

# House Bill 2228

Sponsored by Representative SCHARF (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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act removes limits on canola in a certain valley. The Act says that an agency can create a system for registering canola. The Act requires a certain amount of space between fields of canola in the valley. (Flesch Readability Score: 62.6).

Repeals provisions limiting brassica production in the Willamette Valley Protected District.

Authorizes the State Department of Agriculture to establish a system for registering brassica seed crop.

Requires brassica producers to maintain isolation distances between fields of brassica seed crop in the Willamette Valley Protected District, with certain exceptions.

Declares an emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to brassica production; creating new provisions; amending ORS 192.355 and section 2,  
3 chapter 78, Oregon Laws 2024; and declaring an emergency.

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

## REPEAL OF EXISTING LIMITS ON BRASSICA PRODUCTION

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7  
8 **SECTION 1.** Section 2, chapter 78, Oregon Laws 2024, is amended to read:

9 **Sec. 2.** [*Section 1*] **Sections 1 and 2**, chapter 370, Oregon Laws 2023, [*is*] **are** repealed [*on Jan-*  
10 *uary 2, 2028*].

## BRASSICA PRODUCTION AFTER THE REPEAL

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12  
13  
14 **SECTION 2.** As used in sections 2 to 6 of this 2025 Act:

15 (1) **“Brassica seed crop”** means a seed crop of *Brassica carinata*, *Brassica napus*,  
16 *Brassica juncea*, *Brassica oleracea*, *Brassica rapa* or *Brassica nigra*.

17 (2) **“Brassica seed producer”** means a person, or a representative of a person, who grows  
18 a brassica seed crop within the Willamette Valley Protected District.

19 (3) **“Isolation distance”** means three miles between the edges of fields in which brassica  
20 seed crops are grown.

21 (4) **“Isolation distance exception agreement”** means a written and signed agreement be-  
22 tween brassica seed producers to plant brassica seed crops in fields that are closer together  
23 than the isolation distance, in which the brassica seed producers agree to accept the risk of  
24 not maintaining the isolation distance.

25 (5) **“Willamette Valley Protected District”** means the area encompassed within a rec-  
26 tangle formed by the point in Tillamook County that is the northwest corner of township 1  
27 north, range 6 west, the point in Multnomah County that is the most northeastern point of

**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 township 1 north, range 2 east within Oregon, the point in Lane County that is the southeast  
 2 corner of township 19 south, range 2 east and the point in Lane County that is the southwest  
 3 corner of township 19 south, range 6 west.

4 **SECTION 3.** (1) The State Department of Agriculture may establish by rule a system for  
 5 registering brassica seed crop.

6 (2) The system for registering brassica seed crop:

7 (a) May require a brassica seed producer who registers brassica seed crop to provide re-  
 8 cords of:

9 (A) The stock of the brassica seed crop; and

10 (B) Compliance with section 4 of this 2025 Act.

11 (b) May establish relevant deadlines.

12 (3) The department may contract for services to facilitate compliance with rules adopted  
 13 under this section and with section 6 of this 2025 Act, including for developing and main-  
 14 taining a field identification mapping service or a pinning map.

15 (4) Under ORS 192.355, records submitted to the department pursuant to section 4 of this  
 16 2025 Act or rules adopted under this section are exempt from disclosure as public records.

17 (5) Notwithstanding subsection (4) of this section, the department may disclose records  
 18 described in subsection (4) of this section in an aggregated manner that protects unique  
 19 identifying information.

20 (6) The department shall deposit all moneys received under sections 2 to 6 of this 2025  
 21 Act, including moneys received as fees or as civil penalties, in the Department of Agriculture  
 22 Service Fund established by ORS 561.144.

23 **SECTION 4.** (1) A brassica seed producer:

24 (a) Shall register with the State Department of Agriculture before growing a brassica  
 25 seed crop in the Willamette Valley Protected District.

26 (b) Shall comply with all applicable laws and rules.

27 (c) Shall maintain isolation distances between fields in the Willamette Valley Protected  
 28 District in which brassica seed crop are grown, unless the brassica seed producer:

29 (A) Owns or manages both fields; or

30 (B) Enters into an isolation distance exception agreement for the fields.

31 (d) May not grow a brassica seed crop in the Willamette Valley Protected District in a  
 32 manner that does not maintain an isolation distance, unless the brassica seed producer has  
 33 entered into an applicable isolation distance exception agreement.

34 (e) Shall keep records that demonstrate compliance with this section, and with rules  
 35 adopted pursuant to section 3 of this 2025 Act, on and after the effective date of this 2025  
 36 Act.

