

# House Bill 2526

Sponsored by Representative BREESE-IVERSON; Representative DIEHL (Presession filed.)

## 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 **as introduced**.

Directs Oregon Health Authority to establish toll-free pregnancy resources hotline to provide information and assistance to pregnant persons seeking abortions in this state.

Defines "medical emergency" for purposes of determining when abortion is medically necessary.

Prohibits performance of abortion unless pregnant person consulted with pregnancy resources hotline at least 48 hours prior to procedure. Creates exception.

Directs authority to conduct annual records audits to ensure compliance with provisions of Act. Creates penalty for noncompliance of \$5,000 for each separate violation.

Exempts specified records and information from public disclosure. Creates exceptions.

## A BILL FOR AN ACT

1  
2 Relating to pregnancy resources; creating new provisions; and amending ORS 192.355.

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

4 **SECTION 1. Definitions. As used in sections 1 to 6 of this 2023 Act:**

5 (1) "Abortion" means the use or prescription of any instrument, medicine, drug or any  
6 other substance or device to terminate the pregnancy of a person known to be pregnant, if  
7 the intention is other than to increase the probability of a live birth, to preserve the life or  
8 health of the child after live birth or to remove a dead unborn child who died as the result  
9 of natural causes in utero, accidental trauma or a criminal assault on the pregnant person  
10 or the unborn child, and that use or prescription causes the premature termination of the  
11 pregnancy.

12 (2) "Health professional regulatory board" means the:

13 (A) Oregon State Board of Nursing;

14 (B) State Board of Pharmacy;

15 (C) Oregon Medical Board;

16 (D) Board of Medical Imaging; and

17 (E) Oregon Health Authority, to the extent that the authority licenses emergency med-  
18 ical services providers and health care facilities.

19 **SECTION 2. Pregnancy resources hotline. (1) The Oregon Health Authority shall estab-**  
20 **lish a staffed, toll-free pregnancy resources hotline. The pregnancy resources hotline must**  
21 **provide pregnant persons seeking abortion services with:**

22 (a) Information regarding options for free health pregnancy program services and, if re-  
23 quested, assistance applying for those services.

24 (b) Information regarding options for free care plan coordination and, if requested, as-  
25 sistance applying for those services.

26 (c) Education about and, if requested, assistance with applying for other public and pri-  
27 vate pregnancy resources available to address the socioeconomic needs of the pregnant per-  
28 son and the nonpregnant parent of the unborn child.

**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.

1 (d) Screening for abuse, assault, sexual assault, neglect, coercion and human trafficking  
2 and, if requested, support services for persons identified as victims of abuse, assault, sexual  
3 assault, neglect, coercion and human trafficking.

4 (2) The authority shall establish by rule procedures for documenting calls received and  
5 information and offers of services provided by the pregnancy resources hotline, and for pro-  
6 viding the verifications required under section 4 of this 2023 Act.

7 (3) No later than the 10th day of each month, the staff of the pregnancy resources hotline  
8 shall submit reports to the authority documenting:

9 (a) The number of pregnant persons who contacted the hotline during the immediately  
10 preceding calendar month.

11 (b) The number of callers who, after screening, were determined to be likely victims of  
12 abuse, assault, sexual assault, coercion, neglect or human trafficking and the number of  
13 those callers who requested support services.

14 (c) The number of callers who requested assistance applying for care plan coordination.

15 (d) The number of callers who requested assistance applying for healthy pregnancy pro-  
16 gram services.

17 SECTION 3. Medical emergency. (1) As used in this section, “physician” means a physi-  
18 cian licensed under ORS chapter 677.

19 (2) A pregnant person’s condition is a medical emergency if a physician, in the  
20 physician’s professional judgment, determines:

21 (a) Failure to immediately terminate the pregnancy is reasonably likely to result in the  
22 pregnant person’s death; or

23 (b) The delay necessary to comply with the requirements under section 4 (1) of this 2023  
24 Act is reasonably likely to create a serious risk of substantial and irreversible physical  
25 impairment of one or more of the pregnant person’s major bodily functions, not including  
26 psychological or emotional functions.

