



March 27, 2025

Senate Committee on Health Care  
Oregon State Legislature  
900 Court St. NE  
Salem, OR 97301

**RE: Testimony in Support of Senate Bill SB 293**

Dear Chair Patterson , Vice-Chair Hayden, and members of the committee,

Thank you for the opportunity to submit testimony on behalf of the American Civil Liberties Union of Oregon (ACLU of Oregon). The ACLU of Oregon is a nonprofit, nonpartisan organization dedicated to preserving and enhancing civil rights and civil liberties, with more than 44,000 members and donor supporters statewide.

**We strongly support Senate Bill 293, which would establish statutory minimum health care standards for adults in custody.**

**All incarcerated adults retain constitutional rights to be treated with dignity and to adequate, timely medical and mental health care.** SB 293 would codify essential care standards that help ensure health care decisions are timely, documented, justified, and not based on arbitrary factors such as sentence length, pre-existing conditions, or prescription drug needs.

In Oregon, multiple reports have documented serious deficiencies in health care within correctional facilities—deficiencies that have too often resulted in suffering and preventable deaths.<sup>1</sup> These failures violate both the state and federal constitutional prohibitions against cruel and unusual punishment, as well as the state constitutional prohibition against treating confined persons with “unnecessary rigor.” See U.S. Const. Amend. VIII; Oregon Const. Article I, sections 13 and 16. .

Nearly forty years ago, the U.S. Supreme Court ruled in *Estelle v. Gamble* that ignoring a prisoner’s serious medical needs can amount to cruel and unusual punishment, noting that “[a]n inmate must rely on prison authorities to treat his medical needs; if the authorities fail to do so, those needs will not be met. In the worst cases, such a failure may actually produce physical torture or a lingering death[.] ... In less serious cases, denial of medical care may result in pain and suffering which no one suggests would serve any penological purpose.” See also *Billings v. Gates*, 323 Or. 627 (1996) (adopting the *Estelle* standard for denial of medical care claims under

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<sup>1</sup> National Commission on Correctional Health Care, in a 2024 report, found CCCF “failed to meet half of 38 essential standards. The 19 problem areas included: delayed health screenings and treatment, as well as inadequate care for patients with chronic conditions like diabetes.” Report: Medical visits backlogged at Oregon women’s prison as hundreds wait months for care, Oregon Capital Chronicle, Ben Botkin, (5/22/2024); “There were consistent reports that medical and mental health care is inadequate, delayed or denied, poor in quality, and not calibrated to the needs of women (e.g., reproductive health).” Gender Informed Practices Assessment (GIPA) of CCCF, 2023 state commissioned report.

Article I, section 16). Furthermore, the Oregon courts have affirmed that prisons and jails in Oregon cannot subject an adult in custody to abusive indignities, like denying medical care, unless the denial is justified by objective necessity. *See, e.g., Lawson v. Cain*, 323 Or.App. 730 (2023) (“failure to provide adequate preventative and management measures in response to the COVID-19 virus in the prison subjected plaintiff, who is medically vulnerable, to “**unnecessary rigor**” in violation of [Article I, section 13, of the Oregon Constitution](#)”).

Failure to provide adequate care not only leads to unnecessary suffering and loss of life—it also exposes the state to costly and avoidable litigation by adults in custody seeking to enforce their constitutional rights.

**Senate Bill 293 is a critical step toward improving conditions in our state’s correctional facilities.** By requiring timely, adequate care and increasing transparency through documentation of care decisions, the bill promotes accountability, dignity, and the rule of law.

For these reasons, **the ACLU of Oregon respectfully urges you to vote yes on SB 293 and advance it out of committee.**

Respectfully,

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