

# Enrolled House Bill 2092

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for Oregon Health Authority)

CHAPTER .....

AN ACT

Relating to a prevention program administered by the Oregon Health Authority; appropriating money; and declaring an emergency.

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

**SECTION 1. (1) Subject to available funding, including gifts, grants or donations, the Oregon Health Authority shall establish and administer a statewide injury and violence prevention program. In administering the program, the authority may:**

**(a) Collect and analyze data on injury and violence, including but not limited to data from death certificates, emergency department records, hospitalization records, medical examiner and coroner records and police reports and surveys;**

**(b) Develop and revise, as necessary, a comprehensive state plan for injury and violence prevention;**

**(c) Provide technical support and training to communities, local health departments, state and local agencies, organizations and individuals;**

**(d) Prepare an annual report on injury and violence in Oregon;**

**(e) Conduct special studies of, collect data on and monitor and evaluate activities related to the risk factors, protective factors, causes and prevention of morbidity and mortality resulting from injury that occurs as a result of unintentional or undetermined causes, nonfatal self-harming behavior, suicide, assault or homicide;**

**(f) Work with researchers to enhance knowledge about reducing injury and violence in Oregon;**

**(g) Develop collaborative relationships with other state agencies and private and community organizations for the purpose of establishing programs that promote injury and violence prevention;**

**(h) Provide information to assist in the development of institutional and public policies that will reduce injury and violence;**

**(i) Collaborate with local public health authorities, persons providing emergency medical services, hospitals, law enforcement agencies, research institutions and other organizations to conduct studies of, collect data on and monitor and evaluate activities related to the causes and prevention of injury and violence;**

**(j) Publish compilations of data and reports about injury and violence, provided that the data and reports do not identify individual cases or sources of information; and**

**(k) Adopt rules as necessary to carry out this section.**

(2) Notwithstanding subsection (1) of this section, the authority may not require a hospital, as defined in ORS 442.015, to report data to the authority under this section unless the authority is otherwise authorized to require the hospital to report the data to the authority under other state or federal law.

(3)(a) Except as provided in paragraph (c) of this subsection, all data collected pursuant to this section is:

(A) Confidential and not subject to public disclosure law under ORS 192.410 to 192.505; and

(B) Privileged.

(b) Except as required by the administration or enforcement of the public health laws of this state or rules adopted under the public health laws of this state, a public health official, employee or agent may not be examined in an administrative or judicial proceeding as to the existence or content of data collected pursuant this section.

(c) The authority shall adopt rules under which confidential data collected pursuant to this section may be requested by a third party for the purpose of conducting research and studies for the public good. Research and studies conducted using confidential data collected pursuant to this section must be reviewed and approved by a committee established for the protection of human research subjects pursuant to 45 C.F.R. 46.

(4) A person who furnishes information to the authority for a purpose described in this section is not civilly or criminally liable for any loss, damage or injury arising out of the furnishing of that information to the authority.

(5) The authority may accept gifts, grants or donations from any public or private source for the purpose of carrying out this section. Funds received under this subsection shall be deposited in the Oregon Health Authority Fund established under ORS 413.101 and are continuously appropriated to the authority for the purposes of carrying out this section.

**SECTION 2.** This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.

Passed by House February 11, 2013

Received by Governor:

Repassed by House May 30, 2013

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Approved:

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Ramona J. Line, Chief Clerk of House

.....M.,....., 2013

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Tina Kotek, Speaker of House

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John Kitzhaber, Governor

Passed by Senate May 28, 2013

Filed in Office of Secretary of State:

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Peter Courtney, President of Senate

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Kate Brown, Secretary of State