

OREGON

Or. Rev. Stat. Ann. § 109.640 Right to reproductive health care, medical treatment or dental treatment without parental consent

(1) As used in this section, "reproductive health care" has the meaning given that term in ORS 435.190, except that "reproductive health care" does not include the elective sterilization of a minor under 15 years of age.

(2)(a) As used in this subsection, "health care provider" means a physician, physician assistant licensed under ORS 677.505 to 677.525, nurse practitioner licensed under ORS 678.375 to 678.390 or a pharmacist licensed under ORS chapter 689.

(b) A minor under 15 years of age may give consent, without the consent of a parent or guardian of the minor, to an abortion only if the abortion is provided by a health care provider who is acting within the health care provider's scope of practice and who reasonably believes, in the health care provider's professional judgment, that:

(A) Involving the parent or guardian of the minor may result in the physical or emotional abuse of the minor or the neglect of the minor; or

(B) Requiring the consent of a parent or guardian of the minor would not be in the best interest of the minor, for the reasons documented by the health care provider after obtaining the concurrence of another health care provider who is associated with a separate medical practice or facility.

(3) Except as provided in subsection (2) of this section and notwithstanding subsection (4) of this section, a minor of any age may give consent, without the consent of a parent or guardian of the minor, to receive reproductive health care information and services from a health care provider who is a physician, physician assistant licensed under ORS 677.505 to 677.525, nurse practitioner licensed under ORS 678.375 to 678.390, pharmacist licensed under ORS chapter 689 or naturopathic physician licensed under ORS chapter 685, and who is acting within the provider's scope of practice.

(4) A minor 15 years of age or older may give consent, without the consent of a parent or guardian of the minor, to:

(a) Hospital care, medical or surgical diagnosis or treatment by a physician licensed by the Oregon Medical Board or a naturopathic physician licensed under ORS chapter 685, and dental or surgical diagnosis or treatment by a dentist licensed by the Oregon Board of Dentistry.

(b) Diagnosis or treatment by a physician assistant who is licensed under ORS 677.505 to 677.525 and who is acting pursuant to a collaboration agreement as defined in ORS 677.495.

(c) Diagnosis and treatment by a nurse practitioner who is licensed by the Oregon State Board of Nursing under ORS 678.375 and who is acting within the scope of practice for a nurse practitioner.

(d) Except when the minor is obtaining contact lenses for the first time, diagnosis and treatment by an optometrist who is licensed by the Oregon Board of Optometry under ORS 683.010 to 683.340 and who is acting within the scope of practice for an optometrist.

(5) If a person, including a health care provider, has reasonable cause to believe that a minor the person comes into contact with under this section has suffered abuse, as defined in ORS 419B.005, the person shall immediately comply with the person's mandatory child abuse reporting duties under ORS 419B.010. [1971 c.381 §1; 2005 c.471 §7; 2010 c.91 §1; 2014 c.45 §11; 2017 c.356 §4; 2021 c.349 §14; 2023 c.228 §8]

Or. Rev. Stat. Ann. § 435.190 Definitions for 435.190 to 435.245.

As used in ORS 435.190 to 435.245:

(1) "Contraception" includes:

(a) Steroidal, chemical, physical or barrier, natural or permanent methods for preventing the union of an ovum with the spermatozoon, or for preventing the subsequent implantation of the fertilized ovum in the uterus;

(b) All postcoital methods, drugs or devices to prevent pregnancy; and

(c) Any other process, device or method to prevent pregnancy.

(2) "Public body" means a public body as defined in ORS 174.109 and the Oregon Health and Science University.

(3) "Reproductive health" means reproductive processes, functions and systems at all stages of life.

(4) "Reproductive health care" includes family planning and contraception, pregnancy termination services, prenatal, postnatal and delivery care, miscarriage management, fertility care, sterilization services, treatments for sexually transmitted infections and reproductive cancers and any other health care and medical services related to reproductive health. [2023 c.228 §2]

Or. Rev. Stat. Ann. § 435.200 Interference by public body with right to obtain and use safe and effective methods of contraception prohibited.