27 (3) A physician who determines that a pregnant person is experiencing a medical emer-  
28 gency as described in subsection (2) of this section shall include a signed statement docu-  
29 menting the nature of the pregnant person’s medical emergency in the pregnant person’s  
30 medical records and, no later than 30 days following the date of the emergency determi-  
31 nation, notify the Oregon Health Authority of the specific medical condition that constituted  
32 the medical emergency.

33 SECTION 4. Abortions. (1) Except in the case of a medical emergency described in sec-  
34 tion 3 of this 2023 Act, an individual may not provide abortion services in this state unless  
35 the individual has verified that the pregnant person whose pregnancy is to be terminated has  
36 consulted with the pregnancy resources hotline described in section 2 of this 2023 Act and  
37 that the consultation occurred at least 48 hours prior to the provision of abortion services.

38 (2) An individual providing abortion services under this section, or the individual’s agent,  
39 shall:

40 (a) Document the individual’s compliance with this section in the pregnant person’s  
41 medical records and take any other documentation steps required by the Oregon Health  
42 Authority by rule; and

43 (b) No later than two business days following the provision of the abortion services,  
44 submit a report in the manner required by the authority by rule confirming that the abortion  
45 services were provided and the date and time of the provision of the abortion services.

1 (3) Nothing in this section is intended to:

2 (a) Infringe on a person's speech rights protected under the First Amendment to the  
3 United States Constitution or Article I, section 8, of the Oregon Constitution; or

4 (b) Create or expand any right to access abortion services in this state.

5 **SECTION 5. Annual audits.** (1) The Oregon Health Authority shall annually conduct an  
6 audit of the medical records maintained by every individual who provides abortion services  
7 in this state, and by the facilities in which the abortions are performed, for compliance with  
8 the provisions of sections 3 and 4 of this 2023 Act.

9 (2)(a) The authority shall review the medical records of at least 10 percent of the persons  
10 in the prior 12 calendar months to whom an individual described in subsection (1) of this  
11 section provided abortion services or who received abortion services in a facility described  
12 in subsection (1) of this section. The authority shall randomly select which medical records  
13 to review and the audits must be unannounced and occur during reasonable hours.

14 (b) If the authority determines that at least five percent of the medical records main-  
15 tained by an individual or a facility audited under this section fail to demonstrate compliance  
16 with sections 3 and 4 of this 2023 Act, the authority shall audit every medical record asso-  
17 ciated with the provision of abortion services by the individual or in the facility in the prior  
18 12 calendar months.

19 (3)(a) The authority shall impose a civil penalty in an amount not to exceed \$5,000 for  
20 each separate instance of a violation of or failure to comply with the provisions of sections  
21 3 and 4 of this 2023 Act.

22 (b) Every violation described in paragraph (a) of this subsection is a separate offense that  
23 is subject to a separate penalty.

24 (4) On or before September 15 of each year, the authority shall issue a public report of  
25 statistics relating to its audits under this section. The authority may not include individually  
26 identifiable information in the public report.

27 (5) A health professional regulatory board shall permanently revoke the license of:

28 (a) An individual regulated by the health professional regulatory board if more than five  
29 percent of the medical records maintained by the individual and audited under this section  
30 reflect the individual's noncompliance with the provisions of sections 3 and 4 of this 2023 Act;  
31 and

32 (b) A health care facility, as defined in ORS 442.015, in which an abortion is performed  
33 if more than five percent of the medical records maintained at the health care facility and  
34 audited under this section reflect the facility's noncompliance with the provisions of sections  
35 3 and 4 of this 2023 Act.

