

2022
OREGON
LEGISLATION
HIGHLIGHTS



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Many bills passed during the 2022 session have special effective dates. These dates are noted in the description of each bill.

If a special effective date is not proscribed in a bill, the bill takes effect on January 1, 2023.

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FORWARD

The annual *Oregon Legislation Highlights* offers a timely and authoritative resource to help lawyers catch up on the latest legislative developments.

This book highlights over 50 bills and other measures that were passed by both houses of the legislature, as well as UTCR changes made during 2022. This book does not describe all of the enacted legislation. *Unless otherwise noted, all legislation takes effect on January 1, 2022.*

The information in this book is organized into chapters by subject. If a bill has a special effective date, that date is noted at the end of the discussion of that bill. Please note that in some cases a bill may have more than one effective date. If in doubt about the effective date of a law, always check the enacting legislation. Each bill is identified – in the chapter outline and in the text – by its bill number and its 2022 Oregon Laws chapter number.

The legislature's website offers additional information that the reader of this book may find useful. Individual bills are hyperlinked to that bill's page in the Oregon Legislative Information System, which contains additional information on that bill. This includes measure summaries written by legislative staff, and in some cases supporting documentation submitted during committee hearings. See www.oregonlegislature.gov for more information.

We are grateful to all who were involved in preparing this book. We are especially appreciative of the efforts of our volunteer authors, who take time away from their practices to contribute to this publication and without whom this book would not be possible.

We would also like to thank the staff of the Oregon Office of Legislative Counsel, who have for years assisted with this publication as well as supporting the ongoing work of the Oregon State Bar.

2022 Oregon Legislation Highlights

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Criminal Law

I. CRIMINAL LAW

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| 7. SB 1543 | (Ch. 88) | Universal Representation |
| 8. SB 1584 | (Ch. 105) | Wrongful Conviction |



I. CRIMINAL LAW

1. [HB 4008](#) (Ch. 40) Policing

HB 4008 makes several changes to public safety statutes, including authorizing the Commission on Statewide Law Enforcement Standards of Conduct and Discipline to hire an executive director and support staff.

HB 4008 also significantly rewrites ORS 181A.708, which was amended in 2020 and 2021 to limit the use of tear gas and chemical incapacitants in crowd control. The bill creates new definitions of “crowd management”, “handheld chemical incapacitant” and “tear gas”. The bill then specifies a number of restrictions on when and how law enforcement may use tear gas and kinetic impact projectiles for crowd management.

2. [HB 4050](#) (Ch. 46) Legal Services Pilot Project

HB 4050 requires the Oregon Department of Corrections to work with the Criminal Justice Commission to establish a pilot program to provide legal services to adults in custody at the Coffee Creek Correctional Facility.

The bill provides that these services would focus on assisting inmates with reentering and reintegrating into local communities, reducing vulnerability to domestic violence and assisting individuals with obtaining employment, housing and other benefits.

HB 4050 took effect on March 23, 2022 and sunsets on December 31, 2024.

3. [HB 4075](#) (Ch. 57) Restitution

HB 4075 modifies the process the state must use to present evidence to determine restitution after a criminal conviction that resulted in economic damages.

Under the bill, the district attorney must either present evidence at sentencing, or file a motion within 90 days of sentencing requesting that the judgment be amended or a supplemental judgement be entered. The DA is required to provide the defendant with any supplemental documentation supporting the motion at least 10 days prior to filing the motion. Any objection to the motion must be made within 15 days of the filing of the motion, and must contain a description of the nature of the objection. The bill also specifies that in a restitution proceeding, damages are presumed reasonable if the damages are documented in the form of a bill, record, estimate or invoice from a business, health care provider, or public body.

CRIMINAL LAW

Separately, HB 4075 clarifies the order in which various items within a judgment are satisfied. Under the bill, compulsory fines are the highest priority to be satisfied, with restitution being the second tier down.

HB 4075 will take effect on January 1, 2023.

4. [HB 4105](#) (Ch. 64) Traffic Control Agents

HB 4105 permits duly authorized traffic control agents to review photographs from red light cameras and photo radar cameras, and to sign and authorize citations. Prior to the bill, a police office was required to sign the citation. The bill creates a definition of “duly authorized traffic control agent” and adds the definition to ORS 810.436, ORS 810.437 and ORS 810.444.

The bill also amends ORS 153.083 to permit the duly authorized traffic control agent to appear in trials on violations and present evidence reviewed by the agent as the basis for the citation. The new section is similar to existing language permitting police officers to appear on behalf of the state in violation trials. However, the new section does not permit traffic control agents to examine or cross-examine witnesses nor make arguments to the court.

5. [HB 4120](#) (Ch. 68) Waiver of Fines and Fees; Remote Appearances

HB 4120 allows courts to waive or reduce the statutory minimum fines for violations if the court finds that requiring the fine is inconsistent with justice in the case. The bill allows the court to consider the defendant’s financial situation and may allow the defendant to pay a fee in installments.

The bill makes several other changes to either fee amounts, or the process of seeking waiver of fees, including allowing adults in custody to seek a fee waiver based upon a trust account statement. Additionally the bill limits fees in protective proceedings and in small estate probate matters.

Finally, the bill grants the Chief Justice additional authority to direct or permit that designated court proceedings be conducted by telephone or other two-way electronic communication.

The bill took effect upon passage, but most operative portions of the bill do not go into force until January 1, 2023.

6. [SB 1510](#) (Ch. 78) Right to refuse consent; General conditions of probation

SB 1510 make several changes to Oregon criminal law.

The bill requires that before a police officer can request consent to perform a search of a stopped person or vehicle, the officer must first inform the person of their right to refuse consent. The bill also instructs that an officer who obtains consent, shall ensure that there is a written, video, or audio record that the person gave voluntary and informed consent. The bill does not apply to implied consent searches described ORS Chapter 813. The bill adds substantially the same language to ORS 131.615 and to ORS 810.410.

