

# House Bill 3266

Sponsored by Representative BYNUM

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides that no person may use mechanical restraint, chemical restraint, prone restraint, physical restraint or seclusion on student in public education program. Allows exception for police officers in limited circumstances.

## A BILL FOR AN ACT

1  
2 Relating to the restraint of students; amending ORS 339.288.

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

4 **SECTION 1.** ORS 339.288 is amended to read:

5 339.288. (1)(a) **Except as provided in paragraph (b) of this subsection**, the use of a mechan-  
6 ical restraint, chemical restraint or prone restraint **by any person** on a student in a public educa-  
7 tion program in this state is prohibited.

8 **(b) A police officer as defined in ORS 181A.355 may use a mechanical restraint on a stu-**  
9 **dent in a public education program only if the restraint is necessary due to a reasonable**  
10 **threat of imminent, serious bodily injury to the student or others and there are no less re-**  
11 **strictive alternatives that will alleviate the reasonable threat of imminent, serious bodily**  
12 **injury to the student or others. A police officer may not use a mechanical restraint for**  
13 **punishment or convenience.**

14 (2) The use of physical restraint or seclusion **by any person** on a student in a public education  
15 program in this state is prohibited unless used as provided in ORS 339.291.

16 (3) As used in this section:

17 (a) "Chemical restraint" means a drug or medication that is used on a student to control be-  
18 havior or restrict freedom of movement and that is not:

19 (A) Prescribed by a licensed physician or other qualified health professional acting under the  
20 professional's scope of practice for standard treatment of the student's medical or psychiatric con-  
21 dition; and

22 (B) Administered as prescribed by a licensed physician or other qualified health professional  
23 acting under the professional's scope of practice.

24 (b)(A) "Mechanical restraint" means a device used to restrict the movement of a student or the  
25 movement or normal function of a portion of the body of a student.

26 (B) "Mechanical restraint" does not include:

27 (i) A protective or stabilizing device ordered by a licensed physician; or

28 (ii) A vehicle safety restraint when used as intended during the transport of a student in a  
29 moving vehicle.

30 (c) "Prone restraint" means a restraint in which a student is held face down on the floor.

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**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.