36 **SECTION 6. Records.** Notwithstanding ORS 192.355 (46), records created or maintained  
37 under sections 1 to 6 of this 2023 Act may be disclosed if each individual identified in the  
38 records consents to the disclosure or the disclosure is made:

39 (1) For statistical purposes, including the reports required under sections 2, 4 and 5 of  
40 this 2023 Act, and any personally identifiable information is redacted;

41 (2) To individuals performing abortions or to organizations providing services under sec-  
42 tion 2 of this 2023 Act to the extent necessary to fulfill the Oregon Health Authority's obli-  
43 gations under section 2 of this 2023 Act;

44 (3) To appropriate state agencies or courts to enforce the provisions of sections 1 to 6  
45 of this 2023 Act;

1       **(4) To an appropriate health professional regulatory board to enforce the provisions of**  
2 **sections 1 to 6 of this 2023 Act and state laws related to licensing health care providers;**

3       **(5) In response to a subpoena issued by a court of competent jurisdiction, provided the**  
4 **disclosure is made subject to a confidentiality requirement as determined by the court; or**

5       **(6) To a health care provider currently treating the individual who is the subject of the**  
6 **records, unless otherwise prohibited by state or federal law.**

7       **SECTION 7.** ORS 192.355, as amended by section 5, chapter 60, Oregon Laws 2022, is amended  
8 to read:

9       192.355. The following public records are exempt from disclosure under ORS 192.311 to 192.478:

10       (1) Communications within a public body or between public bodies of an advisory nature to the  
11 extent that they cover other than purely factual materials and are preliminary to any final agency  
12 determination of policy or action. This exemption shall not apply unless the public body shows that  
13 in the particular instance the public interest in encouraging frank communication between officials  
14 and employees of public bodies clearly outweighs the public interest in disclosure.

15       (2)(a) Information of a personal nature such as but not limited to that kept in a personal, med-  
16 ical or similar file, if public disclosure would constitute an unreasonable invasion of privacy, unless  
17 the public interest by clear and convincing evidence requires disclosure in the particular instance.  
18 The party seeking disclosure shall have the burden of showing that public disclosure would not  
19 constitute an unreasonable invasion of privacy.

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

25       (3) Upon compliance with ORS 192.363, public body employee or volunteer residential addresses,  
26 residential telephone numbers, personal cellular telephone numbers, personal electronic mail ad-  
27 dresses, driver license numbers, employer-issued identification card numbers, emergency contact in-  
28 formation, Social Security numbers, dates of birth and other telephone numbers contained in  
29 personnel records maintained by the public body that is the employer or the recipient of volunteer  
30 services. This exemption:

31       (a) Does not apply to the addresses, dates of birth and telephone numbers of employees or vol-  
32 unteers who are elected officials, except that a judge or district attorney subject to election may  
33 seek to exempt the judge's or district attorney's address or telephone number, or both, under the  
34 terms of ORS 192.368;

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

38       (c) Does not apply to a substitute teacher as defined in ORS 342.815 when requested by a pro-  
39 fessional education association of which the substitute teacher may be a member; and

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

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

45       (5) Information or records of the Department of Corrections, including the State Board of Parole

1 and Post-Prison Supervision, to the extent that disclosure would interfere with the rehabilitation of  
 2 a person in custody of the department or substantially prejudice or prevent the carrying out of the  
 3 functions of the department, if the public interest in confidentiality clearly outweighs the public in-  
 4 terest in disclosure.

5 (6) Records, reports and other information received or compiled by the Director of the Depart-  
 6 ment of Consumer and Business Services in the administration of ORS chapters 723 and 725 not  
 7 otherwise required by law to be made public, to the extent that the interests of lending institutions,  
 8 their officers, employees and customers in preserving the confidentiality of such information out-  
 9 weighs the public interest in disclosure.

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

11 (8) Any public records or information the disclosure of which is prohibited by federal law or  
 12 regulations.

13 (9)(a) Public records or information the disclosure of which is prohibited or restricted or other-  
 14 wise made confidential or privileged under Oregon law.

15 (b) Subject to ORS 192.360, paragraph (a) of this subsection does not apply to factual information  
 16 compiled in a public record when:

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

18 (B) The factual information is not prohibited from disclosure under any applicable state or fed-  
 19 eral law, regulation or court order and is not otherwise exempt from disclosure under ORS 192.311  
 20 to 192.478;

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

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

27 (E) The holder of the privilege under ORS 40.225 has made or authorized a public statement  
 28 characterizing or partially disclosing the factual information compiled by or at the attorney's di-  
 29 rection.