(1) A public body as defined in ORS 174.109 or, except as provided in ORS 435.225, an officer, employee or agent of a public body may not:

(a) Deprive a consenting individual of the right to obtain and use safe and effective methods of contraception; or

(b) Interfere with or restrict, in the regulation or provision of benefits, facilities, services

or information, the right of consenting individuals to obtain and use safe and effective methods of contraception.

(2) Nothing in this section is intended to prevent the application of laws, rules, ordinances or taxes that affect the method or manner of sales or distribution of contraceptive devices, provided the laws, rules, ordinances or taxes are designed to promote public health and safety and do not unreasonably burden public access to contraception.

(3) As used in this section:

(a) “Contraception” means the use of any process, device or method to prevent pregnancy, including steroidal, chemical, physical or barrier, natural or permanent methods for preventing the union of an ovum with the spermatozoon, or preventing the subsequent implantation of the fertilized ovum in the uterus, and includes all postcoital methods, drugs or devices approved by the United States Food and Drug Administration to prevent pregnancy.

(b) “Pregnancy” is the period of time from implantation of a fertilized ovum in the uterus to delivery. A woman shall be presumed pregnant if she is premenopausal and exhibits signs of pregnancy, including missed menses, until disproved by a laboratory test or until delivery.

Or. Rev. Stat. Ann. § 435.210 Right to make decisions about individual’s reproductive health.

Every individual has a fundamental right to make decisions about the individual’s reproductive health, including the right to make decisions about the individual’s reproductive health care, to use or refuse contraception, to continue the individual’s pregnancy and give birth or to terminate the individual’s pregnancy. [2023 c.228 §3]

Note: 435.210 was made a part of 435.190 to 435.245 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

Or. Rev. Stat. Ann. § 435.215 Right to accept or refuse services protected.

(1) An individual’s acceptance or refusal to accept reproductive health care information and services may not:

(a) Be grounds for the loss of any privilege or immunity to which the individual is otherwise entitled; or

(b) Affect the individual’s right to receive public assistance, medical assistance, as defined in ORS 414.025, or any other public benefit.

(2) An officer, employee or agent of a public body who is engaged in the provision of reproductive health care information and services:

(a) Shall advise every individual to whom the officer, employee or agent of a public body provides reproductive health care information and services, both orally and in writing, of the rights described under subsection (1) of this section;

(b) Shall recognize that the right to make decisions concerning reproductive health care is a fundamental personal right of the individual and that nothing in ORS 435.190 to 435.245, 435.475 or 435.485 or ORS chapter 436 in any way abridges that right; and

(c) May not require any individual to state the reason for accepting or refusing the offer of reproductive health care information and services. [1967 c.491 §3; 1971 c.779 §66; 1987 c.158 §81; 2013 c.688 §91; 2023 c.228 §6]

Or. Rev. Stat. Ann. § 435.225 Refusal to offer information and services.

(1) An officer, employee or agent of a public body may refuse to accept the duty of offering reproductive health care information and services to the extent that such duty is contrary to the personal or religious beliefs of the officer, employee or agent. However, such officer, employee or agent shall notify the immediate supervisor in writing of such refusal in order that arrangements may be made for eligible individuals to obtain such information and services from another officer, employee or agent.

(2) If an officer, employee or agent of a public body refuses to provide reproductive health care information and services as provided in subsection (1) of this section, the public body shall immediately make arrangements for an individual to receive reproductive health care information and services from another officer, employee or agent of the public body.

(3) The refusal of an officer, employee or agent of a public body to provide reproductive health care information and services under subsection (1) of this section may not be grounds for any disciplinary action, for dismissal, for any interdepartmental transfer, for any other discrimination in employment, or for suspension from employment, or for any loss in pay or other benefits. [1967 c.491 §4; 1971 c.779 §67; 2009 c.595 §693; 2023 c.228 §7]

Or. Rev. Stat. Ann. § 435.235 Construction of ORS 435.205 to 435.235.