Additionally, the bill prohibits a police officer from initiating a traffic stop for violation of several traffic violation statutes related to vehicle lighting.

The bill modifies the general conditions of probations stated in ORS 137.540 by eliminating the standard requirement to not use or possess controlled substances except when authorized by prescription. Additionally the bill eliminates the standard requirement to find and maintain gainful employment or approved schooling. The bill eliminates the prohibition on changing jobs without approval of the Department of Corrections, instead requiring the individual to notify the parole or probation officer. The bill permits that these eliminated provisions could be imposed by a judge as special conditions of probation if appropriate.

The bill also makes several changes to statutes related to training requirements for parole and probation officers, including requiring training in trauma-informed care, culturally specific services, and de-escalation techniques. Finally, the bill extends the sunset on the Justice Reinvestment Program, and appropriates money to the program for a variety of designated uses.

7. [SB 1543](#) (Ch. 88) Universal Representation

SB 1543 creates a Universal Representation Program in Oregon which will provide immigration related legal services to financially eligible individuals. Under the bill, funding is allocated to direct providers through a grant process, and clients may not be charged for services received. Funding is also set aside to create a statewide navigation system to connect clients to service providers. In total the bill allocates \$15 million toward the program.

SB 1543 took effect on March 23, 2022.

8. [SB 1584](#) (Ch. 105) Wrongful Conviction

SB 1584 creates a process for a person to submit a petition for compensation for wrongful conviction against the State of Oregon. In order to be eligible for compensation under the bill:

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- The person must have been convicted of one or more felonies, and imprisoned as a result;
- The conviction must have been reversed or vacated the charges dismissed, OR upon retrial the person was found not guilty, OR the person received a gubernatorial pardon;
- The person did not commit the crime for which they were convicted, and was not an accessory or accomplice to the crime; and
- There person did not commit perjury or falsify evidence leading to their own conviction. A confession or a guilty plea does not constitute perjury or falsifying evidence for this purpose.

All of the above elements must be demonstrated by a preponderance of the evidence. If the court finds that the elements are satisfied, the bill requires the court to enter a judgment in the amount of \$65,000 for every year of imprisonment and \$25,000 for every year of parole or post-prison supervision as well as for each year the person was required to register as a sex offender.

The bill specifies a variety of procedural and notice requirements related to the claim with which a person seeking to file a claim should be familiar. The bill provides a functional two year statute of limitations on the filing of a claim, which runs from the date of the dismissal of the charges, the finding of not guilty, or the receipt of a gubernatorial pardon.

SB 1584 took effect on March 23, 2022. Notwithstanding the above two year statute of limitations provided in the bill, the bill provides that an otherwise eligible person released from custody before the bill took effect, may file a petition within two years of the effective date of the bill.

Employment and Workers Compensation

I. EMPLOYMENT AND WORKERS COMPENSATION

1. HB 4059 (Ch. 51) Labor Standards for Utilities and Electric Providers
2. HB 4086 (Ch. 6) Workers Compensation
3. HB 4138 (Ch. 73) Temporary Disability Payments
4. SB 1513 (Ch. 22) Mandatory Overtime
5. SB 1514 (Ch. 23) Pay Equity
6. SB 1515 (Ch. 24) Definition of "Benefit Year"
7. SB 1586 (Ch. 107) Unlawful Employment Practices

Stephen Scott: 2013 Willamette University School of Law. Oregon State Bar member since 2013.

EMPLOYMENT AND WORKERS COMPENSATION LAW

II. EMPLOYMENT AND WORKERS COMPENSATION

1. [HB 4059](#) (Ch. 51) Labor Standards for Utilities and Electric Providers

HB 4086 makes several changes related to HB 2021 passed during the 2021 session. That bill provided a number of targets for utilities and electricity providers to provide carbon free electricity by 2040. The bill also created a number of labor standards related to large scale utility projects.

Among other changes, HB 4059 redefines “large-scale” projects as “covered projects”. The bill also clarifies that the good faith exception provided in HB 2021 applies only to the existing requirement that at least 15% of the work done on covered projects be performed by apprentices. The bill also requires payment of the prevailing wage rate on covered projects.

HB 4059 took effect on March 23, 2022.

2. [HB 4086](#) (Ch. 6) Workers Compensation

HB 4086 makes several changes to Workers Compensation law in Oregon. Significantly, the bill provides that inquiring about workers compensation benefits is a protected activity. The bill also specifies that it may be an unlawful employment practice if a person acting on behalf of an employer discriminates against a worker for engaging in a protected activity. Prior law only prohibited for the employer to do so. The bill also makes several changes to the definitions of dependents throughout the statute.

HB 4086 takes effect on January 1, 2023.

3. [HB 4138](#) (Ch. 73) Temporary Disability Payments

HB 4138 makes several changes to workers compensation law related to temporary disability payments. The bill makes changes to the time loss statutes and establishes additional limits on the recovery of overpayments made to an injured worker by an insurer. The bill also requires insurers and self-insured employers to provide written notice to workers before suspending time loss payments.

The bill expands the timeframe for a medical provider to retroactively authorize time loss from 14 to 45 days and establishes conditions under which a worker, who has received notice that time loss payments will cease, can work with their provider to authorize time loss back to the date that the worker's eligibility ended.

HB 4138 takes effect on January 1, 2023.

4. [SB 1513](#) (Ch. 22) Mandatory Overtime

Senate Bill 1513 prohibits an employer from requiring an employee who works in a bakery or tortilla manufacturing facility from working a mandatory overtime shift, unless the employer has provided the employee with at least 5 days advance notice of the shift.

The bill prohibits the employer from taking any adverse activity against an employee who refuses such a shift and provides that violation is an unlawful practice subject to enforcement by the Bureau of Labor and Industries.

SB 1513 takes effect on January 1, 2023.

5. [SB 1514](#) (Ch. 23) Pay Equity

HB 2818, which was passed in the 2021 session, created a temporarily removed hiring and retention bonuses from the definition of “compensation” for the purpose of Oregon’s pay equity law. That bill applied only to complaints filed with the Bureau of Labor and Industries (BOLI) between May 25, 2021 and March 1, 2022.

