

HB 4149-6  
(LC 17)  
2/15/24 (LHF/ps)

Requested by HOUSE COMMITTEE ON BEHAVIORAL HEALTH AND HEALTH CARE

**PROPOSED AMENDMENTS TO  
HOUSE BILL 4149**

- 1 On page 1 of the printed bill, line 2, after “ORS” insert “192.355,”.
- 2 In line 5, delete “Sections 2 and 3 of this 2024 Act are” and insert “Sec-
- 3 tion 2 of this 2024 Act is”.
- 4 On page 2, delete lines 2 through 10.
- 5 In line 11, delete “5” and insert “3”.
- 6 In line 37, delete “entities that”.
- 7 In line 38, delete “accept risk, third-party payers of claims,”.
- 8 In line 39, delete “, an employer who is self-insured”.
- 9 On page 3, line 22, delete “6” and insert “4”.
- 10 In line 39, delete “7” and insert “5”.
- 11 On page 4, line 27, delete “8” and insert “6”.
- 12 On page 5, delete lines 24 through 28.
- 13 In line 29, delete the boldfaced material and insert “(j)”.
- 14 In line 40, delete the boldfaced material and insert “(k)”.
- 15 In line 41, delete the boldfaced material and insert “(L)”.
- 16 In line 45, delete the boldfaced material and insert “(2)(j)”.
- 17 On page 6, lines 3 through 6, delete the boldfaced material and restore the
- 18 bracketed material.
- 19 In lines 24 through 26, restore the bracketed material.
- 20 In lines 32 and 33, restore the bracketed material.
- 21 In line 43, delete “9” and insert “7”.

1 On page 7, line 38, delete “10” and insert “8”.

2 On page 8, delete line 18.

3 In line 30, delete “11” and insert “9”.

4 On page 9, line 5, delete “12” and insert “10”.

5 Delete lines 44 and 45 and delete page 10.

6 On page 11, delete lines 1 through 10 and insert:

7 **“SECTION 11.** ORS 743A.062 is amended to read:

8 “743A.062. (1) As used in this section[,]:

9 **“(a)** ‘Medical assistance program’ means the state program that provides  
10 medical assistance as defined in ORS 414.025.

11 **“(b)** ‘**340B drug**’ means a covered drug dispensed by a covered entity,  
12 as those terms are defined in 42 U.S.C. 256b, that is subject to the cap  
13 on amounts required to be paid in 42 U.S.C. 256b(a)(1).

14 **“(2)** [*An insurance policy or*] **A policy or certificate of health insurance**  
15 **or other** contract providing [*coverage for*] **for the reimbursement of the**  
16 **cost of** a prescription drug to a resident of this state may not:

17 **“(a)** Exclude coverage of the drug for a particular indication solely on the  
18 grounds that the indication has not been approved by the United States Food  
19 and Drug Administration if the Health Evidence Review Commission estab-  
20 lished under ORS 414.688 or the Pharmacy and Therapeutics Committee es-  
21 tablished under ORS 414.353 determines that the drug is recognized as  
22 effective for the treatment of that indication:

23 **“(A)** In publications that the commission or the committee determines to  
24 be equivalent to:

25 **“(i)** The American Hospital Formulary Service drug information;

26 **“(ii)** ‘Drug Facts and Comparisons’ (Lippincott-Raven Publishers);

27 **“(iii)** The United States Pharmacopoeia drug information; or

28 **“(iv)** Other publications that have been identified by the United States  
29 Secretary of Health and Human Services as authoritative;

30 **“(B)** In the majority of relevant peer-reviewed medical literature; or

1 “(C) By the United States Secretary of Health and Human Services; [or]

2 “(b) For an insured who is enrolled in the medical assistance program:

3 “(A) Except as provided in subsection (3) of this section, require a pre-  
4 scription for the drug to be filled or refilled at a mail order pharmacy; or

5 “(B) Require a prescription for the drug to be filled or refilled at a  
6 pharmacy that is not a local pharmacy enrolled in the medical assistance  
7 program[.];

8 **“(c) Discriminate in the reimbursement of a prescription for 340B**  
9 **drugs from other prescription drugs;**

10 **“(d) Assess a fee, chargeback, clawback or other adjustment for the**  
11 **dispensing of a 340B drug;**

12 **“(e) Exclude a pharmacy from a pharmacy network on the basis**  
13 **that the pharmacy dispenses a 340B drug;**

14 **“(f) Restrict the methods by which a 340B drug may be dispensed**  
15 **or delivered; or**

16 **“(g) Restrict the number of pharmacies within a pharmacy network**  
17 **that may dispense or deliver 340B drugs.**

18 “(3) Subsection (2)(b)(A) of this section does not prohibit an insurer from  
19 requiring a medical assistance recipient to fill or refill a prescription for a  
20 specialty drug at a mail order pharmacy that is a specialty pharmacy.