ORS 435.205 to 435.235 shall be liberally construed to protect the rights of all individuals to pursue their religious beliefs, to follow the dictates of their own consciences, to prevent the imposition upon any individual of practices offensive to the individual's moral standards, to respect the right of every individual to self-determination in the procreation of children, and to insure a complete freedom of choice in pursuance of constitutional rights. [1967 c.491 §5]

Or. Rev. Stat. Ann. § 435.240 Prohibits relating to individual's exercise of reproductive health rights.

(1) A public body or, except as provided in ORS 435.225, an officer, employee or agent of a public body may not:

(a) Deprive a consenting individual of the choice of exercising the individual's reproductive health rights under ORS 435.210;

(b) Interfere with or restrict, in the regulation of benefits, facilities, services or information, the choice of a consenting individual to exercise the individual's reproductive health rights under ORS 435.210;

(c) Prohibit a health care provider, who is acting within the scope of the health care provider's license, from providing reproductive health care information and services to a consenting individual;

(d) Interfere with or restrict, in the regulation of benefits, facilities, services or information, the choice of a health care provider, who is acting within the scope of the health care provider's license, to provide reproductive health care information and services to a consenting individual;

(e) Subject an individual to criminal or civil liability or penalty, or otherwise deprive the individual of any rights, based on the individual's actions or omissions in exercising the individual's reproductive health rights under ORS 435.210, including any action or omission affecting an actual, potential or alleged pregnancy outcome; or

(f) Subject any person to criminal or civil liability or penalty, or otherwise deprive any person of the person's rights, based solely on the person's actions in the provision of aid, assistance, resources or support to an individual in the exercise of the individual's reproductive health rights, provided that the person's actions do not otherwise violate the laws of this state.

(2)(a) Nothing in this section is intended to prevent the application of laws, rules, ordinances or taxes that affect the method or manner of sales or distribution of contraceptive devices or the provision of reproductive health care, provided that the laws, rules, ordinances or taxes are designed to promote public health and safety and do not unreasonably burden public access to contraception or other reproductive health care.

(b) Nothing in this section requires a public body to provide or pay for reproductive health care. [Formerly 659.880]

Or. Rev. Stat. Ann. § 435.245 Injunctive relief; attorney fees

(1) Any person may bring an action against a public body, or an officer, employee or agent of a public body, for injunctive relief to enforce the requirements of ORS 435.190 to 435.245.

(2) The court may award reasonable attorney fees and costs to a prevailing plaintiff in an action under this section.

(3) ORS 30.260 to 30.300 apply to an action under this section. [2023 c.228 §4]

Or. Rev. Stat. Ann. § 435.250 Policy.

The Legislative Assembly declares that:

(1) It is the public policy of this state that all Oregonians' right to freedom from unreasonable government intrusion into their private lives, and specifically the right of consenting individuals to obtain and use methods of contraception without interference by governmental entities, shall be safeguarded; and

(2) The laws of this state must be interpreted and construed to recognize and protect these rights.
[2007 c.182 §1]

Or. Rev. Stat. Ann. § 435.252 Definitions for ORS 435.252 and 435.254.

As used in this section and ORS 435.254:

(1) "Care to a victim of sexual assault" means a medical examination, procedure or service provided by a licensed medical provider to a victim of sexual assault.

(2) "Culturally competent" means sensitive to the patient's faith, race, ethnicity and national origin.

(3) "Emergency contraception" means the use of a drug or device that is approved by the United States Food and Drug Administration to prevent pregnancy after sexual intercourse.

(4) "Hospital" has the meaning given that term in ORS 442.015, excluding institutions described in ORS 441.065.

(5) "Sexual assault" means any unwanted sexual contact as defined in ORS 163.305.

(6) "Victim of sexual assault" means:

(a) An individual who states that a sexual assault has been committed against the individual or who is accompanied by a person who states that the individual is a victim of sexual assault; or

(b) An individual who hospital personnel have reason to believe is a victim of sexual assault.
[2007 c.182 §4]

Or. Rev. Stat. Ann. § 435.254 Hospital duty to provide information about emergency contraception and to make emergency contraception available to victim of sexual assault; informational materials; rules.