SB 1514 makes an identical change to the law, but applies the change to BOLI complaints filed during the period that begins on March 1, 2022 and 180 days after the expiration of the state of emergency declared by the Governor on March 8, 2020.

SB 1514 took effect on March 7, 2022. The COVID state of emergency was ended by executive order effective April 1, 2022. The changes made by SB 1514 will therefore remain in force until September 28, 2022.

6. [SB 1515](#) (Ch. 24) Definition of “Benefit Year”

In 2019, the Legislature passed HB 2005, which established the Paid Family and Medical Leave Insurance program. Under that bill, employees are entitled to 12 weeks of benefits per “benefit year”, and the Oregon Employment Department was required to both come up with a definition of “benefit year” and determine alternative definitions to give different employers options.

SB 1515 amends the original rules to require a single definition of “benefit year” that would apply to all employers and employees. Under the bill, a “benefit year” is defined as “a period of 52 consecutive weeks beginning on the Sunday immediately preceding the date on which family leave, medical leave or safe leave commences.”

SB 1515 takes effect on January 1, 2023.

EMPLOYMENT AND WORKERS COMPENSATION LAW

7. [SB 1586](#) (Ch. 107) Unlawful Employment Practices

SB 1586 is an extension of the Oregon Workplace Fairness Act passed in 2019. Under that law, employers were prohibited from requiring nondisclosure agreements for most purposes, if the NDAs prohibited the employee from discussing employment discrimination or sexual assault. SB 1586 extend the previous law to cover former employees of both private and public employers. It also expands certain restrictions. It prohibits employers from requesting confidentiality about the amount or facts of any settlement. It also makes it a violation of the act for an employer to make an offer of settlement conditional upon a request by the employee to include any restricted terms. Finally, the bill requires employers provide employees with (That seek to enter into an agreement) a copy of the Oregon Workplace Fairness Compliant anti-discrimination policy. BOLI has a model policy on their website.

SB 1586 takes effect on January 1, 2023.

Environmental Law

I. ENVIRONMENTAL LAW

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| 2. HB 4077 | (Ch. 58) | Environmental Justice |
| 3. HB 4139 | (Ch. 74) | Environmental Product Declarations |
| 4. SB 1501 | (Ch. 33) | Private Forest Accord |
| 5. SB 1502 | (Ch. 34) | Small Forestland Owner Tax Credit/Private Forest Accord |
| 6. SB 1518 | (Ch. 35) | Reach Codes/Task Force on Resilient Buildings |
| 7. SB 1546 | (Ch. 89) | Elliot State Forest |
| 8. SB 1567 | (Ch. 99) | Seismic Vulnerability Assessments |

Michael Eliason: Willamette University School of Law. Oregon State Bar member since 2008.

ENVIRONMENTAL LAW

I. ENVIRONMENTAL LAW

1. [HB 4055](#) (Ch. 31) Forest Products Harvest Tax

HB 4055 reauthorizes the Forest Products Harvest Tax, which failed to pass during the 2021 session, with a new component that will fund habitat improvement projects as part of the Habitat Conservation Plan (HCP), an end result of the Private Forest Accord (HB 1501).

Under the bill, landowners will pay more via the harvest tax, starting at \$2.5 million per year until the federal services approve the HCP, at which time the amount will increase to \$5 million annually. As part of the Private Forest Accord, Governor Brown committed the state to a \$10 million contribution for the life of the HCP. All told, the combined contribution to mitigation projects could reach as high as \$750 million over the next 50 years.

HB 4055 took effect on June 3, 2022.

2. [HB 4077](#) (Ch. 58) Environmental Justice

House Bill 4077 transforms the Environmental Justice Task Force into the Environmental Justice Council and directs the Council to create a mapping tool to better identify environmental justice communities. The bill directs agencies to use the tool in decision making and program development, and requires an inclusive community engagement process to receive input from communities around the state in developing the mapping tool.

The bill increases the membership of the Council from 12 to 13 and states that 8 of the members must have experience in environmental justice while possessing knowledge in other areas such as climate resilience, disability rights, agricultural operations and food systems, water planning, and forest management, among other areas. The bill provides definitions of “environmental justice” and “environmental justice communities”.

HB 4077 took effect on June 3, 2022.

3. [HB 4139](#) (Ch. 74) Environmental Product Declarations

Specific to Oregon Department of Transportation (ODOT) projects, HB 4139 creates an environmental product declaration (EPD) program for greenhouse gas reduction that assesses emissions attributable to materials used in construction and maintenance of the state's transportation system, conducts life cycle assessments of certain construction activities, and devises strategies for improving pavement and bridge conditions.

The bill requires ODOT to provide grants to bidders that require financial assistance to prepare EPDs. The bill also establishes a broad stakeholder advisory committee and allows for different assessments in different parts of the state.

HB 4139 took effect on June 3, 2022.

4. [SB 1501](#) (Ch. 33) Private Forest Accord

SB 1501 was the enabling legislation for the Private Forest Accord (PFA) and accompanying 196-page Private Forest Accord Report, the product of an historic agreement between the forest products industry and conservation groups. The bill directs the Oregon Department of Forestry to engage in comprehensive, expedited rulemaking to update the Oregon Forest Practices Act to reflect the PFA agreement.

The PFA was developed via an MOU signed between the two sides in early 2020. The first legislation resulting from the MOU was SB 1602, which passed during the first special session in 2021 and addressed the aerial application of pesticides by increasing buffers around schools, residences, and drinking water intakes as well as creating a new notification system for neighboring landowners. SB 1501 addresses a whole series of other challenging forestry issues, including new fish and non-fish bearing stream buffers, forest roads, steep slope logging, and how to address changes that may be needed in the future via an adaptive management program.

SB 1501 took effect on March 17, 2022.

