

HB 4088 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 2/2

WHAT THE MEASURE DOES:

The measure creates policies regarding legal protections for legal reproductive or gender affirming healthcare activities that occurred in Oregon, relating to gubernatorial actions, data privacy, court records, public records and midwifery practice.

Detailed Summary:

Prohibits gubernatorial extraditions when the demand for extradition is because the person engaged in legal reproductive or gender affirming healthcare activities unless the governor is otherwise required to surrender the person for treason, felony or other crimes. Directs public bodies to not cooperate with certain investigation or inquiry into a legal reproductive or gender affirming healthcare activity.

Modifies the rules of evidence and protects the Oregon Health Authority (OHA) from being examined in a court or administrative proceeding as to individually identifiable information of a person in certain circumstances related to legal reproductive or gender-affirming healthcare and limits use of that information in most court proceedings. Removes language allowing an applicant for a legal sex change to seal the court record and instead states that a court petition for a legal sex change is confidential, with some exceptions.

Modifies the public records that are exempt from disclosure to include personally identifiable information that relates to application for or receipt of legal reproductive or gender-affirming healthcare activities, paid for in part or in whole by OHA, and applications for legal sex change.

Prevents the Health Licensing Office from suspending or revoking a midwifery license because of a conviction or disciplinary action resulting solely from the person's provision of reproductive or gender-affirming health care services that is lawful in Oregon but not lawful in the state where the person provided the service (as long as that service was provided with the applicable standard of care).

Declares an emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND: