

Requested by Representative BREESE-IVERSON

**PROPOSED AMENDMENTS TO
HOUSE BILL 2002**

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the
2 line and delete lines 3 through 5 and insert “192.355; and prescribing an ef-
3 fective date.”.

4 Delete lines 7 through 25 and delete pages 2 through 39 and insert:

5 **“SECTION 1. Definitions. As used in sections 1 to 5 of this 2023 Act:**

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

15 **“(2) ‘Community health worker’ has the meaning given that term**
16 **in ORS 414.025.**

17 **“(3) ‘Nurse practitioner’ means a nurse practitioner licensed under**
18 **ORS 678.375 to 678.390.**

19 **“(4) ‘Parent’ means the biological or adoptive parent, or the legal**
20 **guardian, of a child.**

21 **“SECTION 2. Pregnancy Launch Program. (1) The Oregon Health**

1 **Authority shall establish and administer the Pregnancy Launch Pro-**
2 **gram to:**

3 **“(a) Encourage healthy childbirth;**

4 **“(b) Support childbirth as an alternative to abortion;**

5 **“(c) Promote family formation;**

6 **“(d) Aid successful parenting;**

7 **“(e) Increase families’ economic self-sufficiency; and**

8 **“(f) Improve maternal health, mortality and postpartum outcomes.**

9 **“(2) The program established under subsection (1) of this section**
10 **shall provide statewide direct services, supports, case management and**
11 **program referrals, in person or remotely through the use of electronic**
12 **and telecommunication technologies, to:**

13 **“(a) Pregnant persons;**

14 **“(b) Parents with one or more children under two years of age; and**

15 **“(c) Parents of persons described in paragraphs (a) or (b) of this**
16 **subsection who are under 18 years of age.**

17 **“(3)(a) The authority shall enter into a sufficient number of con-**
18 **tracts under this subsection to ensure that every pregnant person**
19 **seeking abortion services in this state has access to services provided**
20 **through the program.**

21 **“(b) The authority may contract with an organization to provide**
22 **services through the program only if the organization demonstrates**
23 **its capability of offering, when necessary, services remotely through**
24 **the use of electronic and telecommunication technologies and the or-**
25 **ganization does not:**

26 **“(A) Directly or indirectly provide, promote, refer for or assist**
27 **pregnant persons in obtaining abortion services;**

28 **“(B) Own or operate an organization that directly or indirectly**
29 **provides, promotes, refers for or assists pregnant persons in obtaining**
30 **abortion services;**

1 **“(C) Employ or contract with any person who has performed an**
2 **abortion within the previous 24 months; or**

3 **“(D) Have as a director, board member officer or volunteer any**
4 **person who has performed an abortion within the previous 24 months.**

5 **“(4) An organization with which the authority contracts to provide**
6 **services through the program shall:**

7 **“(a) Ensure that its agents, employees and volunteers:**

8 **“(A) Meet the qualifications established by the authority by rule,**
9 **consistent with this section;**

10 **“(B) Maintain the confidentiality of information obtained while**
11 **providing services under this section; and**

12 **“(C) Complete training to recognize signs that a person has been a**
13 **victim of human trafficking and to learn best practices for providing**
14 **appropriate assistance to victims of human trafficking.**

15 **“(b) Use nurse practitioners, community health workers and other**
16 **individuals with equivalent expertise to offer to participants in the**
17 **program healthy pregnancy program services, including:**

18 **“(A) Assisting in the assessment and evaluation of needs related to**
19 **pregnancy or parenting;**

20 **“(B) Providing medically accurate pregnancy-related medical infor-**
21 **mation;**

22 **“(C) Providing assistance obtaining obstetric care, primary care,**
23 **mental or behavioral health counseling and postpartum care;**

24 **“(D) Providing family support services; and**

25 **“(E) Providing information regarding adoption.**

26 **“(c) Use regulated social workers, as defined in ORS 675.510, life**
27 **coaches, nurse practitioners, community health workers, professional**
28 **counselors licensed under ORS 675.715 and other individuals of equiv-**
29 **alent experience to offer to participants in the program care plan co-**
30 **ordination services, including:**

1 **“(A) Assistance identifying needs related to the pregnancy or the**
2 **pregnant person’s ability to care for the unborn child, and develop-**
3 **ment of a care plan of resources and supports to address those needs;**

4 **“(B) Referrals to appropriate local resources, including state and**
5 **federal benefits programs and local charitable organizations;**

6 **“(C) Assistance in applying for state and federal benefits programs;**

7 **“(D) Assistance in accomplishing elements of the care plan;**

8 **“(E) Services related to postpartum depression and related refer-**
9 **als;**

10 **“(F) Assistance obtaining pediatric care and postpartum care;**

11 **“(G) Assistance obtaining substance use disorder treatment;**

12 **“(H) Education on available public and private resources to address**
13 **the pregnant person’s or nonpregnant parent’s socioeconomic needs;**

14 **“(I) Social services or assistance in obtaining social services related**
15 **to education, professional certification, housing, employment, resume**
16 **development, child care, adoption services, financial needs, substance**
17 **use disorder treatment and health benefits plan coverage;**

18 **“(J) Assistance for victims of abuse, assault, sexual assault, neg-**
19 **lect, coercion and human trafficking; and**

20 **“(K) Assistance obtaining mental health or behavioral health**
21 **counseling.**

22 **“(5) A program participant whose pregnancy is terminated for any**
23 **reason may continue to receive services from the program during the**
24 **six months immediately following the date of the pregnancy termi-**
25 **nation.**

26 **“(6) Nothing in this section is intended to:**

27 **“(a) Infringe on a person’s speech rights protected under the First**
28 **Amendment to the United States Constitution or Article I, section 8,**
29 **of the Oregon Constitution; or**

30 **“(b) Create or expand any right to access abortion services in this**

1 state.

2 “(7) The authority shall adopt rules to implement the provisions of
3 this section.

4 **“SECTION 3. Pregnancy resources hotline. (1) The Oregon Health
5 Authority shall establish a staffed pregnancy resources hotline, avail-
6 able by phone call or text message, dedicated to providing pregnant
7 persons seeking abortion services with information regarding preg-
8 nancy resources in this state. The hotline shall automatically connect
9 pregnant persons with an organization providing services through the
10 Pregnancy Launch Program described in section 2 of this 2023 Act.**

11 **“(2) The authority shall, by rule, establish a formula for determin-
12 ing to which organization providing services through the Pregnancy
13 Launch Program callers are connected. The formula must take into
14 consideration an organization’s success rates in connecting pregnant
15 persons with services through the Pregnancy Launch Program.**

16 **“(3) The authority shall provide reports by the 10th day of each
17 month to each organization providing services through the Pregnancy
18 Launch Program, informing the organization of the percentage of
19 pregnant persons referred to the organization by the hotline who sub-
20 sequently obtained abortions in this state during the immediately
21 preceding calendar month.**

22 **“SECTION 4. Records. Notwithstanding ORS 192.355 (46), records of
23 or submitted to the pregnancy resources hotline described in section
24 3 of this 2023 Act and records of or submitted to an organization pro-
25 viding services through the Pregnancy Launch Program described in
26 section 2 of this 2023 Act, may be disclosed if each individual identified
27 in the records consents to the disclosure or the disclosure is made:**

28 **“(1) For statistical purposes, including the reports required under
29 section 5 of this 2023 Act, and any personally identifiable information
30 is redacted;**

1 “(2) To individuals performing abortions or to organizations pro-
2 viding services through the Pregnancy Launch Program, to the extent
3 necessary to fulfill their obligations under section 2 of this 2023 Act;

4 “(3) To appropriate state agencies or courts to enforce the pro-
5 visions of sections 1 to 5 of this 2023 Act;

6 “(4) To an appropriate health professional regulatory board, as de-
7 fined in ORS 676.160, to enforce state laws related to licensing health
8 care providers;

9 “(5) In response to a subpoena issued by a court of competent ju-
10 risdiction, provided the disclosure is made subject to a confidentiality
11 requirement as determined by the court; or

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

15 “SECTION 5. Reports. (1) The Oregon Health Authority shall pro-
16 vide a report to the interim committees of the Legislative Assembly
17 regarding health care no later than the 10th day of each month re-
18 garding its plans for implementing sections 1 to 5 of this 2023 Act, its
19 progress toward that implementation and the anticipated timeline for
20 completion of key milestones.

21 “(2) No later than the 10th day of the second full month during
22 which an organization provides services through the Pregnancy
23 Launch Program described in section 2 of this 2023 Act, and the 10th
24 day of each month thereafter, the organization shall submit reports
25 to the authority describing the following data for the calendar month
26 immediately preceding the month of the report:

27 “(a) The number of requests for assistance to develop personalized
28 care plans through the Pregnancy Launch Program by pregnant per-
29 sons, nonpregnant parents of unborn children and parents of pregnant
30 persons who are under 18 years of age.