5. [SB 1502](#) (Ch. 34) Small Forestland Owner Tax Credit/Private Forest Accord

SB 1502 is a companion bill to SB 1501 that creates a new tax credit for small forestland owners to obtain value for opting-in to the newly increased standard harvest buffers that apply to larger industrial landowners. The amount of the credit is based on the stumpage value of timber within forest conservation areas or the area between the new small forestland owner minimum harvest buffers and the new standard buffers.

SB 1502 took effect on June 3, 2022.

6. [SB 1518](#) (Ch. 35) Reach Codes/Task Force on Resilient Buildings

The original version of this bill would have allowed local jurisdictions to adopt the state's "Reach" code, an optional energy construction standard designed to reduce greenhouse gas emissions. Throughout the legislative process, concerns were expressed about allowing cities

ENVIRONMENTAL LAW

and counties to mandate a standard that is currently optional, potentially creating a patchwork of codes throughout the state.

As a result, the bill was amended late in the session to create the Resilient Efficient Buildings Task Force (“REbuilding Task Force”). The charge of the Task Force is to identify and evaluate policies related to building codes and building decarbonization for new and existing buildings that would enable state to meet greenhouse gas emissions reduction goals (ORS 468A.205), while maximizing certain additional benefits.

SB 1518 took effect on March 17, 2022.

7. [SB 1546](#) (Ch. 89) Elliot State Forest

SB 1546 creates the Elliott Research Forest and decouples the Elliott from the Common School Fund. It develops a new state authority to manage the forest, establishes a board of directors to advise and approve activities of the forest, and creates standards for the hiring of an Executive Director. It will also allow for active management on a small percentage of the forest.

This bill is the result of several years of negotiations and comes on the heels of the State Land Board deciding, after nearly selling the forest in 2017, to keep the forest in public ownership while providing the necessary funding to keep the Common School Fund whole.

SB 1546 took effect on June 3, 2022.

8. [SB 1567](#) (Ch. 99) Seismic Vulnerability Assessments

SB 1567 requires bulk fuel terminals to conduct seismic vulnerability assessments from which the Department of Environmental Quality (DEQ) will develop risk reduction plans and mitigation requirements. As amended, this bill will apply only to facilities in Columbia, Multnomah and Lane counties, which must submit assessments by June 1, 2024.

The bill requires DEQ to review seismic assessments and to require property owners to submit updates every three years under certain circumstances. It requires DEQ to report back to the legislature no later than November 1, 2024 with recommendations for additional legislation based on information received from the seismic assessments, including applying the requirements to additional regions of the state.

SB 1567 took effect on June 3, 2022.

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Health Law

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 - 2. HB 4035 (Ch. 29) Establishes Joint Task Force on Bridge Health Care Program
 - 3. HB 4095 (Ch. 61) Establishes OHA Veterans Dental Program
 - 4. SB 1529 (Ch. 37) Voluntary Emergency Providers and Primary Care Visit Insurance Coverage
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- II. BEHAVIORAL HEALTH
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2. HB 4096 (Ch. 62) Practitioners licensed in other states but not Oregon
3. HB 4106 (Ch. 65) Surgical technology
4. SB 1549 (Ch. 92) Temporary staffing agency authorization
5. SB 1556 (Ch. 95) Direct care providers of home or community-based services

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I. ACCESS TO CARE

1. [HB 4034](#) (Ch. 45) Pseudoephedrine, Reproductive Health and Education programs, COVID-19 data & telemedicine

HB 4034 updates and clarifies a number of laws, including clarifying permitted dispensing of pseudoephedrine, expressly allowing implementation of the Reproductive Health Equity Act, extending the sunset related to reporting of certain data related to COVID-19 and clarifying standards for delivery of telemedicine and telepharmacy.

In 2021, the Oregon Legislature passed HB 2468 which allows a pharmacist or pharmacy technician to dispense drugs containing pseudoephedrine without a prescription to persons 18 years of age or older. HB 4034 permits a pharmacy intern to transfer a drug containing pseudoephedrine or ephedrine to persons 18 years of age or older without a prescription. HB 4034 also allows pharmacists, pharmacy technicians and interns to access a pharmacy's electronic database remotely and prohibits the State Board of Pharmacy from establishing standards for telepharmacy that are stricter than standards for in-person delivery of pharmacy services. It defines final verification and permits a pharmacy technician to perform final verification under the supervision of the pharmacist.

In 2017 the Oregon Legislature passed HB 3391 (the Reproductive Health Equity Act) that expanded coverage for eligible Oregonians to access free reproductive health services. HB 4034 permits the Oregon Health Authority (OHA), subject to available funds, to implement the reproductive health services and education programs and provide funding for reproductive health services and education.

HB 4034 extends the sunset on provisions regulating sharing of COVID-19 data to one year after the date on which the state of emergency declared by Governor on March 8, 2020 for the COVID-19 pandemic and any extension of state emergency is no longer in effect.

HB 4034 defines telemedicine and allows physicians and physicians assistants to use telemedicine to establish a patient-provider relationship, diagnose or treat medical conditions, and prescribe prescription drugs to patients physically located the state. Clarifies that the physician or physician assistant is not required to be physically located in this state when providing health care services via telemedicine.

HB 4034 appropriates general fund dollars for OHA to use towards grants for up to 10 school districts for school-based health centers and 4 grants to school districts or education service districts for mobile school-linked health centers.

HB 4034 took effect on March 23, 2022.

HEALTH LAW

2. [HB 4035](#) (Ch. 29) Establishes Joint Task Force on Bridge Health Care Program

This bill creates a framework for how Oregon will manage Medicaid enrollees who will be redetermined out of the program once the federal Public Health Emergency (PHE) comes to an end. This legislation directs the Oregon Health Authority (OHA), Department of Human Services (DHS) and the Department of Consumer and Business Services (DCBS) to implement a comprehensive outreach program, develop communications and provide navigation services. The bill establishes a joint legislative task force to develop a federally funded “bridge plan” or Basic Health Plan that covers individuals at the 138%-200% federal poverty level who lose their Medicaid eligibility during the redetermination process. The task force shall develop a proposal for a bridge program to provide affordable health insurance coverage and improve the continuity of coverage for individuals who regularly enroll and disenroll (or “churn”) into the Oregon Health Plan. There are several requirements the task force must evaluate, including rising premium impacts to the individual Marketplace.

