

HB 2515-4  
(LC 2988)  
2/8/19 (HE/ps)

Requested by HOUSE COMMITTEE ON JUDICIARY (at the request of Representative Jennifer Williamson)

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2515**

1 On page 1 of the printed bill, delete line 3 and insert “169.750, 169.770 and  
2 420A.100.”.

3 Delete lines 5 through 31 and delete pages 2 through 6 and insert:

4 **“SECTION 1.** ORS 169.076 is amended to read:

5 “169.076. Each local correctional facility shall:

6 “(1) Provide sufficient staff to perform all audio and visual functions in-  
7 volving security, control, custody and supervision of all confined detainees  
8 and prisoners, with personal inspection at least once each hour. The super-  
9 vision may include the use of electronic monitoring equipment when ap-  
10 proved by the Department of Corrections and the governing body of the  
11 jurisdiction in which the facility is located.

12 “(2) Have a comprehensive written policy with respect to:

13 “(a) Legal confinement authority.

14 “(b) Denial of admission.

15 “(c) Telephone calls.

16 “(d) Admission and release medical procedures.

17 “(e) Medication and prescriptions.

18 “(f) Personal property accountability [*which*] **that** complies with ORS  
19 133.455.

20 “(g) Vermin and communicable disease control.

21 “(h) Release process to include authority, identification and return of

1 personal property.

2 “(i) Rules of the facility governing correspondence and visitations.

3 “(3) Formulate and publish plans to meet emergencies involving escape,  
4 riots, assaults, fires, rebellions and other types of emergencies[;], and regu-  
5 lations for the operation of the facility.

6 “(4) Not administer any physical punishment to any prisoner at any time.

7 “(5) Provide for emergency medical and dental health, having written  
8 policies providing for:

9 “(a) Review of the facility’s medical and dental plans by a licensed phy-  
10 sician, physician assistant, naturopathic physician or nurse practitioner.

11 “(b) The security of medication and medical supplies.

12 “(c) A medical and dental record system to include request for medical  
13 and dental attention, treatment prescribed, prescriptions, special diets and  
14 other services provided.

15 “(d) First aid supplies and staff first aid training.

16 “(6) Prohibit firearms from the security area of the facility except in  
17 times of emergency as determined by the administrator of the facility.

18 “(7) Ensure that confined detainees and prisoners:

19 “(a) Will be fed daily at least three meals served at regular times, with  
20 no more than 14 hours between meals except when routinely absent from the  
21 facility for work or other purposes.

22 “(b) Will be fed nutritionally adequate meals in accordance with a plan  
23 reviewed by a registered dietitian or the Oregon Health Authority.

24 “(c) Be provided special diets as prescribed by the facility’s designated  
25 physician, physician assistant, naturopathic physician or nurse practitioner.

26 “(d) Shall have food procured, stored, prepared, distributed and served  
27 under sanitary conditions, as defined by the authority under ORS 624.041.

28 “(8) Ensure that the facility be clean, and provide each confined detainee  
29 or prisoner:

30 “(a) Materials to maintain personal hygiene.

1 “(b) Clean clothing twice weekly.

2 “(c) Mattresses and blankets that are clean and fire-retardant.

3 “(9) Require each prisoner to shower at least twice weekly.

4 “(10) Forward, without examination or censorship, each prisoner’s outgo-  
5 ing written communications to the Governor, jail administrator, Attorney  
6 General, judge, Department of Corrections or the attorney of the prisoner.

7 “(11) Keep the facility safe and secure in accordance with the State of  
8 Oregon Structural Specialty Code and Fire and Life Safety Code.

9 “(12) Have and provide each prisoner with written rules for inmate con-  
10 duct and disciplinary procedures. If a prisoner cannot read or is unable to  
11 understand the written rules, the information shall be conveyed to the pris-  
12 oner orally.

13 “(13) Not restrict the free exercise of religion unless failure to impose the  
14 restriction will cause a threat to facility or order.

15 “(14) Safeguard and ensure that the prisoner’s legal rights to access to  
16 legal materials are protected.

