

HOUSE AMENDMENTS TO HOUSE BILL 2395

By COMMITTEE ON JUDICIARY

April 11

- 1 On page 1 of the printed bill, delete lines 5 through 30.
- 2 On page 2, delete lines 1 through 11 and insert:
- 3 **“SECTION 1. (1) As used in this section:**
- 4 **“(a) ‘Connected device’ means a device or other physical object that:**
- 5 **“(A) Connects, directly or indirectly, to the Internet and is used primarily for personal,**
- 6 **family or household purposes; and**
- 7 **“(B) Is assigned an Internet Protocol address or another address or number that identi-**
- 8 **fies the connected device for the purpose of making a short-range wireless connection to**
- 9 **another device.**
- 10 **“(b) ‘Manufacturer’ means a person that makes a connected device and sells or offers to**
- 11 **sell the connected device in this state.**
- 12 **“(c) ‘Reasonable security features’ means methods to protect a connected device, and any**
- 13 **information the connected device stores, from unauthorized access, destruction, use, mod-**
- 14 **ification or disclosure that are appropriate for the nature and function of the connected de-**
- 15 **vice and for the type of information the connected device may collect, store or transmit.**
- 16 **“(2) A manufacturer shall equip a connected device with reasonable security features. A**
- 17 **reasonable security feature may consist of:**
- 18 **“(a) A means for authentication from outside a local area network, including:**
- 19 **“(A) A preprogrammed password that is unique for each connected device; or**
- 20 **“(B) A requirement that a user generate a new means of authentication before gaining**
- 21 **access to the connected device for the first time; or**
- 22 **“(b) Compliance with requirements of federal law or federal regulations that apply to**
- 23 **security measures for connected devices.**
- 24 **“(3) This section does not:**
- 25 **“(a) Require a provider of an electronic store, gateway, marketplace or other means for**
- 26 **purchasing or downloading software or firmware to verify or enforce compliance with the**
- 27 **provisions of this section.**
- 28 **“(b) Require a person to prevent a consumer from having or obtaining full control over**
- 29 **a connected device, including the ability to modify the connected device or any software or**
- 30 **firmware installed on the connected device.**
- 31 **“(c) Limit the authority of a law enforcement officer or law enforcement agency to ob-**
- 32 **tain information from a manufacturer as provided by law or authorized in an order from a**
- 33 **court of competent jurisdiction.**
- 34 **“(d) Impose a duty on a manufacturer to provide reasonable security features for soft-**
- 35 **ware, firmware or peripheral devices that another manufacturer makes and that a consumer**

1 **installs in or adds to the connected device.**

2 **“(4) This section does not apply to:**

3 **“(a) A connected device on which a consumer installs or otherwise adds software or**
4 **other devices that the manufacturer of the connected device does not approve for use with**
5 **the connected device or that damages, evades, disables or otherwise modifies the reasonable**
6 **security features that a manufacturer incorporates into the connected device.**

7 **“(b) A covered entity, a health care provider, a business associate, a health care service**
8 **plan, a contractor, an employer or another person that is subject to the Health Insurance**
9 **Portability and Accountability Act of 1996 (P.L. 104-191, 110 Stat. 1936) or regulations**
10 **promulgated under the Act, with respect to any action that the Act regulates.**

11 **“(c) A connected device, the functions of which are subject to and comply with the re-**
12 **quirements, regulations and guidance that the United States Food and Drug Administration**
13 **promulgates under 21 C.F.R. parts 800 to 1299 or other requirements, regulations and guid-**
14 **ance the United States Food and Drug Administration promulgates with respect to medical**
15 **devices, including software as a medical device.**

16 **“(5) The duties and obligations that this section imposes are in addition to and not in lieu**
17 **of any other duties and obligations imposed under other applicable law and do not relieve any**
18 **person from the person’s duties and obligations under any other applicable law.**

19 **“(6) A manufacturer that violates subsection (2) of this section engages in an unlawful**
20 **trade practice under ORS 646.607.”.**

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