

Enrolled Senate Bill 834

Sponsored by Senator GELSER, Representative PILUSO

CHAPTER

AN ACT

Relating to basic human rights; and declaring an emergency.

Whereas family members, guardians, friends, caregivers and service providers sometimes impose rules or policies that restrict the activities and freedoms of individuals with intellectual or developmental disabilities; and

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

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

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

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

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

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

- (a) **Choose their friends and visitors;**
- (b) **Select their own entertainment;**
- (c) **Tend to their own personal hygiene;**
- (d) **Choose their intimate partners; and**
- (e) **Have access to food when they choose to eat.**

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

(3) **The proposal must include:**

- (a) **Any legislative changes needed to create and empower the commission;**
- (b) **The cost of administering the commission;**
- (c) **A recommendation for whether the commission should be an independent entity or housed within another state agency;**
- (d) **How to guarantee the independence of the commission from influence by service providers and the department;**
- (e) **A comparison of similar commissions operating in other states; and**
- (f) **An enumeration of the basic human rights to be safeguarded by the commission.**

(4) The department shall report its findings and proposal to the interim committees of the Legislative Assembly related to human services and health no later than December 1, 2017.

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

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

Passed by Senate April 4, 2017

.....
Lori L. Brocker, Secretary of Senate

.....
Peter Courtney, President of Senate

Passed by House June 5, 2017

.....
Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2017

Approved:

.....M.,....., 2017

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2017

.....
Dennis Richardson, Secretary of State