

A-Engrossed Senate Bill 703

Ordered by the Senate April 19
Including Senate Amendments dated April 19

Sponsored by Senator PROZANSKI, Representatives GOMBERG, HOLVEY; Senators BEYER, BOQUIST, DEMBROW, FAGAN, FREDERICK, GOLDEN, KNOPP, LINTHICUM, MONNES ANDERSON, RILEY, ROBLAN, THATCHER, WAGNER, WINTERS, Representatives ALONSO LEON, EVANS, LEIF, LIVELY, MEEK, NOBLE, NOSSE, PILUSO, POWER, PRUSAK, REARDON, SANCHEZ, SCHOUTEN, SOLLMAN, STARK, WILDE, WILSON, WITT (at the request of "Hu-manity.co")

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Prohibits commercial sale of health information by covered entity, business associate, subcontractor, as defined by Health Insurance Portability and Accountability Act of 1996, or other third party, without authorization of individual whose health information would be included in sale. Makes violation of prohibition unlawful practice.]

[Becomes operative January 1, 2021.]

Establishes Task Force on Protecting Health Information. Specifies membership and duties. Requires task force to report to interim committees of Legislative Assembly related to judiciary by December 1, 2019.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to the sale of health information; and declaring an emergency.

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

SECTION 1. (1) The Task Force on Protecting Health Information is established.

(2) The task force consists of 16 members appointed as follows:

(a) One member appointed by the President of the Senate;

(b) One member appointed by the Senate Minority Leader;

(c) One member appointed by the Speaker of the House of Representatives;

(d) One member appointed by the House Minority Leader;

(e) One member with expertise in data security appointed by the Attorney General; and

(f) The following members appointed by the Governor:

(A) One individual from the Department of Consumer and Business Services who has expertise in consumer health data and data breaches;

(B) One individual from the Oregon Health Authority with expertise in health information and data;

(C) One individual from the American Civil Liberties Union or other organization that advocates for individuals' rights to privacy;

(D) One individual representing a large hospital;

(E) One individual representing a small hospital;

(F) Two individuals representing licensed health care providers;

(G) Two individuals representing the technology industry, one with expertise in data security and one with expertise in blockchain technology; and

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **(H) Two public members with divergent backgrounds and experience.**

2 **(3) The task force shall:**

3 **(a) Research and study various options for the use of protected health information for**
4 **commercial purposes and the sale of protected health information, including the use and sale**
5 **of information from which personally identifying information has been removed;**

6 **(b) Review processes for safeguarding protected health information without restricting**
7 **an individual's ability to use the individual's own information as the individual chooses; and**

8 **(c) Study and recommend whether an individual should have a property right or a privacy**
9 **right in the individual's health information, whether or not protected.**

10 **(4) The task force may examine models used in other states or countries to recognize**
11 **an individual's right to the individual's health data.**

12 **(5) A majority of the voting members of the task force constitutes a quorum for the**
13 **transaction of business.**

14 **(6) Official action by the task force requires the approval of a majority of the voting**
15 **members of the task force.**

16 **(7) The task force shall elect one of its members to serve as chairperson.**

17 **(8) If there is a vacancy for any cause, the appointing authority shall make an appoint-**
18 **ment to become immediately effective.**

19 **(9) The task force shall meet at times and places specified by the call of the chairperson**
20 **or of a majority of the voting members of the task force.**

21 **(10) The task force may adopt rules necessary for the operation of the task force.**

22 **(11) The task force shall submit a report in the manner provided by ORS 192.245, and**
23 **may include recommendations for legislation, to the interim committees of the Legislative**
24 **Assembly related to the judiciary no later than December 1, 2019.**

25 **(12) The Legislative Policy and Research Office shall provide staff support to the task**
26 **force.**

27 **(13) Members of the Legislative Assembly appointed to the task force are nonvoting**
28 **members of the task force and may act in an advisory capacity only.**

29 **(14) Members of the task force who are not members of the Legislative Assembly may**
30 **be reimbursed for actual and necessary travel expenses incurred by the member in the per-**
31 **formance of the member's official duties in the manner and amount provided in ORS 292.495.**

32 **(15) All agencies of state government, as defined in ORS 174.111, are directed to assist**
33 **the task force in the performance of the duties of the task force and, to the extent permitted**
34 **by laws relating to confidentiality, to furnish information and advice the members of the task**
35 **force consider necessary to perform their duties.**

36 **SECTION 2. Section 1 of this 2019 Act is repealed on December 31, 2020.**

37 **SECTION 3. This 2019 Act being necessary for the immediate preservation of the public**
38 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**
39 **on its passage.**

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