

A-Engrossed
Senate Bill 834

Ordered by the Senate March 31
Including Senate Amendments dated March 31

Sponsored by Senator GELSER, Representative PILUSO

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.

Requires Department of Human Services to develop and present proposal for creation of human rights commission to interim committees of Legislative Assembly related to human services and health no later than [*September*] **December 1, 2017.**

Sunsets December 31, 2017.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to basic human rights; and declaring an emergency.

3 Whereas family members, guardians, friends, caregivers and service providers sometimes impose
4 rules or policies that restrict the activities and freedoms of individuals with intellectual or devel-
5 opmental disabilities; and

6 Whereas the restrictions imposed by service providers sometimes include prescribing the times
7 at which the individual may eat, how frequently the individual must shower or how much television
8 the individual is allowed to view; and

9 Whereas such restrictions violate state and federal laws protecting the rights of adults with
10 intellectual or developmental disabilities to live in dignity and independence; and

11 Whereas other states have established independent human rights commissions to adjudicate and
12 enforce the rights of individuals with disabilities that are secured by state or federal laws; and

13 Whereas this state has no similar human rights commission; now, therefore,

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

15 **SECTION 1. (1) The Department of Human Services shall develop a proposal for the es-**
16 **tablishment of an independent human rights commission to safeguard the dignity and basic**
17 **human rights of individuals with intellectual or developmental disabilities, including but not**
18 **limited to the right of individuals to:**

19 (a) **Choose their friends and visitors;**

20 (b) **Select their own entertainment;**

21 (c) **Tend to their own personal hygiene;**

22 (d) **Choose their intimate partners; and**

23 (e) **Have access to food when they choose to eat.**

24 (2) **In the development of the proposal, the department shall consult with the state pro-**
25 **tection and advocacy system described in ORS 192.517, the Oregon Council on Developmental**
26 **Disabilities and the Oregon Self Advocacy Coalition.**

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.

- 1 **(3) The proposal must include:**
2 **(a) Any legislative changes needed to create and empower the commission;**
3 **(b) The cost of administering the commission;**
4 **(c) A recommendation for whether the commission should be an independent entity or**
5 **housed within another state agency;**
6 **(d) How to guarantee the independence of the commission from influence by service**
7 **providers and the department;**
8 **(e) A comparison of similar commissions operating in other states; and**
9 **(f) An enumeration of the basic human rights to be safeguarded by the commission.**
10 **(4) The department shall report its findings and proposal to the interim committees of**
11 **the Legislative Assembly related to human services and health no later than December 1,**
12 **2017.**

13 **SECTION 2.** Section 1 of this 2017 Act is repealed on December 31, 2017.

14 **SECTION 3.** This 2017 Act being necessary for the immediate preservation of the public
15 peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect
16 on its passage.
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