This bill requires the state agencies to submit a report to the legislature describing the redetermination process, operational timelines for processing medical redeterminations, risks to that process and how OHA will use state funding to complete redeterminations once the federal PHE ends. The state agencies are also required to convene a community and partner work group to advise on development of outreach and enrollment assistance for Medicaid enrollees who are being redetermined into the commercial market.

OHA must submit a request to CMS for any required federal approval to secure federal financial participation in costs of administering a Basic Health Plan. The agency is authorized to administer the program upon CMS approval.

HB 4035 took effect on March 17, 2022.

3. [HB 4095](#) (Ch. 61) Establishes OHA Veterans Dental Program

HB 4095 establishes the Veterans Dental Program within the Oregon Health Authority (OHA) to provide oral health care to eligible veterans residing in Oregon beginning January 1, 2023. The program will be administered in collaboration with the Department of Consumer and Business Services (DCBS). OHA will contract with dental care organizations throughout the state and with individual oral health care providers in areas of the state that are not served by dental care organizations. Enrollees of the program will receive oral care determined by OHA without copayments, deductibles or cost-sharing. An enrollee must be a veteran, a resident of Oregon, be ineligible for Medicaid and have income below 400% of the federal poverty guidelines.

HB 4095 took effect on June 3, 2022.

4. [SB 1529](#) (Ch. 37) Voluntary Emergency Providers and Primary Care Visit Insurance Coverage

This legislation allows the state Public Health Director to deploy State Emergency Volunteer Health Care Providers upon approval of the Governor. The bill also requires the Oregon Health Authority to provide workers' compensation coverage for the volunteer emergency health care providers who are injured in the course and scope of performing emergency health care services.

Separately, this legislation requires commercial health benefit plans to cover and reimburse the cost of at least three mental or physical primary care visits annually in addition to one annual preventive primary care visit covered without cost-sharing. Insurers must offer one plan in each metal tier covering the three additional primary care visits with no cost sharing. There are limits on prior authorization for health benefit plans. Insurers and coordinated care organizations are required to assign enrollees to a primary care provider, if one is not selected by the 90th day of their plan year. The Department of Consumer and Business Services will conduct rulemaking to determine the methodology for assignment and attribution of enrollees. These coverage requirements go into effect for the 2024 benefit year.

SB 1529 took effect on March 17, 2022.

5. [SB 1538](#) (Ch. 87) COFA Dental Coverage

SB 1538 creates a program within the Oregon Health Authority (OHA) and appropriates general fund dollars to provide affordable dental coverage and care to citizens of Pacific Islands in Compact of Free Association (COFA) residing in Oregon.

SB 1538 takes effect January 1, 2023.

II. BEHAVIORAL HEALTH

1. [HB 4004](#) (Ch. 39) OHA Grant Program

HB 4004 amends ORS 420A.010 and directs the OHA to administer a grant program permitting behavioral health providers to use grant funds for services reimbursed with state or federal funds. Permitted uses include staff wage increases, retentions bonuses, and the hiring of new staff. The law authorizes OHA rulemaking to implement the program to include provider reporting requirements on the use of the funds. It also directs OHA to contract with adult and child and residential behavioral health facilities to employ nursing professionals to mitigate workplace shortages due to the COVID-19 pandemic. The law also permits OHA to request federal funding if necessary and authorizes the Oregon Youth Authority to grant existing funds allocated to the OYA to local municipalities, nonprofits, and individuals to ensure the adequate support of treatment needs of committed youths. The law repeals the OHA workforce grant program on January 2, 2023.

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HB 4004 took effect on March 23, 2022.

2. [HB 4071](#) (Ch. 17) **Financial Incentive Eligibility**

HB 4071 expands the number of professional behavioral health providers who may be eligible for financial incentives from OHA to improve cultural sensitivity within the workforce. This is accomplished by replacing the requirement that providers be tribal members, or people of color, or residents in rural areas, with a requirement that providers increase access to culturally specific, community and peer-driven services. The law also clarifies the providers' eligibility for grants from OHA for supervising others gaining the clinical experience necessary to become licensed.

HB 4071 took effect on March 7, 2022.

III. COMMUNITY HEALTH

1. [HB 4113](#) (Ch. 8) **Occupational Diseases for nonvolunteer firefighters**

HB 4113 adds bladder and female reproductive cancers as occupational diseases that the Oregon Workers' Compensation system will presume to result from employment as a nonvolunteer firefighter for more than five years. It also requires the Workers' Compensation Management-Labor Advisory Committee to review and consider NIOSH reports related to cancers presumed compensable for nonvolunteer firefighters.

HB 4113 takes effect on January 1, 2023.

2. [HB 4128](#) (Ch. 9) **Reporting on Oregon's framework for zoonotic diseases**

Zoonotic diseases are diseases that are transmitted from animals to humans. HB 4128 directs the Legislative Policy and Research Office to consult with the Oregon Health Authority, Oregon Department of Agriculture, and Oregon Department of Fish and Wildlife and prepare a report concerning Oregon's current framework for monitoring, preventing, and responding to zoonotic diseases. HB 4128 also requires OHA to notify the Fish and Wildlife Commission if a wildlife species poses a significant risk to public health, and requires the Commission to update the list of prohibited species—species that may not be imported, possessed, sold, purchased, exchanged, or transported in Oregon—as necessary to protect the public from zoonotic disease transmission. The Commission is also allowed to institute a suit for damages of \$2,500 for a violation of a rule related to prohibited species.

HB 4128 took effect on March 2, 2022.