17 “(15) **In addition to the items listed in subsection (8) of this section,**  
18 **make available tampons, sanitary pads, postpartum pads and panty**  
19 **liners at no cost to all confined detainees and prisoners for use in**  
20 **connection with vaginal discharge. Facilities shall maintain a suffi-**  
21 **cient supply, which shall be stored, dispensed and disposed of in a**  
22 **sanitary manner. The supply of products available shall include at**  
23 **least the following:**

24 “(a) **Regular absorbent and super absorbent tampons;**

25 “(b) **Regular absorbent and super absorbent sanitary pads;**

26 “(c) **Postpartum pads; and**

27 “(d) **Regular absorbent panty liners.**

28 “**SECTION 2.** ORS 169.077 is amended to read:

29 “169.077. Each lockup facility shall:

30 “(1) Maintain 24-hour supervision when persons are confined. The

1 supervision may include the use of electronic monitoring equipment when  
2 approved by the Department of Corrections and the governing body of the  
3 jurisdiction in which the facility is located.

4 “(2) Make a personal inspection of each person confined at least once  
5 each hour.

6 “(3) Prohibit firearms from the security area of the facility except in  
7 times of emergency as determined by the administrator of the facility.

8 “(4) Ensure that confined detainees and prisoners will be fed daily at least  
9 three nutritionally adequate meals served at regular times, with no more  
10 than 14 hours between meals except when routinely absent from the facility  
11 for work or other such purposes.

12 “(5) Forward, without examination or censorship, each prisoner’s outgoing  
13 written communications to the Governor, jail administrator, Attorney Gen-  
14 eral, judge, Department of Corrections or the attorney of the prisoner.

15 “(6) Provide rules of the facility governing correspondence and  
16 visitations.

17 “(7) Keep the facility safe and secure in accordance with the State of  
18 Oregon Structural Specialty Code and Fire and Life Safety Code.

19 “(8) Formulate and publish plans to meet emergencies involving escape,  
20 riots, assaults, fires, rebellions and other types of emergencies[;], and poli-  
21 cies and regulations for the operation of the facility.

22 “(9) Ensure that the facility be clean, provide mattresses and blankets  
23 that are clean and fire-retardant, and furnish materials to maintain personal  
24 hygiene.

25 “(10) Provide for emergency medical and dental health, having written  
26 policies providing for review of the facility’s medical and dental plans by a  
27 licensed physician, physician assistant, naturopathic physician or nurse  
28 practitioner.

29 **“(11) In addition to the items listed in subsection (9) of this section,**  
30 **make available tampons, sanitary pads, postpartum pads and panty**

1 **liners at no cost to all confined detainees and prisoners for use in**  
2 **connection with vaginal discharge. Facilities shall maintain a suffi-**  
3 **cient supply, which shall be stored, dispensed and disposed of in a**  
4 **sanitary manner. The supply of products available shall include at**  
5 **least the following:**

6 **“(a) Regular absorbent and super absorbent tampons;**

7 **“(b) Regular absorbent and super absorbent sanitary pads;**

8 **“(c) Postpartum pads; and**

9 **“(d) Regular absorbent panty liners.**

10 **“SECTION 3. Section 4 of this 2019 Act is added to and made a part**  
11 **of ORS 169.610 to 169.677.**

12 **“SECTION 4. Regional correctional facilities shall make available**  
13 **tampons, sanitary pads, postpartum pads and panty liners at no cost**  
14 **to all prisoners for use in connection with vaginal discharge. Facilities**  
15 **shall maintain a sufficient supply, which shall be stored, dispensed and**  
16 **disposed of in a sanitary manner. The supply of products available**  
17 **shall include at least the following:**

18 **“(1) Regular absorbent and super absorbent tampons;**

19 **“(2) Regular absorbent and super absorbent sanitary pads;**

20 **“(3) Postpartum pads; and**

21 **“(4) Regular absorbent panty liners.**

22 **“SECTION 5. ORS 420A.100 is amended to read:**

23 **“420A.100. (1) The Oregon Youth Authority may establish and operate**  
24 **youth correction facilities. If the youth authority establishes youth cor-**  
25 **rection facilities, the youth authority shall site the facilities in accordance**  
26 **with applicable state and local laws.**