21 “(4) Required coverage of a prescription drug under this section shall in-  
22 clude coverage for medically necessary services associated with the admin-  
23 istration of that drug.

24 “(5) Nothing in this section requires coverage for any prescription drug  
25 if the United States Food and Drug Administration has determined use of the  
26 drug to be contraindicated.

27 “(6) Nothing in this section requires coverage for experimental drugs not  
28 approved for any indication by the United States Food and Drug Adminis-  
29 tration.

30 **“(7) Notwithstanding ORS 750.055 (1)(h), this section does not apply**

1 **to a health maintenance organization as defined in ORS 750.005.**

2 “[~~(7)~~] (8) This section is exempt from ORS 743A.001.”.

3 In line 11, delete “14” and insert “12”.

4 On page 12, delete lines 33 through 45 and delete page 13 and insert:

5 **“SECTION 13.** ORS 192.355 is amended to read:

6 “192.355. The following public records are exempt from disclosure under  
7 ORS 192.311 to 192.478:

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

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

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

28 “(3) Upon compliance with ORS 192.363, public body employee or volun-  
29 teer residential addresses, residential telephone numbers, personal cellular  
30 telephone numbers, personal electronic mail addresses, driver license num-

1 bers, employer-issued identification card numbers, emergency contact infor-  
2 mation, Social Security numbers, dates of birth and other telephone numbers  
3 contained in personnel records maintained by the public body that is the  
4 employer or the recipient of volunteer services. This exemption:

5 “(a) Does not apply to the addresses, dates of birth and telephone numbers  
6 of employees or volunteers who are elected officials, except that a judge or  
7 district attorney subject to election may seek to exempt the judge’s or dis-  
8 trict attorney’s address or telephone number, or both, under the terms of  
9 ORS 192.368;

10 “(b) Does not apply to employees or volunteers to the extent that the  
11 party seeking disclosure shows by clear and convincing evidence that the  
12 public interest requires disclosure in a particular instance pursuant to ORS  
13 192.363;

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

17 “(d) Does not relieve a public employer of any duty under ORS 243.650 to  
18 243.809.

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

24 “(5) Information or records of the Department of Corrections, including  
25 the State Board of Parole and Post-Prison Supervision, to the extent that  
26 disclosure would interfere with the rehabilitation of a person in custody of  
27 the department or substantially prejudice or prevent the carrying out of the  
28 functions of the department, if the public interest in confidentiality clearly  
29 outweighs the public interest in disclosure.

30 “(6) Records, reports and other information received or compiled by the

1 Director of the Department of Consumer and Business Services in the ad-  
2 ministration of ORS chapters 723 and 725 not otherwise required by law to  
3 be made public, to the extent that the interests of lending institutions, their  
4 officers, employees and customers in preserving the confidentiality of such  
5 information outweighs the public interest in disclosure.

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

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

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

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

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

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

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

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

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

27 “(10) Public records or information described in this section, furnished  
28 by the public body originally compiling, preparing or receiving them to any  
29 other public officer or public body in connection with performance of the  
30 duties of the recipient, if the considerations originally giving rise to the

1 confidential or exempt nature of the public records or information remain  
2 applicable.

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

5 “(12) Employee and retiree address, telephone number and other nonfi-  
6 nancial membership records and employee financial records maintained by  
7 the Public Employees Retirement System pursuant to ORS chapters 238 and  
8 238A or by another retirement system operated by a public body.

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

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

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

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

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

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

30 “(A) Due diligence materials that are proprietary to an investment fund,

1 to an asset ownership or to their respective investment vehicles.

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

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

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

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

11 “(F) Investment agreements and related documents.

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

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

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

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

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

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

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

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



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

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

5 “(15) The monthly reports prepared and submitted under ORS 293.761 and  
6 293.766 concerning the Public Employees Retirement Fund and the Industrial  
7 Accident Fund may be uniformly treated as exempt from disclosure for a  
8 period of up to 90 days after the end of the calendar quarter.

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

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

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  
23 applicant is a party if the complaint has been filed, or if the complaint has  
24 not been filed, if the applicant shows that such litigation is reasonably likely  
25 to occur; this exemption does not apply to litigation which has been con-  
26 cluded, and nothing in this subparagraph shall limit any right or opportunity  
27 granted by discovery or deposition statutes to a party to litigation or po-  
28 tential litigation.

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

30 “(F) Marketing strategy information that relates to applicant’s plan to

1 address specific markets and applicant's strategy regarding specific compet-  
2 itors.