3. [HB 4150](#) (Ch. 10) Statewide community information exchanges

A community information exchange (CIE) is a network of public or private health care providers, human or social service providers, and community-based organizations that partner using a technology platform that allows authorized access to things like a shared resource directory, “closed loop” referrals, reporting, social needs screening, and other features designed to connect people to multiple social services and supports efficiency. Use of CIEs in Oregon has largely been driven by health care transformation, with coordinated care organizations and health plans investing and participating in CIEs to assist with the coordination of care across systems. COVID-19 increased the need, and accelerated use of CIEs throughout the state. Communities, community-based organizations, clinics, and local public health authorities have also participated.

HB 4150 directs the Health Information Technology Oversight Council, which is an advisory body within the Oregon Health Authority, to convene stakeholders to study and make recommendations on a statewide community information exchange to coordinate health care and social services across delivery systems. A final report must be provided to the Legislature by January 31, 2023.

HB 4150 took effect on March 2, 2022.

4. [SB 1548](#) (Ch. 91) Establishing “agency with choice principles” for in-home direct care services

SB 1548 establishes “agency with choice principles” regarding certain persons receiving in-home direct care services. This makes DHS the employer of record, responsible for verifying care providers’ qualifications, certifying entities that may deliver services, and performing other employment-related and administrative functions, in coordination with and supportive of the choices made by persons receiving services. SB 1548 also establishes minimum requirements for certification of entities and for their fiscal, organizational, and operational transparency, and adds individuals who provide agency of choice services to the list of mandatory reporters of abuse.

SB 1548 also creates a temporary exception from sprinkler installation requirements impacting certain providers in private homes, to provide relief and allow time for evaluation of the requirement. The exception applies to residential training homes and adult foster homes licensed before July 1, 2024, that operate out of single-family homes that serve five or fewer individuals. The exception ends on January 1, 2026.

Finally, SB 1548 requires DHS to report to the legislature on consumer-direct hiring of personal and direct care workers and on modernizing licensing fees and civil penalties related to the provision of services.

SB 1548 took effect on March 2, 2022.

HEALTH LAW

5. [SB 1554](#) (Ch. 93) **Creation of a report on Oregon’s public health response to the COVID-19 pandemic**

SB 1554 directs the Oregon Health Authority (OHA) to contract with a neutral, third-party consultant to study and report on the state’s public health response to the COVID-19 pandemic. The initial report, which is to be created no later than November 15, 2022, will address funding, coordination of resources, public health mandates, messaging, health equity, and outcomes. SB 1554 also requires a subsequent report to the Legislature no later than April 1, 2023, reviewing the COVID-19 pandemic broadly, summarizing key lessons learned, investigating specific public health workforce challenges, and identifying areas of the public health system that need improvement, and a final report no later than September 1, 2023, with a final analysis including findings and recommendations.

SB 1554 took effect on March 2, 2022.

IV. HEALTH EQUITY

1. [HB 4052](#) (Ch. 48) **Culturally and linguistically specific mobile health units**

Mobile health units deliver health care directly to communities and leverage existing community assets to address health disparities in vulnerable populations and individuals with chronic diseases. By eliminating barriers to access such as time, geography and trust, mobile health units can improve health outcomes in the communities they serve. HB 4052 directs the Oregon Health Authority (OHA) to develop and implement a pilot program to establish culturally and linguistically specific mobile health units to serve priority populations, and requires OHA and the Oregon Advocacy Commissions Office to report recommendations for funding programs to address health inequities to the Legislative Assembly.

HB 4052 took effect on March 23, 2022.

V. HEALTH INSURANCE

1. [HB 4134](#) (Ch. 72) **Required Insurance Coverage for Labor and Delivery Services**

HB 4134 requires commercial health benefit plans in Oregon to cover labor and delivery services, including emergency medical transports, when provided by out-of-network providers because the enrollee was diverted from an in-network provider and facility. Insurers cannot implement cost sharing that exceeds amounts applicable to in-network providers and facilities. Under the bill, out-of-network providers are prohibited from billing a patient who was diverted to their facility due to a state or federal public health emergency. Providers are permitted to bill the enrollee according to their in-network plan benefits.

These changes are effective for health plans renewing on or after March 23, 2022.

2. [SB 1555](#) (Ch. 94) OHA Regulates Reimbursement for Commercial Universal Newborn Home Visit Services

SB 1555 requires commercial health insurers to reimburse all costs of the Universal Newborn Home Visit program services. The Oregon Health Authority, in collaboration with the Department of Consumer and Business Services, is to adopt rule language to dictate reimbursement methodologies.

SB 1555 takes effect on January 1, 2023.

VI. LICENSING/SCOPE OF PRACTICE

1. [HB 4003](#) (Ch. 38) Oregon State Board of Nursing – nurse interns, practice without a license by nonresident nurses, staffing shortages

HB 4003 directs the Oregon State Board of Nursing to establish a licensure process for nurse interns. Under the bill, licensed nurse interns can perform nursing functions within the limits of their nursing education program, practice nursing under the direct supervision of a registered nurse who has agreed to act as the nurse intern’s supervisor, gather information about and administer care to patients, and participate in all aspects of the nursing care process subject to the required supervision and the limitations described. Nurse interns cannot function independently, act in a supervisory role or delegate tasks to licensed practical nurses, nursing assistants or unlicensed persons. Nurse interns also cannot administer chemotherapy, blood or blood products, intravenous medications or controlled substances. Nurse interns cannot carry out procedures on central lines.

Additionally, this bill directs the Health Care Workforce Committee to study, identify and describe the challenges in addressing staffing shortages in the nursing field, and to submit a report including findings and recommendations to an interim committee of the Legislative Assembly related to health care no later than November 5, 2022.

The bill also expands the period of time nonresident nurses licensed in another state but not Oregon may practice in Oregon from 30 to 90 days, and requires a hospital to provide written notice the nurses’ exclusive bargaining representative, if any, of a staffing shortage.