27 **“(2) Youth correction facilities must be used for the confinement of youth**  
28 **offenders and others placed in the custody of the youth authority and for the**  
29 **development of those persons into productive members of society.**

30 **“(3) Youth correction facilities shall make available tampons, sani-**

1 tary pads, postpartum pads and panty liners at no cost to all persons  
2 confined in a youth correction facility for use in connection with  
3 vaginal discharge. Youth correction facilities shall maintain a suffi-  
4 cient supply, which shall be stored, dispensed and disposed of in a  
5 sanitary manner. The supply of products available shall include at  
6 least the following:

7 “(a) Regular absorbent and super absorbent tampons;

8 “(b) Regular absorbent and super absorbent sanitary pads;

9 “(c) Postpartum pads; and

10 “(d) Regular absorbent panty liners.

11 **“SECTION 6.** Section 7 of this 2019 Act is added to and made a part  
12 of ORS 423.010 to 423.070.

13 **“SECTION 7.** The Department of Corrections institutions shall  
14 make available tampons, sanitary pads, postpartum pads and panty  
15 liners at no cost to all persons confined in a Department of Cor-  
16 rections institution for use in connection with vaginal discharge. The  
17 Department of Corrections shall maintain a sufficient supply, which  
18 shall be stored, dispensed and disposed of in a sanitary manner. The  
19 supply of products available shall include at least the following:

20 “(1) Regular absorbent and super absorbent tampons;

21 “(2) Regular absorbent and super absorbent sanitary pads;

22 “(3) Postpartum pads; and

23 “(4) Regular absorbent panty liners.

24 **“SECTION 8.** ORS 169.750 is amended to read:

25 “169.750. A juvenile detention facility may not:

26 “(1) Impose upon a detained juvenile for purposes of discipline or pun-  
27 ishment any infliction of or threat of physical injury or pain, deliberate hu-  
28 miliatation, physical restraint, withholding of meals, or isolation, or detention  
29 under conditions that violate the provisions of subsections (2) to (8) of this  
30 section or ORS 169.076 (7) to (11)[, (13) or (14)] **or (13) to (15)** or 169.740;

1       “(2) Use any physical force, other means of physical control or isolation  
2 upon a detained juvenile except as reasonably necessary and justified to  
3 prevent escape from the facility, physical injury to another person, to protect  
4 a detained juvenile from physical self-injury or to prevent destruction of  
5 property, or to effectuate the confinement of the juvenile in roomlock or  
6 isolation as provided for in ORS 169.090, 169.730 to 169.800, 419A.050 and  
7 419A.052, and for only so long as it appears that the danger exists. A use of  
8 force or other physical means of control may not employ:

9       “(a) The use of restraining devices for a purpose other than to prevent  
10 physical injury or escape, or, in any case, for a period in excess of six hours.  
11 However, the time during which a detained juvenile is being transported to  
12 another facility pursuant to court order shall not be counted within the six  
13 hours; or

14       “(b) Isolation for a period in excess of six hours;

15       “(3) Use roomlock except for the discipline and punishment of a detained  
16 juvenile for violation of a rule of conduct or behavior of the facility as  
17 provided for in ORS 169.076 (12) or for conduct that constitutes a crime un-  
18 der the laws of this state or that would justify physical force, control or  
19 isolation under subsection (2) of this section;

20       “(4) Cause to be made an internal examination of a detained juvenile’s  
21 anus or vagina, except upon probable cause that contraband, as defined in  
22 ORS 162.135 (1), will be found upon such examination and then only by a  
23 physician licensed under ORS chapter 677, naturopathic physician licensed  
24 under ORS chapter 685, physician assistant licensed under ORS 677.505 to  
25 677.525 or nurse licensed under ORS chapter 678;

26       “(5)(a) Administer to any detained juvenile medication, except upon the  
27 informed consent of the juvenile or in the case of an imminent threat to the  
28 life of the juvenile or where the juvenile has a contagious or communicable  
29 disease that poses an imminent threat to the health of other persons in the  
30 facility. However, prescription medication may not be administered except