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

34 (11) Records of the Energy Facility Siting Council concerning the review or approval of security  
 35 programs pursuant to ORS 469.530.

36 (12) Employee and retiree address, telephone number and other nonfinancial membership records  
 37 and employee financial records maintained by the Public Employees Retirement System pursuant to  
 38 ORS chapters 238 and 238A.

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

43 (a) The exemption does not apply to:

44 (A) Information in investment records solely related to the amount paid directly into an invest-  
 45 ment by, or returned from the investment directly to, the treasurer or council; or

1 (B) The identity of the entity to which the amount was paid directly or from which the amount  
 2 was received directly.

3 (b) An investment in a publicly traded investment is no longer active when acquisition, exchange  
 4 or liquidation of the investment has been concluded.

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

10 (A) Due diligence materials that are proprietary to an investment fund, to an asset ownership  
 11 or to their respective investment vehicles.

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

14 (C) Meeting materials of an investment fund, an asset ownership or their respective investment  
 15 vehicles.

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

18 (E) Capital call and distribution notices of an investment fund, an asset ownership or their re-  
 19 spective investment vehicles.

20 (F) Investment agreements and related documents.

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

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

23 (B) The dollar amount of the commitment made to each privately placed investment fund since  
 24 inception of the fund.

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

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

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

33 (F) The net internal rate of return of each privately placed investment fund since inception of  
 34 the fund.

35 (G) The investment multiple of each privately placed investment fund since inception of the fund.

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

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

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

43 (16) Reports of unclaimed property filed by the holders of such property to the extent permitted  
 44 by ORS 98.352.

45 (17)(a) The following records, communications and information submitted to the Oregon Business

1 Development Commission, the Oregon Business Development Department, the State Department of  
 2 Agriculture, the Oregon Growth Board, the Port of Portland or other ports as defined in ORS  
 3 777.005, or a county or city governing body and any board, department, commission, council or  
 4 agency thereof, by applicants for investment funds, grants, loans, services or economic development  
 5 moneys, support or assistance including, but not limited to, those described in ORS 285A.224:

6 (A) Personal financial statements.

7 (B) Financial statements of applicants.

8 (C) Customer lists.

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

14 (E) Production, sales and cost data.

15 (F) Marketing strategy information that relates to applicant's plan to address specific markets  
 16 and applicant's strategy regarding specific competitors.

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

19 (A) Personal financial statements.

20 (B) Financial statements of applicants.

21 (C) Customer lists.

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

27 (E) Production, sales and cost data.

28 (F) Marketing strategy information that relates to applicant's plan to address specific markets  
 29 and applicant's strategy regarding specific competitors.

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

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

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

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

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

1 (20) Workers' compensation claim records of the Department of Consumer and Business Services,  
 2 except in accordance with rules adopted by the Director of the Department of Consumer and Busi-  
 3 ness Services, in any of the following circumstances:

4 (a) When necessary for insurers, self-insured employers and third party claim administrators to  
 5 process workers' compensation claims.

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

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

10 (d) When a worker or the worker's representative requests review of the worker's claim record.

11 (21) Sensitive business records or financial or commercial information of the Oregon Health and  
 12 Science University that is not customarily provided to business competitors.

13 (22) Records of Oregon Health and Science University regarding candidates for the position of  
 14 president of the university.

15 (23) The records of a library, including:

16 (a) Circulation records, showing use of specific library material by a named person;

17 (b) The name of a library patron together with the address or telephone number of the patron;  
 18 and

19 (c) The electronic mail address of a patron.

20 (24) The following records, communications and information obtained by the Housing and Com-  
 21 munity Services Department in connection with the department's monitoring or administration of  
 22 financial assistance or of housing or other developments:

23 (a) Personal and corporate financial statements and information, including tax returns.

24 (b) Credit reports.