The bill also directs the Oregon State Board of Nursing to support an Oregon nonprofit organization that promotes the well-being of Oregon health professionals through education, coordinated regional counseling, telemedicine services and research.

HB 4003 took effect on March 23, 2022.

HEALTH LAW

2. [HB 4096](#) (Ch. 62) **Practitioners licensed in other states but not Oregon**

HB 4096 allows certain health care practitioners authorized in another state to practice in Oregon without licensure for 30 days in a calendar year so long as the practitioner is practicing without compensation and in connection with a coordinating organization or other entity. The bill also permits a health professional regulatory board to adopt by rule a duration longer than 30 days each calendar year during which a health care practitioner may practice with Oregon licensure. The bill prohibits hospitals and other health care facilities from using the services of a health care practitioner meeting this 30-day licensure exception in order to meet staffing needs during a labor dispute at the facility.

HB 4096 took effect on June 3, 2022.

3. [HB 4106](#) (Ch. 65) **Surgical technology**

HB 4106 permits a person employed by a health care facility to practice surgical technology if the person is enrolled in or has completed a registered apprenticeship program or obtained a subspecialty surgical assistant or surgical technologist certification. The person must be directly, adequately supervised at all times while performing surgical technology. This section of the bill becomes operative January 1, 2023.

The bill also directs the State Apprenticeship and Training Council, in coordination with the Bureau of Labor and Industries, to study registered apprenticeship training programs in surgical technology and submit findings to an interim committee of the Legislative Assembly related to health care no later than September 1, 2025.

HB 4106 took effect on March 23, 2022.

4. [SB 1549](#) (Ch. 92) **Temporary staffing agency authorization**

This bill directs the Health Licensing Office to issue renewable one-year temporary staffing licenses for temporary staffing agencies. A temporary staffing agency provides “temporary work to personnel providing health care services or assistance with activities of daily living for or on behalf of entities that engage the temporary staffing agency.” The bill require agency applicants to submit as a condition for license issuance and renewal the fingerprints of the agency’s officers, directors, and other persons with an ownership interest in the agency for purposes of a state and national criminal records check. This section of the bill becomes operative on July 1, 2023.

This bill also directs the Oregon Health Authority to, in collaboration with specified stakeholders, create and submit a report to an interim committee of the Legislative Assembly related to health care no later than December 31, 2022. The report must include a policy

proposal and recommendations to determine annual rates that a temporary staffing agency may charge to or receive from an entity that engages the temporary staffing agency; and prioritization of the compensation of personnel, quality care outcomes for clients, patients and residents of an entity that engages a temporary staffing agency and the fiscal viability of care providers.

SB 1549 took effect on March 23, 2022.

5. [SB 1556](#) (Ch. 95) **Direct care providers of home or community-based services**

SB 1556 directs the Department of Human Services to adopt criteria for the certification and continuing certification of home or community-based services caregivers. The criteria must include, but are not limited to, requirements that the caregiver be 18 years of age or older, not be excluded from participation in federal health care programs under 42 U.S.C. 1320a-7a, have in effect a satisfactorily completed criminal records check, and complete all basic training requirements that are relevant to the position and to the health and safety of workers and individuals receiving care. The bill also specifies that employers are responsible for initiating the certification of home or community-based services caregivers who they employ.

The bill directs the Department of Human Services to maintain an online home or community-based services caregiver registry accessible to the public.

The bill also directs the Department of Human Services to work with stakeholder groups to design certification requirements for home or community-based services caregivers, explore ways to improve the skill level and training of home or community-based services caregivers, and improve pathways for caregivers to access continued education and advancement. The Department is to report on the implementation of Senate Bill 1556 and its work with stakeholder groups in its report to the Joint Interim Committee on Ways and Means.

SB 1556 took effect on March 23, 2022.

5

Taxation and Real Estate

I. TAXATION AND REAL ESTATE

- | | | | |
|----|---------|----------|--------------------------------------|
| 1. | HB 4021 | (Ch. 12) | Homestead Property Tax |
| 2. | HB 4064 | (Ch. 54) | Manufactured and Prefabricated Homes |
| 3. | HB 4103 | (Ch. 18) | Unlicensed Real Estate Activity |
| 4. | HB 4117 | (Ch. 67) | Tax Services for Low Income Filers |
| 5. | SB 1519 | (Ch. 79) | Community Solar Projects |
| 6. | SB 1524 | (Ch. 82) | Miscellaneous Tax Provisions |
| 7. | SB 1525 | (Ch. 83) | Reconnect |
| 8. | SB 1559 | (Ch. 96) | Floating Homes |

TAXATION AND REAL ESTATE

I. TAXATION AND REAL ESTATE

1. [HB 4021](#) (Ch. 6) Homestead Property Tax

HB 4021 changes the deadline by which a participant in the homestead property tax deferral program may discontinue participation in the program if they sell the property in the program or, in the case of a manufactured or floating home, move the property out of state. The bill changes the deadline from September 1st to October 31st of the relevant year.

HB 4021 took effect on June 3, 2022

2. [HB 4064](#) (Ch. 54) Manufactured and Prefabricated Homes

HB 4064 make several changes to the law with regard to manufactured and prefabricated homes. Significantly, the bill provides that within an urban growth boundary local governments must allow manufactured homes and prefabricated structures on all land zoned for single-family dwellings. In addition, and with a few exceptions, these structures may not be subjected to requirements that would not also apply to site-build single-family dwellings on the same land.

The bill also makes changes to the manufactured home replacement program through the Oregon Housing Stability Council.

HB 4064 took effect on March 23, 2022.

3. [HB 4103](#) (Ch. 18) Unlicensed Real Estate Activity

HB 4103 increases the penalties for engaging in professional real estate activity without a license. Under the bill, the civil penalty imposed by the Real Estate Commissioner for a first violation is raised from a range of \$100 to \$500 to a range of \$1,000 to \$2,500. For a second or subsequent violation, the range is increased from \$500 to \$1,000 to \$2,500 to \$5,000.