1 upon a written prescription or written order by a physician licensed under  
2 ORS chapter 677, physician assistant licensed under ORS 677.505 to 677.525,  
3 nurse practitioner licensed under ORS 678.375 to 678.390, naturopathic phy-  
4 sician licensed under ORS chapter 685 or dentist licensed under ORS chapter  
5 679, and administered by a person authorized under ORS chapter 677, 678 or  
6 679 to administer medication. Facility staff not otherwise authorized by law  
7 to administer medications may administer noninjectable medications in ac-  
8 cordance with rules adopted by the Oregon State Board of Nursing pursuant  
9 to ORS 678.150 (8);

10 “(b) Nonmedical personnel shall receive training for administering  
11 medications, including recognition of and response to drug reactions and  
12 unanticipated side effects, from the responsible physician, physician assist-  
13 ant, naturopathic physician or nurse and the official responsible for the fa-  
14 cility. All personnel shall be responsible for administering the dosage  
15 medications according to orders and for recording the administrations of the  
16 dosage in a manner and on a form approved by the responsible physician,  
17 physician assistant, naturopathic physician or nurse practitioner; and

18 “(c) Notwithstanding any other provision of law, medication may not be  
19 administered unless a physician, physician assistant licensed under ORS  
20 677.505 to 677.525, naturopathic physician licensed under ORS chapter 685  
21 or nurse licensed under ORS chapter 678 is either physically on the premises  
22 or readily available by telephone and within 30 minutes travel time of the  
23 patient;

24 “(6) Administer to any detained juvenile any medication or medical pro-  
25 cedure for purposes of experimentation;

26 “(7) Discipline or punish any juvenile for conduct or behavior by  
27 roomlock, for a period in excess of 12 hours, or by denial of any privilege,  
28 regularly awarded other detained adults or juveniles, for more than one day,  
29 except after:

30 “(a) Advising the juvenile in writing of the alleged offensive conduct or



1 behavior;

2 “(b) Providing the juvenile the opportunity to a hearing before a staff  
3 member who was not a witness to the alleged offensive conduct or behavior;

4 “(c) Providing the juvenile the opportunity to produce witnesses and evi-  
5 dence and to cross-examine witnesses;

6 “(d) Providing the detained juvenile the opportunity to testify, at the sole  
7 option of the juvenile; and

8 “(e) A finding that the alleged conduct or behavior was proven by a pre-  
9 ponderance of the evidence and that it violated a rule of conduct or behavior  
10 of the facility as provided for in ORS 169.076 (12) or constituted a crime  
11 under the laws of this state; and

12 “(8) Detain juveniles with emotional disturbances, mental retardation or  
13 physical disabilities on the same charges and circumstances for which other  
14 juveniles would have been released or provided with another alternative.

15 **“SECTION 9.** ORS 169.770 is amended to read:

16 “169.770. Notwithstanding the procedures set out in ORS 169.080 and  
17 419A.061, the juvenile court in which venue lies pursuant to 419B.100 or  
18 419C.005 shall, upon motion of any party or on its own motion, and after  
19 prompt hearing, release any juvenile detained in a facility which violates  
20 ORS 169.076 (7) to (11)[, (13) or (14)] **or (13) to (15)**, 169.740 or 169.750, unless  
21 the court finds that such violation is not likely to reoccur. The court may  
22 comply with the release provisions of this section by transferring a detained  
23 juvenile to an available juvenile detention facility which it finds complies  
24 with ORS 169.076 (7) to (11)[, (13) or (14)] **or (13) to (15)**, 169.740 and 169.750,  
25 or by placing the juvenile in shelter care, or by releasing the juvenile to the  
26 custody of a responsible adult under terms and conditions specified by the  
27 court, or by releasing the juvenile on personal recognizance under terms and  
28 conditions specified by the court. The appeal of a final order under this  
29 section does not suspend the jurisdiction of the juvenile court while the ap-  
30 peal is pending. No subsequent order of the juvenile court shall moot the

1 appeal.”.

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