



## Open Government Impact Statement

80th Oregon Legislative Assembly  
2019 Regular Session

## Measure: HB 3423

Only impacts on Original or Engrossed  
Versions are Considered Official

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### SUMMARY

Requires health care practitioner to exercise proper degree of care to preserve health and life of child born alive after abortion or attempted abortion. Requires health care practitioner to ensure child born alive is transported to hospital. Creates crime for failure to exercise proper standard of care, punishable by maximum of five years' imprisonment, \$125,000 fine, or both.

Allows specified person to bring civil action for damages and equitable relief against health care practitioner for failure to exercise proper standard of care. Directs court to award attorney fees to prevailing plaintiff.

Allows court to order identity or personally identifiable information of specified person protected from disclosure.

### OPEN GOVERNMENT IMPACT

Legislative Counsel has not adopted standards for drafting measures that establish exemptions from disclosure of public records.

This measure allows the court to exempt from public disclosure the identity or any personally identifiable information of a person upon whom an abortion was performed or attempted to be performed in violation of the measure.

If the public records were instead subject to mandatory disclosure under public records law, the public could learn the identity and personally identifiable information of persons upon who an abortion was performed or attempted to be performed.