25 (c) Project appraisals, excluding appraisals obtained in the course of transactions involving an  
 26 interest in real estate that is acquired, leased, rented, exchanged, transferred or otherwise disposed  
 27 of as part of the project, but only after the transactions have closed and are concluded.

28 (d) Market studies and analyses.

29 (e) Articles of incorporation, partnership agreements and operating agreements.

30 (f) Commitment letters.

31 (g) Project pro forma statements.

32 (h) Project cost certifications and cost data.

33 (i) Audits.

34 (j) Project tenant correspondence.

35 (k) Personal information about a tenant.

36 (L) Housing assistance payments.

37 (25) Raster geographic information system (GIS) digital databases, provided by private forestland  
 38 owners or their representatives, voluntarily and in confidence to the State Forestry Department,  
 39 that is not otherwise required by law to be submitted.

40 (26) Sensitive business, commercial or financial information furnished to or developed by a  
 41 public body engaged in the business of providing electricity or electricity services, if the information  
 42 is directly related to a transaction described in ORS 261.348, or if the information is directly related  
 43 to a bid, proposal or negotiations for the sale or purchase of electricity or electricity services, and  
 44 disclosure of the information would cause a competitive disadvantage for the public body or its re-  
 45 tail electricity customers. This subsection does not apply to cost-of-service studies used in the de-



1 velopment or review of generally applicable rate schedules.

2 (27) Sensitive business, commercial or financial information furnished to or developed by the  
 3 City of Klamath Falls, acting solely in connection with the ownership and operation of the Klamath  
 4 Cogeneration Project, if the information is directly related to a transaction described in ORS 225.085  
 5 and disclosure of the information would cause a competitive disadvantage for the Klamath  
 6 Cogeneration Project. This subsection does not apply to cost-of-service studies used in the develop-  
 7 ment or review of generally applicable rate schedules.

8 (28) Personally identifiable information about customers of a municipal electric utility or a  
 9 people's utility district or the names, dates of birth, driver license numbers, telephone numbers,  
 10 electronic mail addresses or Social Security numbers of customers who receive water, sewer or  
 11 storm drain services from a public body as defined in ORS 174.109. The utility or district may re-  
 12 lease personally identifiable information about a customer, and a public body providing water, sewer  
 13 or storm drain services may release the name, date of birth, driver license number, telephone num-  
 14 ber, electronic mail address or Social Security number of a customer, if the customer consents in  
 15 writing or electronically, if the disclosure is necessary for the utility, district or other public body  
 16 to render services to the customer, if the disclosure is required pursuant to a court order or if the  
 17 disclosure is otherwise required by federal or state law. The utility, district or other public body  
 18 may charge as appropriate for the costs of providing such information. The utility, district or other  
 19 public body may make customer records available to third party credit agencies on a regular basis  
 20 in connection with the establishment and management of customer accounts or in the event such  
 21 accounts are delinquent.

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

24 (30) Sensitive business records, capital development plans or financial or commercial information  
 25 of Oregon Corrections Enterprises that is not customarily provided to business competitors.

26 (31) Documents, materials or other information submitted to the Director of the Department of  
 27 Consumer and Business Services in confidence by a state, federal, foreign or international regulatory  
 28 or law enforcement agency or by the National Association of Insurance Commissioners, its affiliates  
 29 or subsidiaries under ORS 86A.095 to 86A.198, 697.005 to 697.095, 697.602 to 697.842, 705.137, 717.200  
 30 to 717.320, 717.900 or 717.905, ORS chapter 59, 723, 725 or 726, the Bank Act or the Insurance Code  
 31 when:

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

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

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

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

39 (a) Generation, storage or conveyance of:

40 (A) Electricity;

41 (B) Gas in liquefied or gaseous form;

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

43 (D) Petroleum products;

44 (E) Sewage; or

45 (F) Water.

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

2 (c) Data transmissions by whatever means provided.

3 (34) The information specified in ORS 25.020 (8) if the Chief Justice of the Supreme Court des-  
4 ignates the information as confidential by rule under ORS 1.002.

