

## SENATE AMENDMENTS TO SENATE BILL 719

By COMMITTEE ON HEALTH CARE

April 23

1 On page 1 of the printed bill, delete lines 4 through 30 and delete page 2 and insert:

2 “**SECTION 1.** ORS 433.008 is amended to read:

3 “433.008. (1)(a) Except as **otherwise** provided in [*subsection (2) of*] this section, information ob-  
4 tained by the Oregon Health Authority or a local public health administrator in the course of an  
5 investigation of a reportable disease or disease outbreak is confidential and is exempt from disclo-  
6 sure under ORS 192.311 to 192.478.

7 “(b) Except as required for the administration or enforcement of public health laws or rules, a  
8 state or local public health official or employee may not be examined in an administrative or judicial  
9 proceeding about the existence or contents of a reportable disease report or other information re-  
10 ceived by the authority or local public health administrator in the course of an investigation of a  
11 reportable disease or disease outbreak.

12 “(2) The authority or a local public health administrator may release information obtained dur-  
13 ing an investigation of a reportable disease or disease outbreak to:

14 “(a) State, local or federal agencies authorized to receive the information under state or federal  
15 law;

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

17 “(c) Law enforcement officials to the extent necessary to carry out the authority granted to the  
18 Public Health Director and local public health administrators under ORS 433.121, 433.128, 433.131,  
19 433.138 and 433.142;

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

21 “(e) A person with information necessary to assist the authority or local public health adminis-  
22 trator in identifying an individual who may have been exposed to a communicable disease; and

23 “(f) The individual who is the subject of the information or the legal representative of that in-  
24 dividual.

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

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

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

33 “(6) **Upon receipt of a request for public records under ORS 192.311 to 192.478, the au-**  
34 **thority or a local public health administrator shall release aggregate information about re-**  
35 **portable disease investigations that does not identify individual cases or sources of**

1 **information.**

2 “[6] (7) Nothing in this section:

3 “(a) Prevents the authority or a local public health administrator from publishing statistical  
4 compilations and reports relating to reportable disease investigations if the compilations and reports  
5 do not identify individual cases or sources of information;

6 “(b) Affects the confidentiality or admissibility into evidence of information not otherwise con-  
7 fidential or privileged that is obtained from sources other than the authority; or

8 “(c) Prevents dispositions of information pursuant to ORS 192.105.

9 **“SECTION 2. This 2021 Act being necessary for the immediate preservation of the public  
10 peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect  
11 on its passage.”.**

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