37 (2) If brassica seed crop may not be grown in fields in the Willamette Valley Protected  
 38 District due to isolation distances and the brassica seed producers that own or manage the  
 39 fields have both made good faith efforts to agree on an isolation distance exception agree-  
 40 ment but have not reached an agreement, in accordance with any applicable deadline estab-  
 41 lished by the department, the brassica seed producers:

42 (a) May ask the department to determine, using a neutral method based on chance, which  
 43 one of the brassica seed producers may grow brassica seed crops in the brassica seed  
 44 producer's field during the applicable calendar year.

45 (b) Shall pay any applicable fee related to the department's determination.

1       **(3) Notwithstanding subsection (2)(a) of this section, the department may not allow a**  
 2 **brassica seed producer described in subsection (2) of this section who has not made good**  
 3 **faith efforts to agree on an isolation distance exception agreement to grow a brassica seed**  
 4 **crop in the relevant field.**

5       **SECTION 5.** If a person violates section 4 of this 2025 Act, or a rule adopted under sec-  
 6 tion 3 of this 2025 Act, the State Department of Agriculture may:

7       **(1) If the violation was not grossly negligent, assess a civil penalty, not to exceed \$25,000,**  
 8 **against the person and prohibit the person from growing brassica seed crop in the**  
 9 **Willamette Valley Protected District for a period of up to three years.**

10       **(2) If the violation was grossly negligent, assess a civil penalty, not to exceed \$50,000,**  
 11 **against the person and prohibit the person from growing brassica seed crop in the**  
 12 **Willamette Valley Protected District for a period of up to five years.**

13       **SECTION 6.** Section 4 of this 2025 Act is amended to read:

14       **Sec. 4.** (1) A brassica seed producer:

15       (a) Shall register with the State Department of Agriculture before growing a brassica seed crop  
 16 in the Willamette Valley Protected District.

17       (b) Shall comply with all applicable laws and rules.

18       (c) Shall maintain isolation distances between fields in the Willamette Valley Protected District  
 19 in which brassica seed crop are grown, unless the brassica seed producer:

20       (A) Owns or manages both fields; or

21       (B) Enters into an isolation distance exception agreement for the fields.

22       (d) May not grow a brassica seed crop in the Willamette Valley Protected District in a manner  
 23 that does not maintain an isolation distance, unless the brassica seed producer has entered into an  
 24 applicable isolation distance exception agreement.

25       (e) Shall keep records that demonstrate compliance with this section, and with rules adopted  
 26 pursuant to section 3 of this 2025 Act, *[on and after the effective date of this 2025 Act]* **for the pre-**  
 27 **vious three calendar years.**

28       (2) If brassica seed crop may not be grown in fields in the Willamette Valley Protected District  
 29 due to isolation distances and the brassica seed producers that own or manage the fields have both  
 30 made good faith efforts to agree on an isolation distance exception agreement but have not reached  
 31 an agreement, in accordance with any applicable deadline established by the department, the  
 32 brassica seed producers:

33       (a) May ask the department to determine, using a neutral method based on chance, which one  
 34 of the brassica seed producers may grow brassica seed crops in the brassica seed producer's field  
 35 during the applicable calendar year.

36       (b) Shall pay any applicable fee related to the department's determination.

37       (3) Notwithstanding subsection (2)(a) of this section, the department may not allow a brassica  
 38 seed producer described in subsection (2) of this section who has not made good faith efforts to  
 39 agree on an isolation distance exception agreement to grow a brassica seed crop in the relevant  
 40 field.

41       **SECTION 7.** The amendments to section 4 of this 2025 Act by section 6 of this 2025 Act  
 42 become operative on January 2, 2029.

43       **SECTION 8.** ORS 192.355, as amended by section 13, chapter 87, Oregon Laws 2024, is amended  
 44 to read:

45       192.355. The following public records are exempt from disclosure under ORS 192.311 to 192.478:

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

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

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

16 (3) Upon compliance with ORS 192.363, public body employee or volunteer residential addresses,  
 17 residential telephone numbers, personal cellular telephone numbers, personal electronic mail ad-  
 18 dresses, driver license numbers, employer-issued identification card numbers, emergency contact in-  
 19 formation, Social Security numbers, dates of birth and other telephone numbers contained in records  
 20 maintained by the public body that is the employer or the recipient of volunteer services. This ex-  
 21 emption:

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

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

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

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

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

36 (5) Information or records of the Department of Corrections, including the State Board of Parole  
 37 and Post-Prison Supervision, to the extent that disclosure would interfere with the rehabilitation of  
 38 a person in custody of the department or substantially prejudice or prevent the carrying out of the  
 39 functions of the department, if the public interest in confidentiality clearly outweighs the public in-  
 40 terest in disclosure.

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

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

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

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

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

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

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

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

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

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

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

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

27 (12) Employee and retiree address, telephone number and other nonfinancial membership records  
28 and employee financial records maintained by the Public Employees Retirement System pursuant to  
29 ORS chapters 238 and 238A or by another retirement system operated by a public body.

