

D R A F T

SUMMARY

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
3 181A.823 and 413.161; and 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,
8 privileges or opportunities to an individual in custody, or on parole, pro-
9 bation or post-prison supervision, on the basis of known or suspected immi-
10 gration status, the existence of an immigration detainer, hold, notification
11 or other related federal immigration request or a civil immigration warrant;

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

14 (A) The information is required to advance an investigation into a vio-

1 lation of state or local criminal law;

2 (B) The information is submitted to a court of this state, whether orally
3 or in writing, in connection with a proceeding in that court; or

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

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

9 (A) As may be required by a judicial subpoena issued as part of a court
10 proceeding or by another compulsory court-issued legal process; or

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

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

17 (3) To ensure compliance with all treaty obligations, including consular
18 notification, and state and federal laws, on the commitment or detainment
19 of an individual, a law enforcement agency shall explain to the individual
20 in writing, with interpretation into another language if requested:

21 (a) The individual's right to refuse to disclose the individual's nationality,
22 citizenship or immigration status; and

23 (b) That disclosure of the individual's nationality, citizenship or immi-
24 gration status may result in civil or criminal immigration enforcement, in-
25 cluding removal from the United States.

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

29 **(5) Subsection (1)(b) of this section does not prohibit the Oregon**
30 **Health Authority or the Department of Human Services from inquir-**
31 **ing into or collecting data about country of birth in connection with**

1 **data collected in accordance with uniform standards adopted under**
2 **ORS 413.161.**

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

4 413.161. (1) The Oregon Health Authority, in collaboration with the De-
5 partment of Human Services, shall adopt by rule uniform standards, based
6 on local, statewide and national best practices, for the collection of data on
7 race, ethnicity, preferred spoken and written languages, disability status,
8 sexual orientation and gender identity. The authority and the department
9 shall use the standards, to the greatest extent practicable, in surveys con-
10 ducted and in all programs in which the authority or the department collects,
11 records or reports the data described in this subsection. The authority and
12 the department shall review and update the standards at least once every two
13 years to ensure that the standards are efficient, uniform and consistent with
14 best practices.

15 (2) The authority shall appoint an advisory committee in accordance with
16 ORS 183.333 composed of individuals likely to be affected by the standards
17 and advocates for individuals likely to be affected by the standards.

18 **(3) Any data collected by the authority or the department in ac-**
19 **cordance with uniform standards adopted under subsection (1) of this**
20 **section is subject to ORS 413.164 (4).**

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

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