1 **“(b) The number of unique pregnant persons, nonpregnant parents**
2 **of unborn children and parents of pregnant persons under 18 years of**
3 **age, who are receiving support in the following categories:**

4 **“(A) Education.**

5 **“(B) Training for a professional certification.**

6 **“(C) Housing.**

7 **“(D) Employment.**

8 **“(E) Resume development.**

9 **“(F) Child care.**

10 **“(G) Adoption services.**

11 **“(H) Financial needs.**

12 **“(I) Substance use disorders.**

13 **“(J) Health benefit coverage.**

14 **“(c) The number of pregnant persons receiving services arising out**
15 **of abuse, assault, sexual assault, neglect, coercion and human traf-**
16 **ficking.**

17 **“(d) The number of persons receiving services for postpartum de-**
18 **pression and related referrals.**

19 **“(e) The number of persons receiving assistance obtaining obstetric**
20 **care, pediatric care, postpartum care or mental health treatment or**
21 **behavioral counseling.**

22 **“(f) The number of pregnant persons receiving assistance or edu-**
23 **cation for issues related to the pregnant person’s health, the health**
24 **of the unborn child, the pregnancy, abortion, fetal development or**
25 **birth.**

26 **“(3) The authority may adopt rules to implement the provisions of**
27 **this section.**

28 **“SECTION 6.** ORS 192.355, as amended by section 5, chapter 60, Oregon
29 Laws 2022, is amended to read:

30 “192.355. The following public records are exempt from disclosure under

1 ORS 192.311 to 192.478:

2 “(1) Communications within a public body or between public bodies of an
3 advisory nature to the extent that they cover other than purely factual ma-
4 terials and are preliminary to any final agency determination of policy or
5 action. This exemption shall not apply unless the public body shows that in
6 the particular instance the public interest in encouraging frank communi-
7 cation between officials and employees of public bodies clearly outweighs the
8 public interest in disclosure.

9 “(2)(a) Information of a personal nature such as but not limited to that
10 kept in a personal, medical or similar file, if public disclosure would consti-
11 tute an unreasonable invasion of privacy, unless the public interest by clear
12 and convincing evidence requires disclosure in the particular instance. The
13 party seeking disclosure shall have the burden of showing that public dis-
14 closure would not constitute an unreasonable invasion of privacy.

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

22 “(3) Upon compliance with ORS 192.363, public body employee or volun-
23 teer residential addresses, residential telephone numbers, personal cellular
24 telephone numbers, personal electronic mail addresses, driver license num-
25 bers, employer-issued identification card numbers, emergency contact infor-
26 mation, Social Security numbers, dates of birth and other telephone numbers
27 contained in personnel records maintained by the public body that is the
28 employer or the recipient of volunteer services. This exemption:

29 “(a) Does not apply to the addresses, dates of birth and telephone numbers
30 of employees or volunteers who are elected officials, except that a judge or

1 district attorney subject to election may seek to exempt the judge's or dis-
2 trict attorney's address or telephone number, or both, under the terms of
3 ORS 192.368;

4 “(b) Does not apply to employees or volunteers to the extent that the
5 party seeking disclosure shows by clear and convincing evidence that the
6 public interest requires disclosure in a particular instance pursuant to ORS
7 192.363;

8 “(c) Does not apply to a substitute teacher as defined in ORS 342.815
9 when requested by a professional education association of which the substi-
10 tute teacher may be a member; and

11 “(d) Does not relieve a public employer of any duty under ORS 243.650 to
12 243.809.

13 “(4) Information submitted to a public body in confidence and not other-
14 wise required by law to be submitted, where such information should rea-
15 sonably be considered confidential, the public body has obliged itself in good
16 faith not to disclose the information, and when the public interest would
17 suffer by the disclosure.

18 “(5) Information or records of the Department of Corrections, including
19 the State Board of Parole and Post-Prison Supervision, to the extent that
20 disclosure would interfere with the rehabilitation of a person in custody of
21 the department or substantially prejudice or prevent the carrying out of the
22 functions of the department, if the public interest in confidentiality clearly
23 outweighs the public interest in disclosure.

