

Submitter: David Wall  
On Behalf Of: Mr Oregon is NEUTRAL on SB 957  
Committee: Senate Committee On Judiciary  
Measure, Appointment or Topic: SB957

I am NEUTRAL on [SB 957].

From the TEXT of [SB 957], "... (b) "Noncompetition agreement" means a written agreement between a licensee and another person under which the licensee agrees that the licensee, either alone or as an employee, associate or affiliate of a third person, will not compete with the other person in providing products, processes or services that are similar to the other person's products, processes or services for a period of time or within a specified geographic area after termination of employment or termination of a contract under which the licensee supplied goods to or performed services for the other person..."

\*Review [ORS 653.295 ]: [ [https://oregon.public.law/statutes/ors\\_653.295](https://oregon.public.law/statutes/ors_653.295) ].

\*[SB 957] permits flexibility for clinicians within specific parameters.

\*[SB 957] could increase access to Medical care and decrease (depending on medical needs) trips to Emergency Rooms.

\*[SB 957] could increase Economic growth within a given geographical region and possibly reduce the cost of Medical care (depending upon medical needs).

\*\*\*The proviso binding clinicians to Non-compete contracts; who receive specialized training from a Healthcare business entity that participates in sensitive Medical Research and or has a business interest into a Healthcare entity creates legitimate controversies in "Non-compete contract" design, implementation and enforcement.

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\*However, the Federal Trade Commission (FTC) Section 5 has an "antitrust enforcement mission" which addresses "anticompetitive conduct" promulgating deleterious "unfair business tactics" influencing competition or the lack thereof. "[See FTC Section 5) (15 USC 45)]"

\*Is [(FTC Section 5) (15 USC 45)] in conflict with Oregon Law pertaining to "Non-compete contracts?"

\*Can Oregon Law pertaining to "Non-compete contracts" be revised to be in line with [(FTC Section 5) (15 USC 45)]?

\*FYI: See [SB 169 (2021)] below.

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[https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/SB0169/  
Enrolled](https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/SB0169/Enrolled) ]

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Mr. Oregon Concur.