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

34 (a) The exemption does not apply to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (17)(a) The following records, communications and information submitted to the Oregon Business  
37 Development Commission, the Oregon Business Development Department, the State Department of  
38 Agriculture, the Oregon Growth Board, the Port of Portland or other ports as defined in ORS  
39 777.005, or a county or city governing body and any board, department, commission, council or  
40 agency thereof, by applicants for investment funds, grants, loans, services or economic development  
41 moneys, support or assistance including, but not limited to, those described in ORS 285A.224:

42 (A) Personal financial statements.

43 (B) Financial statements of applicants.

44 (C) Customer lists.

45 (D) Information of an applicant pertaining to litigation to which the applicant is a party if the

1 complaint has been filed, or if the complaint has not been filed, if the applicant shows that such  
 2 litigation is reasonably likely to occur; this exemption does not apply to litigation which has been  
 3 concluded, and nothing in this subparagraph shall limit any right or opportunity granted by discov-  
 4 ery or deposition statutes to a party to litigation or potential litigation.

5 (E) Production, sales and cost data.

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

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

10 (A) Personal financial statements.

11 (B) Financial statements of applicants.

12 (C) Customer lists.

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

18 (E) Production, sales and cost data.

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

21 (18) Records, reports or returns submitted by private concerns or enterprises required by law  
 22 to be submitted to or inspected by a governmental body to allow it to determine the amount of any  
 23 transient lodging tax payable 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 concern or enterprise.  
 25 Nothing in this subsection shall limit the use which can be made of such information for regulatory  
 26 purposes or its admissibility in any enforcement proceedings. The public body shall notify the tax-  
 27 payer of the delinquency immediately by certified mail. However, in the event that the payment or  
 28 delivery of transient lodging taxes otherwise due to a public body is delinquent by over 60 days, the  
 29 public body shall disclose, upon the request of any person, the following information:

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

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

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

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

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

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

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

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

- 1 (d) When a worker or the worker's representative requests review of the worker's claim record.  
 2 (21) Sensitive business records or financial or commercial information of the Oregon Health and  
 3 Science University that is not customarily provided to business competitors.  
 4 (22) Records of Oregon Health and Science University regarding candidates for the position of  
 5 president of the university.  
 6 (23) The records of a library, including:  
 7 (a) Circulation records, showing use of specific library material by a named person;  
 8 (b) The name of a library patron together with the address or telephone number of the patron;  
 9 and  
 10 (c) The electronic mail address of a patron.  
 11 (24) The following records, communications and information obtained by the Housing and Com-  
 12 munity Services Department in connection with the department's monitoring or administration of  
 13 financial assistance or of housing or other developments:  
 14 (a) Personal and corporate financial statements and information, including tax returns.  
 15 (b) Credit reports.  
 16 (c) Project appraisals, excluding appraisals obtained in the course of transactions involving an  
 17 interest in real estate that is acquired, leased, rented, exchanged, transferred or otherwise disposed  
 18 of as part of the project, but only after the transactions have closed and are concluded.  
 19 (d) Market studies and analyses.  
 20 (e) Articles of incorporation, partnership agreements and operating agreements.  
 21 (f) Commitment letters.  
 22 (g) Project pro forma statements.  
 23 (h) Project cost certifications and cost data.  
 24 (i) Audits.  
 25 (j) Project tenant correspondence.  
 26 (k) Personal information about a tenant.  
 27 (L) Housing assistance payments.  
 28 (25) Raster geographic information system (GIS) digital databases, provided by private forestland  
 29 owners or their representatives, voluntarily and in confidence to the State Forestry Department,  
 30 that is not otherwise required by law to be submitted.  
 31 (26) Sensitive business, commercial or financial information furnished to or developed by a  
 32 public body engaged in the business of providing electricity or electricity services, if the information  
 33 is directly related to a transaction described in ORS 261.348, or if the information is directly related  
 34 to a bid, proposal or negotiations for the sale or purchase of electricity or electricity services, and  
 35 disclosure of the information would cause a competitive disadvantage for the public body or its re-  
 36 tail electricity customers. This subsection does not apply to cost-of-service studies used in the de-  
 37 velopment or review of generally applicable rate schedules.  
 38 (27) Sensitive business, commercial or financial information furnished to or developed by the  
 39 City of Klamath Falls, acting solely in connection with the ownership and operation of the Klamath  
 40 Cogeneration Project, if the information is directly related to a transaction described in ORS 225.085  
 41 and disclosure of the information would cause a competitive disadvantage for the Klamath  
 42 Cogeneration Project. This subsection does not apply to cost-of-service studies used in the develop-  
 43 ment or review of generally applicable rate schedules.  
 44 (28) Personally identifiable information about customers of a municipal electric utility or a  
 45 people's utility district or the names, dates of birth, driver license numbers, telephone numbers,

