

# D R A F T

## SUMMARY

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  
3 433.008; and declaring an 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  
7 section, information obtained by the Oregon Health Authority or a local  
8 public health administrator in the course of an investigation of a reportable  
9 disease or disease outbreak is confidential and is exempt from disclosure  
10 under ORS 192.311 to 192.478.

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

15 [(b)] (c) Except as required for the administration or enforcement of  
16 public health laws or rules, a state or local public health official or employee  
17 may not be examined in an administrative or judicial proceeding about the

1 existence or contents of a reportable disease report or other information re-  
2 ceived by the authority or local public health administrator in the course  
3 of an investigation of a reportable disease or disease outbreak.

4 (2) The authority or a local public health administrator may release in-  
5 formation obtained during an investigation of a reportable disease or disease  
6 outbreak to:

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

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

11 (c) Law enforcement officials to the extent necessary to carry out the  
12 authority granted to the Public Health Director and local public health ad-  
13 ministrators under ORS 433.121, 433.128, 433.131, 433.138 and 433.142;

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

15 (e) A person with information necessary to assist the authority or local  
16 public health administrator in identifying an individual who may have been  
17 exposed to a communicable disease; and

18 (f) The individual who is the subject of the information or the legal rep-  
19 resentative of that individual.

20 (3) The authority or local public health administrator may release indi-  
21 vidually identifiable information under subsection (2)(d) or (e) of this section  
22 only if there is clear and convincing evidence that the release is necessary  
23 to avoid an immediate danger to other individuals or to the public.

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

27 (5) A decision not to disclose information under this [*subsection*]  
28 **section**, if made in good faith, shall not subject the entity or person with-  
29 holding the information to any liability.

30 (6) Nothing in this section:

31 [*(a) Prevents the authority or a local public health administrator from*

1 *publishing statistical compilations and reports relating to reportable disease*  
2 *investigations if the compilations and reports do not identify individual cases*  
3 *or sources of information;]*

4 [(b)] (a) Affects the confidentiality or admissibility into evidence of in-  
5 formation not otherwise confidential or privileged that is obtained from  
6 sources other than the authority; or

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

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

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

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

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

18 (d) The person received services from a person who tested positive  
19 for an infectious disease or has been quarantined because of exposure  
20 to an infectious disease.

21 (2) The department may not disclose the identity of the source of  
22 exposure when notifying a person under this section.

23 **SECTION 3. This 2021 Act being necessary for the immediate pres-**  
24 **ervation of the public peace, health and safety, an emergency is de-**  
25 **clared to exist, and this 2021 Act takes effect on its passage.**

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