(1) A hospital providing care to a female victim of sexual assault shall:

(a) Promptly provide the victim with unbiased, medically and factually accurate written and oral information about emergency contraception;

(b) Promptly orally inform the victim of her option to be provided emergency contraception at the hospital; and

(c) If requested by the victim and if not medically contraindicated, provide the victim with emergency contraception immediately at the hospital, notwithstanding ORS 147.397.

(2)(a) In collaboration with victim advocates, other interested parties and nonprofit organizations that provide intervention and support services to victims of sexual assault and their families, the Oregon Health Authority shall develop, prepare and produce informational materials relating to emergency contraception for the prevention of pregnancy in victims of sexual assault for

distribution to and use in all hospital emergency departments in the state, in quantities sufficient to comply with the requirements of this section.

(b) The Director of the Oregon Health Authority, in collaboration with community sexual assault programs and other relevant stakeholders, may approve informational materials developed, prepared and produced by other entities for the purposes of paragraph (a) of this subsection.

(c) All informational materials must:

(A) Be clearly written and easily understood in a culturally competent manner; and

(B) Contain an explanation of emergency contraception, including its use, safety and effectiveness in preventing pregnancy, including but not limited to the following facts:

(i) Emergency contraception has been approved by the United States Food and Drug Administration as an over-the-counter medication for women 18 years of age or older and is a safe and effective way to prevent pregnancy after unprotected sexual intercourse or after contraceptive failure, if taken in a timely manner.

(ii) Emergency contraception is more effective the sooner it is taken.

(iii) Emergency contraception will not disrupt an established pregnancy.

(3) The authority shall respond to complaints of violations of ORS 435.256 in accordance with ORS 441.044.

(4) The authority shall incorporate the requirements of this section in rules adopted pursuant to ORS 441.025 that prescribe the care to be given to patients at hospitals.

(5) The director shall adopt rules necessary to carry out the provisions of this section.

(6) Information required to be provided under subsection (1) of this section is medically and factually accurate if the information is verified or supported by the weight of research conducted in compliance with accepted scientific methods and based upon:

(a) Reports in peer-reviewed journals; or

(b) Information that leading professional organizations, such as the American College of Obstetricians and Gynecologists, and agencies with expertise in the field recognize as accurate and objective. [2007 c.182 §5; 2009 c.595 §694; 2009 c.792 §36]

Or. Rev. Stat. Ann. § 435.256 Civil penalty.

The Oregon Health Authority may impose a civil penalty against a hospital for each violation of the rules adopted under ORS 435.254. A civil penalty imposed under this section may not exceed

\$1,000 for each violation upon inspection or each substantiated complaint filed. [2007 c.182 §6; 2009 c.595 §695]

Or. Rev. Stat. Ann. § 435.305 Voluntary sterilization authorized; advice; consent.

(1) A person may be sterilized by appropriate means upon request and upon the advice of a physician licensed under ORS chapter 677, naturopathic physician licensed under ORS chapter 685 or physician assistant licensed under ORS 677.505 to 677.525.

(2) A health care provider described in this section, or a hospital, may not be held liable for performing a sterilization without obtaining the consent of the spouse of the person sterilized.

(3) Free clinics to sterilize males under subsections (1) and (4)(d) of this section may be conducted as a part of the program provided for in ORS 435.205.

(4)(a) A nurse practitioner licensed by the Oregon State Board of Nursing under ORS 678.375 and acting within the scope of practice authorized by the board may provide medical advice to any person about a sterilization procedure.

(b) A nurse practitioner may acknowledge and sign a consent to sterilization procedure form if, no fewer than 30 days before the procedure, the form is provided to and signed by the person on whom the procedure will be performed.

(c) A nurse practitioner may not acknowledge or sign a consent to sterilization procedure form if the form is provided to or signed by the person on whom the procedure will be performed fewer than 30 days before the procedure.