HB 4103 takes effect on January 1, 2023.

4. [HB 4117](#) (Ch. 67) Tax Services for Low Income Filers

HB 4117 directs the Oregon Department of Human Services to create a grant program to fund services to low income residents. The grants are made available to culturally specific and

responsive organizations, tribal governments and under-resourced rural community service organizations. Under the bill, the grants must be used to:

- Provide education about federal earned income tax credits and other tax benefits available to low-income individuals,
- Assist residents in navigating tax systems, and
- File income taxes.

The bill provides \$4 million in funding to DHS to establish the program.

HB 4117 took effect on June 3, 2022.

5. [SB 1519](#) (Ch. 79) Community Solar Projects

SB 1519 creates a property tax exemption for community solar projects. The exemption applies to the proportion of the project that is either owned by residential customers, or that is leased by residential subscribers. The bill defines terms and clarifies how to establish the proportion of the project that applies.

SB 1519 applies to property tax years that begin on or after July 1, 2022.

6. [SB 1524](#) (Ch. 82) Miscellaneous Tax Provisions

SB 1524 make several unrelated changes to tax statutes in Oregon. These changes include expanding the reimbursement percentages applicable to the Oregon Production Investment Fund, and requiring estimated payments for the Business Alternative Income Tax.

The bill also exempts pharmacies that have nine or fewer locations under common ownership in Oregon from the Corporate Activities Tax.

SB 1524 took effect on June 3, 2022. Different sections of the bill apply to different tax years, and may have different operative dates. Practitioners should confirm operative dates when relevant.

7. [SB 1525](#) (Ch. 83) Reconnect

SB 1525 is the 2022 “Reconnect” bill. The bill updates the connection date to the federal Internal Revenue Code, as well as various other federal tax laws, from April 1, 2021 to December 31, 2021.

SB 1525 took effect on June 3, 2022.

TAXATION AND REAL ESTATE

8. [SB 1559](#) (Ch. 96) Floating Homes

SB 1559 eliminates the requirement to file business personal property tax returns for most manufactured and floating homes. The bill does not change the requirement to pay taxes or the penalty for paying taxes late, and would generally allow floating homes to be treated similarly to houses and mobile homes for tax filing purposes.

SB 1559 takes effect on January 1, 2023.

6

Uniform Trial Court Rules

I. OUT OF CYCLE UTCR CHANGES

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|------------------------|---------------------------|
| 1. UTCR 3.030 | Addressing Jurors |
| 2. UTCR 21.050, 21.070 | Fee Waivers and Deferrals |

II. IN CYCLE UTCR CHANGES

- | | |
|-------------------------------------|------------------------|
| 1. UTCR 1.110 | Remote Hearings |
| 2. UTCR 1.110, 2.010(6), and 21.090 | Electronic Signatures |
| 3. UTCR 21.070(6) | Confidential Documents |

UNIFORM TRIAL COURT RULES

I. OUT OF CYCLE UTCR CHANGES

1. [UTCR 3.030](#) **Addressing Jurors**

An out of cycle amendment was made to UTCR 3.030 through Chief Justice Order 21-054. This amendment provides that during voir dire, jurors may no longer be addressed by name. Instead, jurors must be addressed by juror number or by some other means designated by the court.

This change took effect on January 1, 2022.

2. [UTCR 21.050 and 21.070](#) **Manufactured and Prefabricated Homes**

An out of cycle amendment was made to UTCR 21.050 and 21.070 through Chief Justice Order 21-051. These are parallel amendment which collectively provide for electronic filing of applications for a fee waiver or deferral.

Prior to this change, the UTCR required that a document that initiated an action, and that was accompanied by an application for a fee waiver or deferral, had to be filed conventionally. Likewise, the rule provided that applications for fee waivers or deferrals themselves could not be filed electronically.

This change allows that both the initiating document and the application for the fee waiver or deferral may be submitted electronically. The rule also clarifies that the document will not be accepted for filing unless the court grants the fee waiver or deferral, or the required fee is paid.

This change took effect on February 1, 2022.

II. IN CYCLE UTCR CHANGES

1. [UTCR 1.110](#) **Remote Hearings**

The change to UTCR 1.110 was made to further facilitate the use of remote hearings in Oregon's court system.

UTCR 1.110 was updated to include definitions of “Remote Means” and “Remote Proceeding”. This new definition is now used in several sections throughout the UTCR to clarify the application of existing rules to remote proceedings. In its report, the UTCR committee noted the expectation that the number of remote hearings post-pandemic will continue to exceed pre-pandemic levels.

Among the new uses of this definition are changes to UTCR 7.060 (ADA Accommodation) and 7.070 (Foreign Language Interpreters) which now require additional information be included with a notification to the court requesting the accommodation.

This change takes effect on August 1, 2022.

2. [UTCR 1.110, 2.010\(6\), and 21.090](#) **Electronic Signatures**

UTCR 1.110 was also update to add definitions of “Authenticated Signature”, “Electronic Signature” and “Original Signature”.

Under the new rule, an “Original Signature” refers to a handwritten signature on a physical document. An “Electronic Signature” refers to wither a scan of a handwritten signature or to a signature block used to substitute for a signature. An “Authenticated Signature” refers to a specific type of a electronic signature that is created using specific security procedures.

Rule 2.010(6) has been expanded and clarified to describe what types of signatures may be used on conventionally filed documents. Rule 21.090 has been updated to describe what types of signatures may be used on electronically filed documents.

This change takes effect on August 1, 2022.

3. [UTCR 21.070\(6\)](#) **Confidential Documents**

UTCR 21.070(6) has been updated and clarified to provide that only documents that are deem confidential by statute or rule may be designated as “confidential” in the eFiling system.

This change was made in response to some users designating documents as “confidential” if those documents contained information that, in the filer’s view, was sensitive or not suitable for public disclosure. This often presents a problem for court staff, who are then required to change the designation of the document later, to correctly identify whether the document is legally protected.

This change takes effect on August 1, 2022.