24 “(6) Records, reports and other information received or compiled by the
25 Director of the Department of Consumer and Business Services in the ad-
26 ministration of ORS chapters 723 and 725 not otherwise required by law to
27 be made public, to the extent that the interests of lending institutions, their
28 officers, employees and customers in preserving the confidentiality of such
29 information outweighs the public interest in disclosure.

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

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

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

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

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

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

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

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

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

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

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

29 “(12) Employee and retiree address, telephone number and other nonfi-
30 nancial membership records and employee financial records maintained by

1 the Public Employees Retirement System pursuant to ORS chapters 238 and
2 238A.

3 “(13) Records of or submitted to the State Treasurer, the Oregon Invest-
4 ment Council or the agents of the treasurer or the council relating to active
5 or proposed publicly traded investments under ORS chapter 293, including
6 but not limited to records regarding the acquisition, exchange or liquidation
7 of the investments. For the purposes of this subsection:

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

9 “(A) Information in investment records solely related to the amount paid
10 directly into an investment by, or returned from the investment directly to,
11 the treasurer or council; or

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

14 “(b) An investment in a publicly traded investment is no longer active
15 when acquisition, exchange or liquidation of the investment has been con-
16 cluded.

17 “(14)(a) Records of or submitted to the State Treasurer, the Oregon In-
18 vestment Council, the Oregon Growth Board or the agents of the treasurer,
19 council or board relating to actual or proposed investments under ORS
20 chapter 293 or 348 in a privately placed investment fund or a private asset
21 including but not limited to records regarding the solicitation, acquisition,
22 deployment, exchange or liquidation of the investments including but not
23 limited to:

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

26 “(B) Financial statements of an investment fund, an asset ownership or
27 their respective investment vehicles.

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

30 “(D) Records containing information regarding the portfolio positions in

1 which an investment fund, an asset ownership or their respective investment
2 vehicles invest.

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

5 “(F) Investment agreements and related documents.

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

7 “(A) The name, address and vintage year of each privately placed invest-
8 ment fund.

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

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

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

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

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

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

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

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

29 “(15) The monthly reports prepared and submitted under ORS 293.761 and
30 293.766 concerning the Public Employees Retirement Fund and the Industrial

1 Accident Fund may be uniformly treated as exempt from disclosure for a
2 period of up to 90 days after the end of the calendar quarter.

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

5 “(17)(a) The following records, communications and information submitted
6 to the Oregon Business Development Commission, the Oregon Business De-
7 velopment Department, the State Department of Agriculture, the Oregon
8 Growth Board, the Port of Portland or other ports as defined in ORS 777.005,
9 or a county or city governing body and any board, department, commission,
10 council or agency thereof, by applicants for investment funds, grants, loans,
11 services or economic development moneys, support or assistance including,
12 but not limited to, those described in ORS 285A.224:

13 “(A) Personal financial statements.

14 “(B) Financial statements of applicants.

15 “(C) Customer lists.

16 “(D) Information of an applicant pertaining to litigation to which the
17 applicant is a party if the complaint has been filed, or if the complaint has
18 not been filed, if the applicant shows that such litigation is reasonably likely
19 to occur; this exemption does not apply to litigation which has been con-
20 cluded, and nothing in this subparagraph shall limit any right or opportunity
21 granted by discovery or deposition statutes to a party to litigation or po-
22 tential litigation.

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

24 “(F) Marketing strategy information that relates to applicant’s plan to
25 address specific markets and applicant’s strategy regarding specific compet-
26 itors.

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

30 “(A) Personal financial statements.

1 “(B) Financial statements of applicants.

2 “(C) Customer lists.

3 “(D) Information of an applicant pertaining to litigation to which the
4 applicant is a party if the complaint has been filed, or if the complaint has
5 not been filed, if the applicant shows that such litigation is reasonably likely
6 to occur; this exemption does not apply to litigation which has been con-
7 cluded, and nothing in this subparagraph shall limit any right or opportunity
8 granted by discovery or deposition statutes to a party to litigation or po-
9 tential litigation.

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

11 “(F) Marketing strategy information that relates to applicant’s plan to
12 address specific markets and applicant’s strategy regarding specific compet-
13 itors.

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

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

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

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

30 “(19) All information supplied by a person under ORS 151.485 for the

1 purpose of requesting appointed counsel, and all information supplied to the
2 court from whatever source for the purpose of verifying the financial eligi-
3 bility of a person pursuant to ORS 151.485.

