

Senate Bill 216

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Kate Brown for Oregon Health Authority)

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**.

Prohibits disclosure of individually identifiable data collected in accordance with uniform standards adopted by Oregon Health Authority for collection of data on race, ethnicity, preferred spoken and written languages, disability status, sexual orientation and gender identity.

Exempts from prohibition on public body's inquiring into or collecting information about individual's country of birth such data collected by authority or Department of Human Services in accordance with uniform standards adopted by authority for collection of data on race, ethnicity, preferred spoken and written languages, disability status, sexual orientation and gender identity.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to data collected by the Oregon Health Authority; amending ORS 181A.823 and 413.161; and
3 prescribing an effective date.

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

5 **SECTION 1.** ORS 181A.823 is amended to read:

6 181A.823. (1) A law enforcement agency or public body may not:

7 (a) Except as required by state or federal law, deny services, benefits, privileges or opportunities
8 to an individual in custody, or on parole, probation or post-prison supervision, on the basis of known
9 or suspected immigration status, the existence of an immigration detainer, hold, notification or other
10 related federal immigration request or a civil immigration warrant;

11 (b) Inquire into or collect information about an individual's immigration or citizenship status or
12 country of birth unless:

13 (A) The information is required to advance an investigation into a violation of state or local
14 criminal law;

15 (B) The information is submitted to a court of this state, whether orally or in writing, in con-
16 nection with a proceeding in that court; or

17 (C) As necessary to determine the individual's eligibility for a benefit that the individual is
18 seeking; or

19 (c) Provide information about an individual in the custody of the public body or law enforcement
20 agency to a federal immigration authority for the purpose of civil immigration enforcement, except:

21 (A) As may be required by a judicial subpoena issued as part of a court proceeding or by an-
22 other compulsory court-issued legal process; or

23 (B) To the extent that the information is available to the general public and under the same
24 terms and conditions as the information is available to the general public.

25 (2) For purposes of subsection (1)(c)(A) of this section, a judicial subpoena does not include an
26 administrative subpoena created and signed by a federal immigration authority.

27 (3) To ensure compliance with all treaty obligations, including consular notification, and state

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 and federal laws, on the commitment or detainment of an individual, a law enforcement agency shall
 2 explain to the individual in writing, with interpretation into another language if requested:

3 (a) The individual’s right to refuse to disclose the individual’s nationality, citizenship or immi-
 4 gration status; and

5 (b) That disclosure of the individual’s nationality, citizenship or immigration status may result
 6 in civil or criminal immigration enforcement, including removal from the United States.

7 (4) Any person may bring a civil action against a law enforcement agency or public body that
 8 violates subsections (1) to (3) of this section to enjoin the violation.

9 **(5) Subsection (1)(b) of this section does not prohibit the Oregon Health Authority or the**
 10 **Department of Human Services from inquiring into or collecting data about country of birth**
 11 **in connection with data collected in accordance with uniform standards adopted under ORS**
 12 **413.161.**

13 **SECTION 2.** ORS 413.161 is amended to read:

14 413.161. (1) The Oregon Health Authority, in collaboration with the Department of Human Ser-
 15 vices, shall adopt by rule uniform standards, based on local, statewide and national best practices,
 16 for the collection of data on race, ethnicity, preferred spoken and written languages, disability sta-
 17 tus, sexual orientation and gender identity. The authority and the department shall use the stan-
 18 dards, to the greatest extent practicable, in surveys conducted and in all programs in which the
 19 authority or the department collects, records or reports the data described in this subsection. The
 20 authority and the department shall review and update the standards at least once every two years
 21 to ensure that the standards are efficient, uniform and consistent with best practices.

22 (2) The authority shall appoint an advisory committee in accordance with ORS 183.333 composed
 23 of individuals likely to be affected by the standards and advocates for individuals likely to be af-
 24 fected by the standards.

25 **(3) Any data collected by the authority or the department in accordance with uniform**
 26 **standards adopted under subsection (1) of this section is subject to ORS 413.164 (4).**

27 **SECTION 3. This 2023 Act takes effect on the 91st day after the date on which the 2023**
 28 **regular session of the Eighty-second Legislative Assembly adjourns sine die.**

29