

Senate Bill 722

Sponsored by COMMITTEE ON HUMAN SERVICES, MENTAL HEALTH AND RECOVERY

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 **as introduced**.

Clarifies that aggregate data, statistical compilations and reports relating to reportable disease investigations are not confidential or exempt from disclosure under public records law unless data, compilations and reports could reasonably lead to identification of individual.

Authorizes Department of Human Services to notify persons with disabilities who receive services from department of potential exposure to infectious disease.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to data about diseases; creating new provisions; amending ORS 433.008; and declaring an
3 emergency.

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

5 **SECTION 1.** ORS 433.008 is amended to read:

6 433.008. (1)(a) Except as **otherwise** provided in [*subsection (2) of*] this section, information ob-
7 tained by the Oregon Health Authority or a local public health administrator in the course of an
8 investigation of a reportable disease or disease outbreak is confidential and is exempt from disclo-
9 sure under ORS 192.311 to 192.478.

10 **(b) Aggregate data, statistical compilations and reports relating to reportable disease**
11 **investigations are not confidential or exempt from disclosure under ORS 192.311 to 192.478**
12 **unless the data, compilations and reports could reasonably lead to the identification of an**
13 **individual.**

14 [*(b)*] (c) Except as required for the administration or enforcement of public health laws or rules,
15 a state or local public health official or employee may not be examined in an administrative or ju-
16 dicial proceeding about the existence or contents of a reportable disease report or other information
17 received by the authority or local public health administrator in the course of an investigation of
18 a reportable disease or disease outbreak.

19 (2) The authority or a local public health administrator may release information obtained during
20 an investigation of a reportable disease or disease outbreak to:

21 (a) State, local or federal agencies authorized to receive the information under state or federal
22 law;

23 (b) Health care providers if necessary for the evaluation or treatment of a reportable disease;

24 (c) Law enforcement officials to the extent necessary to carry out the authority granted to the
25 Public Health Director and local public health administrators under ORS 433.121, 433.128, 433.131,
26 433.138 and 433.142;

27 (d) A person who may have been exposed to a communicable disease;

28 (e) A person with information necessary to assist the authority or local public health adminis-
29 trator in identifying an individual who may have been exposed to a communicable disease; 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 (f) The individual who is the subject of the information or the legal representative of that indi-
2 vidual.

3 (3) The authority or local public health administrator may release individually identifiable in-
4 formation under subsection (2)(d) or (e) of this section only if there is clear and convincing evidence
5 that the release is necessary to avoid an immediate danger to other individuals or to the public.

6 (4) The authority or local public health administrator may release only the minimum amount of
7 information necessary to carry out the purpose of the release pursuant to subsection (2) of this
8 section.

9 (5) A decision not to disclose information under this [subsection] **section**, if made in good faith,
10 shall not subject the entity or person withholding the information to any liability.

11 (6) Nothing in this section:

12 [(a) *Prevents the authority or a local public health administrator from publishing statistical com-*
13 *pilations and reports relating to reportable disease investigations if the compilations and reports do*
14 *not identify individual cases or sources of information;*]

15 [(b)] (a) Affects the confidentiality or admissibility into evidence of information not otherwise
16 confidential or privileged that is obtained from sources other than the authority; or

17 [(c)] (b) Prevents dispositions of information pursuant to ORS 192.105.

18 **SECTION 2. (1) The Department of Human Services may notify a person with a disability**
19 **who is receiving services from the department either in the person's place of residence or**
20 **in a residential facility as defined in ORS 443.400, or the person's legal representative, when**
21 **the department has knowledge that:**

22 (a) **The person may have been exposed to an infectious disease;**

23 (b) **The person is living in a household with staff who tested positive for an infectious**
24 **disease;**

25 (c) **A visitor to the person's place of residence tested positive for an infectious disease;**
26 **or**

27 (d) **The person received services from a person who tested positive for an infectious dis-**
28 **ease or has been quarantined because of exposure to an infectious disease.**

29 (2) **The department may not disclose the identity of the source of exposure when notify-**
30 **ing a person under this section.**

31 **SECTION 3. This 2021 Act being necessary for the immediate preservation of the public**
32 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**
33 **on its passage.**

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