4 “(20) Workers’ compensation claim records of the Department of Con-
5 sumer and Business Services, except in accordance with rules adopted by the
6 Director of the Department of Consumer and Business Services, in any of the
7 following circumstances:

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

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

12 “(c) When the disclosure is made in such a manner that the disclosed in-
13 formation cannot be used to identify any worker who is the subject of a
14 claim.

15 “(d) When a worker or the worker’s representative requests review of the
16 worker’s claim record.

17 “(21) Sensitive business records or financial or commercial information
18 of the Oregon Health and Science University that is not customarily pro-
19 vided to business competitors.

20 “(22) Records of Oregon Health and Science University regarding candi-
21 dates for the position of president of the university.

22 “(23) The records of a library, including:

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

25 “(b) The name of a library patron together with the address or telephone
26 number of the patron; and

27 “(c) The electronic mail address of a patron.

28 “(24) The following records, communications and information obtained by
29 the Housing and Community Services Department in connection with the
30 department’s monitoring or administration of financial assistance or of

1 housing or other developments:

2 “(a) Personal and corporate financial statements and information, in-
3 cluding tax returns.

4 “(b) Credit reports.

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

9 “(d) Market studies and analyses.

10 “(e) Articles of incorporation, partnership agreements and operating
11 agreements.

12 “(f) Commitment letters.

13 “(g) Project pro forma statements.

14 “(h) Project cost certifications and cost data.

15 “(i) Audits.

16 “(j) Project tenant correspondence.

17 “(k) Personal information about a tenant.

18 “(L) Housing assistance payments.

19 “(25) Raster geographic information system (GIS) digital databases, pro-
20 vided by private forestland owners or their representatives, voluntarily and
21 in confidence to the State Forestry Department, that is not otherwise re-
22 quired by law to be submitted.

23 “(26) Sensitive business, commercial or financial information furnished to
24 or developed by a public body engaged in the business of providing electricity
25 or electricity services, if the information is directly related to a transaction
26 described in ORS 261.348, or if the information is directly related to a bid,
27 proposal or negotiations for the sale or purchase of electricity or electricity
28 services, and disclosure of the information would cause a competitive disad-
29 vantage for the public body or its retail electricity customers. This sub-
30 section does not apply to cost-of-service studies used in the development or

1 review of generally applicable rate schedules.

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

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

28 “(29) A record of the street and number of an employee’s address submit-
29 ted to a special district to obtain assistance in promoting an alternative to
30 single occupant motor vehicle transportation.

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

4 “(31) Documents, materials or other information submitted to the Director
5 of the Department of Consumer and Business Services in confidence by a
6 state, federal, foreign or international regulatory or law enforcement agency
7 or by the National Association of Insurance Commissioners, its affiliates or
8 subsidiaries under ORS 86A.095 to 86A.198, 697.005 to 697.095, 697.602 to
9 697.842, 705.137, 717.200 to 717.320, 717.900 or 717.905, ORS chapter 59, 723,
10 725 or 726, the Bank Act or the Insurance Code when:

11 “(a) The document, material or other information is received upon notice
12 or with an understanding that it is confidential or privileged under the laws
13 of the jurisdiction that is the source of the document, material or other in-
14 formation; and

15 “(b) The director has obligated the Department of Consumer and Business
16 Services not to disclose the document, material or other information.

17 “(32) A county elections security plan developed and filed under ORS
18 254.074.

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

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

22 “(A) Electricity;

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

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

25 “(D) Petroleum products;

26 “(E) Sewage; or

27 “(F) Water.

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

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

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

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

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

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

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

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

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

27 “(37) Except as authorized by ORS 408.425, records that certify or verify
28 an individual’s discharge or other separation from military service.

29 “(38) Records of or submitted to a domestic violence service or resource
30 center that relate to the name or personal information of an individual who

1 visits a center for service, including the date of service, the type of service
2 received, referrals or contact information or personal information of a family
3 member of the individual. As used in this subsection, ‘domestic violence
4 service or resource center’ means an entity, the primary purpose of which is
5 to assist persons affected by domestic or sexual violence by providing refer-
6 rals, resource information or other assistance specifically of benefit to do-
7 mestic or sexual violence victims.

8 “(39) Information reported to the Oregon Health Authority under ORS
9 431A.860, except as provided in ORS 431A.865 (3)(b), information disclosed
10 by the authority under ORS 431A.865 and any information related to disclo-
11 sures made by the authority under ORS 431A.865, including information
12 identifying the recipient of the information.