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

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  
10 applicant is a party if the complaint has been filed, or if the complaint has  
11 not been filed, if the applicant shows that such litigation is reasonably likely  
12 to occur; this exemption does not apply to litigation which has been con-  
13 cluded, and nothing in this subparagraph shall limit any right or opportunity  
14 granted by discovery or deposition statutes to a party to litigation or po-  
15 tential litigation.

16 "(E) Production, sales and cost data.

17 "(F) Marketing strategy information that relates to applicant's plan to  
18 address specific markets and applicant's strategy regarding specific compet-  
19 itors.

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

1 request of any person, the following information:

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

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

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

6 “(19) All information supplied by a person under ORS 151.485 for the  
7 purpose of requesting appointed counsel, and all information supplied to the  
8 court from whatever source for the purpose of verifying the financial eligi-  
9 bility of a person pursuant to ORS 151.485.

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

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

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

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

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

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

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

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

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

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

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

4 “(24) The following records, communications and information obtained by  
5 the Housing and Community Services Department in connection with the  
6 department’s monitoring or administration of financial assistance or of  
7 housing or other developments:

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

10 “(b) Credit reports.

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

15 “(d) Market studies and analyses.

16 “(e) Articles of incorporation, partnership agreements and operating  
17 agreements.

18 “(f) Commitment letters.

19 “(g) Project pro forma statements.

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

21 “(i) Audits.

22 “(j) Project tenant correspondence.

23 “(k) Personal information about a tenant.

24 “(L) Housing assistance payments.

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

29 “(26) Sensitive business, commercial or financial information furnished to  
30 or developed by a public body engaged in the business of providing electricity

1 or electricity services, if the information is directly related to a transaction  
2 described in ORS 261.348, or if the information is directly related to a bid,  
3 proposal or negotiations for the sale or purchase of electricity or electricity  
4 services, and disclosure of the information would cause a competitive disad-  
5 vantage for the public body or its retail electricity customers. This sub-  
6 section does not apply to cost-of-service studies used in the development or  
7 review of generally applicable rate schedules.

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

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

1 to third party credit agencies on a regular basis in connection with the es-  
2 tablishment and management of customer accounts or in the event such ac-  
3 counts are delinquent.

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

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

10 “(31) Documents, materials or other information submitted to the Director  
11 of the Department of Consumer and Business Services in confidence by a  
12 state, federal, foreign or international regulatory or law enforcement agency  
13 or by the National Association of Insurance Commissioners, its affiliates or  
14 subsidiaries under ORS 86A.095 to 86A.198, 697.005 to 697.095, 697.602 to  
15 697.842, 705.137, 717.200 to 717.320, 717.900 or 717.905, ORS chapter 59, 723,  
16 725 or 726, the Bank Act or the Insurance Code when:

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

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

23 “(32) A county elections security plan developed and filed under ORS  
24 254.074.

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

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

28 “(A) Electricity;

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

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

1 “(D) Petroleum products;

2 “(E) Sewage; or

3 “(F) Water.

4 “(b) Telecommunication systems, including cellular, wireless or radio  
5 systems.

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

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

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

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

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

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

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

30 “(c) The exemption provided by this subsection may not serve as the basis

1 for opposition to the discovery documents in litigation pursuant to applicable  
2 rules of civil procedure.

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

5 “(38) Records of or submitted to a domestic violence service or resource  
6 center that relate to the name or personal information of an individual who  
7 visits a center for service, including the date of service, the type of service  
8 received, referrals or contact information or personal information of a family  
9 member of the individual. As used in this subsection, ‘domestic violence  
10 service or resource center’ means an entity, the primary purpose of which is  
11 to assist persons affected by domestic or sexual violence by providing refer-  
12 rals, resource information or other assistance specifically of benefit to do-  
13 mestic or sexual violence victims.

14 “(39) Information reported to the Oregon Health Authority under ORS  
15 431A.860, except as provided in ORS 431A.865 (3)(b), information disclosed  
16 by the authority under ORS 431A.865 and any information related to disclo-  
17 sures made by the authority under ORS 431A.865, including information  
18 identifying the recipient of the information.

19 “(40)(a) Electronic mail addresses in the possession or custody of an  
20 agency or subdivision of the executive department, as defined in ORS 174.112,  
21 the legislative department, as defined in ORS 174.114, a local government or  
22 local service district, as defined in ORS 174.116, or a special government  
23 body, as defined in ORS 174.117.

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

27 “(c) This subsection and ORS 244.040 do not prohibit the campaign office  
28 of the current officeholder or current candidates who have filed to run for  
29 that elective office from receiving upon request the electronic mail addresses  
30 used by the current officeholder’s legislative office for newsletter distrib-



1 ution, except that a campaign office that receives electronic mail addresses  
2 under this paragraph may not make a further disclosure of those electronic  
3 mail addresses to any other person.