1 electronic mail addresses or Social Security numbers of customers who receive water, sewer or  
 2 storm drain services from a public body as defined in ORS 174.109. The utility or district may re-  
 3 lease personally identifiable information about a customer, and a public body providing water, sewer  
 4 or storm drain services may release the name, date of birth, driver license number, telephone num-  
 5 ber, electronic mail address or Social Security number of a customer, if the customer consents in  
 6 writing or electronically, if the disclosure is necessary for the utility, district or other public body  
 7 to render services to the customer, if the disclosure is required pursuant to a court order or if the  
 8 disclosure is otherwise required by federal or state law. The utility, district or other public body  
 9 may charge as appropriate for the costs of providing such information. The utility, district or other  
 10 public body may make customer records available to third party credit agencies on a regular basis  
 11 in connection with the establishment and management of customer accounts or in the event such  
 12 accounts are delinquent.

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

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

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

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

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

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

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

30 (a) Generation, storage or conveyance of:

31 (A) Electricity;

32 (B) Gas in liquefied or gaseous form;

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

34 (D) Petroleum products;

35 (E) Sewage; or

36 (F) Water.

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

38 (c) Data transmissions by whatever means provided.

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

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

42 (b) As used in this subsection, "employer account records" means all records maintained in any  
 43 form that are specifically related to the account of any employer insured, previously insured or un-  
 44 der consideration to be insured by the State Accident Insurance Fund Corporation and any infor-  
 45 mation obtained or developed by the corporation in connection with providing, offering to provide

1 or declining to provide insurance to a specific employer. "Employer account records" includes, but  
2 is not limited to, an employer's payroll records, premium payment history, payroll classifications,  
3 employee names and identification information, experience modification factors, loss experience and  
4 dividend payment history.

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

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

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

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

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

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

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

26 (40)(a) Electronic mail addresses in the possession or custody of an agency or subdivision of the  
27 executive department, as defined in ORS 174.112, the legislative department, as defined in ORS  
28 174.114, a local government or local service district, as defined in ORS 174.116, or a special gov-  
29 ernment body, as defined in ORS 174.117.

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

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

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

42 (42) Personally identifiable information and contact information of veterans as defined in ORS  
43 408.225 and of persons serving on active duty or as reserve members with the Armed Forces of the  
44 United States, National Guard or other reserve component that was obtained by the Department of  
45 Veterans' Affairs in the course of performing its duties and functions, including but not limited to

1 names, residential and employment addresses, dates of birth, driver license numbers, telephone  
2 numbers, electronic mail addresses, Social Security numbers, marital status, dependents, the char-  
3 acter of discharge from military service, military rating or rank, that the person is a veteran or has  
4 provided military service, information relating to an application for or receipt of federal or state  
5 benefits, information relating to the basis for receipt or denial of federal or state benefits and in-  
6 formation relating to a home loan or grant application, including but not limited to financial infor-  
7 mation provided in connection with the application.

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

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

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

18 (46) With respect to records held by the State Treasurer relating to unclaimed properties under  
19 ORS 98.302 to 98.436:

20 (a) All materials or communications received during an examination under ORS 98.412 (2) and  
21 (3), except to the extent that the information in the materials or communications appears within a  
22 report under ORS 98.412 (4) or 98.352 and the information is not otherwise exempt under ORS 98.352  
23 (4).

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

27 (c) Information obtained during an examination under ORS 98.412 (2) and (3) concerning an un-  
28 claimed property holder's potential liability in a state other than Oregon, even if that information  
29 is included in a report under ORS 98.412 (4) or 98.352.

30 (d) Information in or supporting claims to unclaimed property under ORS 98.392, except to the  
31 extent that the claimant consents to the information's disclosure.

32 (47) Any document, record or plan for protection relating to the existence, nature, location or  
33 function of cybersecurity devices, programs or systems designed to protect computer, information  
34 technology or communications systems against threat or attack, including but not limited to:

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

37 (b) Contractual records or insurance records that set forth cybersecurity specifications, insur-  
38 ance application and coverage details.

39 (48) Sensitive business, commercial or financial information, that is not customarily provided to  
40 business competitors, that is furnished to or developed by the Oregon Prescription Drug Program  
41 in connection with purchasing prescription drugs or contracting for the services of a pharmacy  
42 benefit manager or pharmacy networks pursuant to ORS 414.312.

43 **(49) Records submitted to the State Department of Agriculture pursuant to section 4 of**  
44 **this 2025 Act or rules adopted under section 3 of this 2025 Act.**

45

CAPTIONS

**SECTION 9. The unit captions used in this 2025 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2025 Act.**

EFFECTIVE DATE

**SECTION 10. This 2025 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect on its passage.**

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