(d) A nurse practitioner may not perform a sterilization procedure on any person, except that a nurse practitioner may perform a vasectomy. [1967 c.441 §15; 1969 c.31 §1; 1973 c.479 §1; 1975 c.591 §1; 1987 c.158 §82; 2005 c.471 §5; 2014 c.45 §57; 2017 c.356 §66; 2017 c.381 §1]

Or. Rev. Stat. Ann. § 435.475 Refusal to admit patient for termination.

(1) Except as provided in subsection (3) of this section, no hospital is required to admit any patient for the purpose of terminating a pregnancy. No hospital is liable for its failure or refusal to participate in such termination if the hospital has adopted a policy not to admit patients for the purposes of terminating pregnancies. However, the hospital must notify the person seeking admission to the hospital of its policy.

(2) All hospitals that have not adopted a policy not to admit patients seeking termination of a pregnancy shall admit patients seeking such termination in the same manner and subject to the same conditions as imposed on any other patient seeking admission to the hospital.

(3) No hospital operated by this state or by a political subdivision in this state is authorized to adopt a policy of excluding or denying admission to any person seeking termination of a pregnancy. [1969 c.684 §9; 1983 c.470 §2]

Or. Rev. Stat. Ann. § 435.485 Medical personnel not required to participate in termination.

(1) A physician or naturopathic physician is not required to give advice with respect to or participate in any termination of a pregnancy if the refusal to do so is based on an election not to give such advice or to participate in such terminations and the physician or naturopathic physician so advises the patient.

(2) A hospital employee or member of the hospital medical staff is not required to participate in any termination of a pregnancy if the employee or staff member notifies the hospital of the election not to participate in such terminations. [1969 c.684 §§10,11; 1983 c.470 §3; 2017 c.356 §67]

Or. Rev. Stat. Ann. § 435.496 Report to Center for Health Statistics; who has duty; report content.

1) Each induced termination of pregnancy which occurs in this state, regardless of the length of gestation, shall be reported to the Center for Health Statistics within 30 days by the person in charge of the institution in which the induced termination of pregnancy was performed. If the induced termination of pregnancy was performed outside an institution, the attending physician or the naturopathic physician shall prepare and file the report.

(2) If the person who is required to file the report under subsection (1) of this section has knowledge that the person who underwent the induced termination of pregnancy also underwent a follow-up visit or had follow-up contact with a health care provider, the person shall include the fact of the follow-up visit or contact, and whether any complications were noted, in the report. If the person filing the report is not personally aware of the follow-up visit or contact but was informed of the visit or contact, the person shall include the source of that information in the report.

(3) Reports submitted under this section shall not disclose the names or identities of the parents. [1983 c.709 §14a (enacted in lieu of 435.495); 1997 c.783 §46; 2017 c.356 §68]

Or. Rev. Stat. Ann. § 435.990 Penalties.

(1) Violation of any of the provisions of ORS 435.010 to 435.130 is a Class C misdemeanor.

(2) Sale at wholesale or retail of any goods of the class specified in ORS 435.010 that do not comply with standards promulgated under ORS 435.100 (1) is a Class C misdemeanor.

Or. Rev. Stat. Ann. § 659.880 Prohibitions relating to termination of patient's pregnancy.

(1) A public body as defined in [ORS 174.109](#) or, except as provided in [ORS 435.225](#), an officer, employee or agent of a public body may not:

(a) Deprive a consenting individual of the choice of exercising the individual's reproductive health rights under section 3 of this 2023 Act;

(b) Interfere with or restrict, in the regulation of benefits, facilities, services or information, the choice of a consenting individual to exercise the individual's reproductive health rights under section 3 of this 2023 Act;

(c) Prohibit a health care provider, who is acting within the scope of the health care provider's license, from providing reproductive health care information and services to a consenting individual;