4 “(41) Residential addresses, residential telephone numbers, personal cel-  
5 lular telephone numbers, personal electronic mail addresses, driver license  
6 numbers, emergency contact information, Social Security numbers, dates of  
7 birth and other telephone numbers of individuals currently or previously  
8 certified or licensed by the Department of Public Safety Standards and  
9 Training contained in the records maintained by the department.

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

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

30 “(44) Personally identifiable information about a child under the age of

1 16 years that is submitted to the State Fish and Wildlife Commission or an  
2 agent of the commission to obtain a license, tag or permit under the wildlife  
3 laws.

4 “(45) Proprietary information subject to a nondisclosure agreement that  
5 is provided to the Oregon Broadband Office pursuant to ORS 285A.176.

6 “(46) With respect to records held by the State Treasurer relating to un-  
7 claimed properties under ORS 98.302 to 98.436:

8 “(a) All materials or communications received during an examination  
9 under ORS 98.412 (2) and (3), except to the extent that the information in the  
10 materials or communications appears within a report under ORS 98.412 (4)  
11 or 98.352 and the information is not otherwise exempt under ORS 98.352 (4).

12 “(b) All materials or communications assembled or used by the state or  
13 its auditor during the preparation of a report under ORS 98.412 (4), including  
14 drafts, correspondence, working papers and other preparatory documents.

15 “(c) Information obtained during an examination under ORS 98.412 (2) and  
16 (3) concerning an unclaimed property holder’s potential liability in a state  
17 other than Oregon, even if that information is included in a report under  
18 ORS 98.412 (4) or 98.352.

19 “(d) Information in or supporting claims to unclaimed property under ORS  
20 98.392, except to the extent that the claimant consents to the information’s  
21 disclosure.

22 “(47) Any document, record or plan for protection relating to the exist-  
23 ence, nature, location or function of cybersecurity devices, programs or sys-  
24 tems designed to protect computer, information technology or  
25 communications systems against threat or attack, including but not limited  
26 to:

27 “(a) Records pertaining to devices, programs or systems that depend for  
28 their effectiveness in whole or part upon a lack of public knowledge; and

29 “(b) Contractual records or insurance records that set forth cybersecurity  
30 specifications, insurance application and coverage details.

1       “(48) Sensitive business, commercial or financial information, that  
2 is not customarily provided to business competitors, that is furnished  
3 to or developed by the Oregon Prescription Drug Program in con-  
4 nection with purchasing prescription drugs or contracting for the  
5 services of a pharmacy benefit manager or pharmacy networks pur-  
6 suant to ORS 414.312.

7       “SECTION 14. No later than January 1, 2025, the Department of  
8 Consumer and Business Services shall hire at least one additional  
9 full-time employee to assist in the regulation of pharmacy benefit  
10 managers under ORS 735.530 to 735.552.

11       “SECTION 15. The amendments to ORS 735.534, 735.536, 735.540 and  
12 735.542 by sections 6, 7, 9 and 10 of this 2024 Act apply to contracts  
13 between pharmacies and pharmacy benefit managers that are entered  
14 into, renewed, extended or automatically renewed on or after January  
15 1, 2025.

16       “SECTION 16. (1) Section 2 of this 2024 Act and the amendments to  
17 ORS 646A.694, 735.530, 735.532, 735.533, 735.534, 735.536, 735.537, 735.540,  
18 735.542 and 743A.062 by sections 3 to 12 of this 2024 Act become opera-  
19 tive on January 1, 2025.

20       “(2) The Department of Consumer and Business Services shall take  
21 all steps necessary before January 1, 2025, to carry out the amend-  
22 ments to ORS 735.532 and 735.533 by sections 4 and 5 of this 2024 Act  
23 on and after January 1, 2025.

24       “SECTION 17. Notwithstanding any other law limiting expenditures,  
25 the amount of \$\_\_\_\_\_ is established for the biennium ending June  
26 30, 2025, as the maximum limit for payment of expenses from fees,  
27 moneys or other revenues, including Miscellaneous Receipts, but ex-  
28 cluding lottery funds and federal funds, collected or received by the  
29 Department of Consumer and Business Services for the purpose of  
30 carrying out sections 2 and 14 of this 2024 Act and the amendments to

1 **ORS 646A.694, 735.530, 735.532, 735.533, 735.534, 735.536, 735.537, 735.540,**  
2 **735.542 and 743A.062 by sections 3 to 12 of this 2024 Act.**

3 **“SECTION 18. Section 14 of this 2024 Act is repealed on January 2,**  
4 **2025.**

5 **“SECTION 19. This 2024 Act being necessary for the immediate**  
6 **preservation of the public peace, health and safety, an emergency is**  
7 **declared to exist, and this 2024 Act takes effect on its passage.”.**

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