

Requested by Senator DEMBROW

**PROPOSED AMENDMENTS TO
SENATE BILL 719**

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

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

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

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

15 “(2) The authority or a local public health administrator may release in-
16 formation obtained during an investigation of a reportable disease or disease
17 outbreak to:

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

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

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

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

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

8 “(f) The individual who is the subject of the information or the legal
9 representative of that individual.

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

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

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

20 “(6) **Upon receipt of a request for public records under ORS 192.311**
21 **to 192.478, the authority or a local public health administrator shall**
22 **release aggregate information about reportable disease investigations**
23 **that does not identify individual cases or sources of information.**

24 “(7) **The authority shall publish quarterly reports of closed disease**
25 **outbreak investigations that do not identify individual cases or sources**
26 **of information.**

27 “[~~(6)~~] (8) Nothing in this section:

28 “(a) Prevents the authority or a local public health administrator from
29 publishing statistical compilations and reports relating to reportable disease
30 investigations if the compilations and reports do not identify individual cases

1 or sources of information;

2 “(b) Affects the confidentiality or admissibility into evidence of informa-
3 tion not otherwise confidential or privileged that is obtained from sources
4 other than the authority; or

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

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

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