classification code of an employer. The information disclosed is confidential and may not be disclosed by the State Fire Marshal in any manner that would identify an employing unit except to the extent necessary to carry out duties under ORS 453.307 to 453.414. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the Department of the State Fire Marshal.

(m) Disclose information to the Higher Education Coordinating Commission for the purpose of performing the commission's duties under ORS chapter 348 and Title IV of the Higher Education Act of 1965. The information disclosed may include the names and addresses of employers and employees and payroll data of employers and employees. The information disclosed is confidential and may not be disclosed by the commission in any manner that would identify an employing unit or employee except to the extent necessary to carry out the commission's duties under ORS chapter 348 or Title IV of the Higher Education Act of 1965. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the commission.

(n) Disclose information to the Department of Transportation to assist the Department of Transportation in carrying out the duties of the Department of Transportation relating to collection

of delinquent and liquidated debts, including taxes, under ORS 184.610 to 184.665, 184.670 to 184.733 and 805.263, ORS chapter 319 and the Oregon Vehicle Code. The information disclosed may include the names and addresses of employers and employees and payroll data of employers and employees. The information disclosed is confidential and may not be disclosed by the Department of Transportation in any manner that would identify an employing unit or employee except to the extent necessary to carry out the Department of Transportation's duties relating to collection of delinquent and liquidated debts or in auditing or reviewing any report or return required or permitted to be filed under the revenue and tax laws administered by the Department of Transportation. The Department of Transportation may not disclose any information received to any private collection agency or for any other purpose. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the Department of Transportation.

(o) Disclose information to the Department of Human Services and the Oregon Health Authority to assist the Department of Human Services and the Oregon Health Authority in the collection of debts that the Department of Human Services and the Oregon Health Authority are authorized by law to collect. The information disclosed may include the names, addresses and payroll data of employers and employees. The information disclosed is confidential and may not be disclosed by the Department of Human Services or the Oregon Health Authority in a manner that would identify an employing unit or employee except to the extent necessary for the collection of debts as described in this paragraph. The Department of Human Services and the Oregon Health Authority may not disclose information received under this paragraph to a private collection agency or use the information for a purpose other than the collection of debts as described in this paragraph. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the Department of Human Services or the Oregon Health Authority.

(p) Disclose to the Alcohol and Drug Policy Commission information required by the commission in evaluating and measuring the performance of [*alcohol and drug prevention and treatment programs*] **substance use prevention, substance use disorder treatment and recovery support services programs** under ORS 430.223 or the impact of the programs on employment. The information disclosed to the commission may include total subject wages payroll and whole hours worked. The information disclosed under this paragraph is confidential and may not be used for any other purpose. The commission may not disclose the information in any manner that would identify an employing unit or employee except to the extent necessary to carry out the commission's duties under ORS 430.223. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the commission.

(q) Disclose to any person establishment level information secured pursuant to this chapter from federal, state and local government agencies, public universities listed in ORS 352.002 or the Oregon Health and Science University established under ORS 353.020. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the person requesting the information.

(r) Disclose to any person the industrial classification code assigned to an employing unit. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the person requesting the information.

(s) Disclose information to the State Treasurer useful for the purpose of performing the State Treasurer's duties under ORS 98.302 to 98.436, 98.992 and 116.253 and the role of an estate admin-

istrator under ORS 113.235. The information disclosed is confidential and may not be used by the State Treasurer for any other purpose. If the information disclosed is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the State Treasurer.

(5) The Employment Department may make public all decisions of the Employment Appeals Board.

(6) Any officer appointed by or any employee of the Director of the Employment Department who discloses confidential information, except with the authority of the director, pursuant to rules or as otherwise required by law, may be disqualified from holding any appointment or employment with the Employment Department.

(7) Any person or any officer or employee of an entity to whom information is disclosed by the Employment Department under this section who divulges or uses the information for any purpose other than that specified in the provision of law or agreement authorizing the use or disclosure may be disqualified from performing any service under contract or disqualified from holding any appointment or employment with the state agency that engaged or employed that person, officer or employee. The Employment Department may immediately cancel or modify any information sharing agreement with an entity when a person or an officer or employee of that entity discloses confidential information, other than as specified in law or agreement.

SECTION 10. This 2025 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect on its passage.