- (d)** Interfere with or restrict, in the regulation of benefits, facilities, services or information, the choice of a health care provider, who is acting within the scope of the health care provider's license, to provide reproductive health care information and services to a consenting individual;
- (e)** Subject an individual to criminal or civil liability or penalty, or otherwise deprive the individual of any rights, based on the individual's actions or omissions in exercising the individual's reproductive health rights under section 3 of this 2023 Act, including any action or omission affecting an actual, potential or alleged pregnancy outcome; or
- (f)** Subject any person to criminal or civil liability or penalty, or otherwise deprive any person of the person's rights, based solely on the person's actions in the provision of aid, assistance, resources or support to an individual in the exercise of the individual's reproductive health rights, provided that the person's actions do not otherwise violate the laws of this state.
- (2)** **(a)** Nothing in this section is intended to prevent the application of laws, rules, ordinances or taxes that affect the method or manner of sales or distribution of contraceptive devices or the provision of reproductive health care, provided that the laws, rules, ordinances or taxes are designed to promote public health and safety and do not unreasonably burden public access to contraception or other reproductive health care.
- (b)** Nothing in this section requires a public body to provide or pay for reproductive health care.
- (1)** As used in this section, "reproductive health care" has the meaning given that term in section 2 of this 2023 Act, except that "reproductive health care" does not include the elective sterilization of a minor under 15 years of age.
- (2)** **(a)** As used in this subsection, "health care provider" means a physician, physician assistant licensed under ORS 677.505 to 677.525, nurse practitioner licensed under ORS 678.375 to 678.390 or a pharmacist licensed under ORS chapter 689.
- (b)** A minor under 15 years of age may give consent, without the consent of a parent or guardian of the minor, to an abortion only if the abortion is provided by a health care provider who is acting within the health care provider's scope of practice and who reasonably believes, in the health care provider's professional judgment, that:
- (A)** Involving the parent or guardian of the minor may result in the physical or emotional abuse of the minor or the neglect of the minor; or
- (B)** Requiring the consent of a parent or guardian of the minor would not be in the best interest of the minor, for the reasons documented by the health care provider after obtaining the concurrence of another health care provider who is associated with a separate medical practice or facility.
- (3)** Except as provided in subsection (2) of this section and notwithstanding subsection (4) of this section, a minor of any age may give consent, without the consent of a parent or guardian of the minor, to receive reproductive health care information and services from a health care provider who is a physician, physician assistant licensed under ORS 677.505 to 677.525, nurse practitioner licensed under ORS 678.375 to 678.390, pharmacist licensed under ORS chapter 689 or naturopathic physician licensed under ORS chapter 685 , and who is acting within the provider's scope of practice.
- (4)** A minor 15 years of age or older may give consent, without the consent of a parent or guardian of the minor, to:

- (a) Hospital care, medical or surgical diagnosis or treatment by a physician licensed by the Oregon Medical Board or a naturopathic physician licensed under ORS chapter 685, and dental or surgical diagnosis or treatment by a dentist licensed by the Oregon Board of Dentistry.
 - (b) Diagnosis or treatment by a physician assistant who is licensed under ORS 677.505 to 677.525 and who is acting pursuant to a collaboration agreement as defined in ORS 677.495.
 - (c) Diagnosis and treatment by a nurse practitioner who is licensed by the Oregon State Board of Nursing under ORS 678.375 and who is acting within the scope of practice for a nurse practitioner.
 - (d) Except when the minor is obtaining contact lenses for the first time, diagnosis and treatment by an optometrist who is licensed by the Oregon Board of Optometry under ORS 683.010 to 683.340 and who is acting within the scope of practice for an optometrist.
- (5) If a person, including a health care provider, has reasonable cause to believe that a minor the person comes into contact with under this section has suffered abuse, as defined in ORS 419B.005, the person shall immediately comply with the person's mandatory child abuse reporting duties under ORS 419B.010.

Or. Rev. Stat. Ann. § 685.110 Grounds for discipline; penalties.

The Oregon Board of Naturopathic Medicine may refuse to grant a license, may suspend or revoke a license, may limit a license, may impose probation, may issue a letter of reprimand and may impose a civil penalty not to exceed \$5,000 for each offense for any of the following reasons:

- (1) Using fraud or deception in securing a license.
- (2) Impersonating another physician.
- (3) Practicing naturopathic medicine under an assumed name.
- (4) Performing an abortion.
- (5 – 23) . . .