13 “(40)(a) Electronic mail addresses in the possession or custody of an
14 agency or subdivision of the executive department, as defined in ORS 174.112,
15 the legislative department, as defined in ORS 174.114, a local government or
16 local service district, as defined in ORS 174.116, or a special government
17 body, as defined in ORS 174.117.

18 “(b) This subsection does not apply to electronic mail addresses assigned
19 by a public body to public employees for use by the employees in the ordi-
20 nary course of their employment.

21 “(c) This subsection and ORS 244.040 do not prohibit the campaign office
22 of the current officeholder or current candidates who have filed to run for
23 that elective office from receiving upon request the electronic mail addresses
24 used by the current officeholder’s legislative office for newsletter distrib-
25 ution, except that a campaign office that receives electronic mail addresses
26 under this paragraph may not make a further disclosure of those electronic
27 mail addresses to any other person.

28 “(41) Residential addresses, residential telephone numbers, personal cel-
29 lular telephone numbers, personal electronic mail addresses, driver license
30 numbers, emergency contact information, Social Security numbers, dates of

1 birth and other telephone numbers of individuals currently or previously
2 certified or licensed by the Department of Public Safety Standards and
3 Training contained in the records maintained by the department.

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

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

24 “(44) Personally identifiable information about a child under the age of
25 16 years that is submitted to the State Fish and Wildlife Commission or an
26 agent of the commission to obtain a license, tag or permit under the wildlife
27 laws.

28 “(45) Proprietary information subject to a nondisclosure agreement that
29 is provided to the Oregon Broadband Office pursuant to section 4, chapter
30 60, Oregon Laws 2022.

1 “(46) Records of or submitted to the pregnancy resource hotline
2 described in section 3 of this 2023 Act, or of or submitted to an or-
3 ganization providing services through the Pregnancy Launch Program
4 described in section 2 of this 2023 Act, if the records relate to the name
5 or personal information of an individual who contacts the hotline or
6 receives services from the organization, including the date of contact
7 or service, the type of contact or service and any referrals arising out
8 of the contact or service, and any contact or personal information of
9 a family member of the individual or the name or personal informa-
10 tion of any owner, agent, employee or volunteer of an organization
11 providing services through the Pregnancy Launch Program.

12 “SECTION 7. Deadlines. (1) The Oregon Health Authority shall en-
13 ter into the contracts described in section 2 (3) of this 2023 Act no later
14 than 10 months following the effective date of this 2023 Act.

15 “(2) The reports described in section 3 (3) of this 2023 Act is first
16 due no later than the 10th day of the second full month following the
17 date the hotline described in section 3 of this 2023 Act receives its first
18 call, and the 10th day of every month thereafter.

19 “(3) The report described in section 5 (1) of this 2023 Act is first due
20 on the 10th day of the second full month following the effective date
21 of this 2023 Act, and the 10th day of every month thereafter until the
22 Pregnancy Launch Program described in section 2 of this 2023 Act and
23 the pregnancy resource hotline described in section 3 of this 2023 Act
24 are fully implemented.

25 “SECTION 8. Repeal. Section 7 of this 2023 Act is repealed on Jan-
26 uary 2, 2026.

27 “SECTION 9. Operative date. (1) Sections 1 to 5 and 7 of this 2023
28 Act and the amendments to ORS 192.355 by section 6 of this 2023 Act
29 become operative on January 1, 2024.

30 “(2) The Oregon Health Authority may take any action before the

1 **operative date specified in subsection (1) of this section that is neces-**
2 **sary to enable the authority to exercise, on or after the operative date**
3 **specified in subsection (1) of this section, all the duties, functions and**
4 **powers conferred on the authority by sections 1 to 5 and 7 of this 2023**
5 **Act and the amendments to ORS 192.355 by section 6 of this 2023 Act.**

6 **“SECTION 10. Captions. The section captions used in this 2023 Act**
7 **are provided only for the convenience of the reader and do not become**
8 **part of the statutory law of this state or express any legislative intent**
9 **in the enactment of this 2023 Act.**

10 **“SECTION 11. Effective date. This 2023 Act takes effect on the 91st**
11 **day after the date on which the 2023 regular session of the Eighty-**
12 **second Legislative Assembly adjourns sine die.”.**

13