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

6 (b) As used in this subsection, "employer account records" means all records maintained in any  
7 form that are specifically related to the account of any employer insured, previously insured or un-  
8 der consideration to be insured by the State Accident Insurance Fund Corporation and any infor-  
9 mation obtained or developed by the corporation in connection with providing, offering to provide  
10 or declining to provide insurance to a specific employer. "Employer account records" includes, but  
11 is not limited to, an employer's payroll records, premium payment history, payroll classifications,  
12 employee names and identification information, experience modification factors, loss experience and  
13 dividend payment history.

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

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

17 (b) As used in this subsection, "claimant files" includes, but is not limited to, all records held  
18 by the corporation pertaining to a person who has made a claim, as defined in ORS 656.005, and all  
19 records pertaining to such a claim.

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

22 (37) Except as authorized by ORS 408.425, records that certify or verify an individual's discharge  
23 or other separation from military service.

24 (38) Records of or submitted to a domestic violence service or resource center that relate to the  
25 name or personal information of an individual who visits a center for service, including the date of  
26 service, the type of service received, referrals or contact information or personal information of a  
27 family member of the individual. As used in this subsection, "domestic violence service or resource  
28 center" means an entity, the primary purpose of which is to assist persons affected by domestic or  
29 sexual violence by providing referrals, resource information or other assistance specifically of ben-  
30 efit to domestic or sexual violence victims.

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

35 (40)(a) Electronic mail addresses in the possession or custody of an agency or subdivision of the  
36 executive department, as defined in ORS 174.112, the legislative department, as defined in ORS  
37 174.114, a local government or local service district, as defined in ORS 174.116, or a special gov-  
38 ernment body, as defined in ORS 174.117.

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

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

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

6 (42) Personally identifiable information and contact information of veterans as defined in ORS  
 7 408.225 and of persons serving on active duty or as reserve members with the Armed Forces of the  
 8 United States, National Guard or other reserve component that was obtained by the Department of  
 9 Veterans' Affairs in the course of performing its duties and functions, including but not limited to  
 10 names, residential and employment addresses, dates of birth, driver license numbers, telephone  
 11 numbers, electronic mail addresses, Social Security numbers, marital status, dependents, the char-  
 12 acter of discharge from military service, military rating or rank, that the person is a veteran or has  
 13 provided military service, information relating to an application for or receipt of federal or state  
 14 benefits, information relating to the basis for receipt or denial of federal or state benefits and in-  
 15 formation relating to a home loan or grant application, including but not limited to financial infor-  
 16 mation provided in connection with the application.

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

22 (44) Personally identifiable information about a child under the age of 16 years that is submitted  
 23 to the State Fish and Wildlife Commission or an agent of the commission to obtain a license, tag  
 24 or permit under the wildlife laws.

25 (45) Proprietary information subject to a nondisclosure agreement that is provided to the Oregon  
 26 Broadband Office pursuant to section 4, chapter 60, Oregon Laws 2022.

27 **(46) Records of or submitted to the pregnancy resources hotline described in section 2**  
 28 **of this 2023 Act, or records of or submitted to an individual providing abortion services under**  
 29 **section 4 of this 2023 Act, that relate to the name or personal information of an individual**  
 30 **who contacts the hotline or receives services from the individual, including the date of con-**  
 31 **tact or service, the type of contact or service and any referrals arising out of the contact**  
 32 **or service, or the name or personal information of any owner, agent, employee or volunteer**  
 33 **of an organization providing services through the pregnancy resource hotline under section**  
 34 **2 of this 2023 Act.**

35 **SECTION 8. Deadlines. (1) The report described in section 2 (4) of this 2023 Act is first**  
 36 **due September 10, 2024, and every 10th day of the month thereafter.**

37 **(2) The report described in section 5 (4) of this 2023 Act is first due September 15, 2024,**  
 38 **and every September 15 thereafter.**

39 **SECTION 9. Captions. The section captions used in this 2023 Act are provided only for**  
 40 **the convenience of the reader and do not become part of the statutory law of this state or**  
 41 **express any legislative intent in the enactment of this 2023 Act.**