



# HUMAN SERVICES

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## 2018 SUMMARY OF LEGISLATION: MEASURE SUMMARIES

The *2018 Summary of Legislation – Human Services* summarizes selected measures related to this policy area that were considered by the 79th Oregon Legislative Assembly, including bills, memorials, and resolutions. This publication will become part of a more comprehensive *2018 Summary of Legislation* that includes all topic area summaries and committee membership lists.

This publication begins with a table highlighting measures that establish task forces or create reporting requirements. The summaries of selected measures follow in three groups—bills, memorials, and resolutions—each listed in numerical order.

Each summary provides information on the chief sponsors, committees assigned, background and current law, description of the measure, and date when the measure, if enacted, becomes effective. Each summary also includes a link to the measure on the [Oregon Legislative Information System \(OLIS\)](#), which provides a more comprehensive staff measure summary, all versions of the measure, amendments, public testimony, a complete measure history, and final vote tallies.

The *2018 Summary of Legislation* focuses on policy measures. Information on revenue measures is available on the [Legislative Revenue Office website](#). Information on the state budget and selected legislation that impacts state agencies is available on the [Legislative Fiscal Office website](#).

The Legislative Policy and Research Office will update this publication with each bill's effective date and assigned chapter in Oregon Laws 2018 when that information becomes available.

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# HUMAN SERVICES TASK FORCES AND REPORTING REQUIREMENTS

There were no task forces or reporting requirements involving Human Services enacted through legislation during the 2018 session.

[Senate Bill 1526](#)

Effective Date: April 3, 2018

**Rights of Parents with Disabilities**

**At the request of:** Senate Interim Committee on Human Services

**Committees:** Senate Human Services, House Human Services and Housing

**Background and Current Law:** Parental rights may be terminated if the court finds that a parent is unfit to care for the safety and wellbeing of their children. The Center for Advanced Studies in Child Welfare found that a parent with a disability is over three times as likely to have parental rights terminated than a parent without a disability. According to the National Council on Disability, one in 10 children have at least one parent with a disability, and in Oregon 15.5 percent of foster children were removed from their homes due to a parent’s mental illness.

**Bill Summary:** Senate Bill 1526 allows parents with an emotional or mental illness, intellectual or developmental disability, or other disability to retain parental rights if the court does not find any additional conduct or conditions seriously detrimental to the children. The measure prohibits the court from considering a parent’s disability unless the parent’s disability-related conduct renders the parent incapable of providing care for an extended period.

**Oregon Laws 2018:** Chapter 74

[Senate Bill 1531](#)

Not Enacted

**Mental Health Sessions for Law Enforcement Officers**

**Chief Sponsors:** Sens. Frederick, Manning Jr.; Rep. Piluso

**Committees:** Senate Judiciary

**Background and Current Law:** Current law requires police officers involved in the use of deadly physical force to complete at least one session with a mental health professional within six months. Law enforcement agencies are responsible for the cost of up to two sessions. No other mental health-related requirements are imposed on law enforcement officers, except fitness and background examinations that occur in the normal course of seeking certification and employment.

**Bill Summary:** Senate Bill 1531 would have added a requirement for law enforcement officers to participate in at least one session with a mental health professional every two years, paid for by law enforcement agencies.

### [Senate Bill 1540](#)

Effective Date: April 3, 2018

#### Abuse of Vulnerable Populations

**Chief Sponsor:** Sen. Gelser

**Committees:** Senate Human Services, House Human Services and Housing, House Rules

**Background and Current Law:** In 2017, Senate Bill 101 made changes to how child abuse investigations are conducted by the Department of Human Services (DHS) and law enforcement agencies on school premises. The bill's provisions created confusion among school district staff about the authority of these agencies. Furthermore, adults receiving treatment for severe and persistent mental health illnesses or substance use disorders are not explicitly included in mandatory reporting abuse statutes in Oregon.

**Bill Summary:** Senate Bill 1540 clarifies the authority of DHS and law enforcement agencies to conduct child abuse investigations on school premises and requires school personnel to cooperate with investigations. The measure prohibits school personnel from notifying anyone other than DHS or law enforcement of the investigation. The measure additionally allows notice to be provided to other school employees as necessary for the investigation and prohibits the notice as well as any other information obtained during an investigation from inclusion in the school records of the child.

Senate Bill 1540 adds adults with persistent and severe mental illnesses or receiving treatment for substance use disorders to the definition of "adult" for purposes of mandatory abuse reporting and investigations. The measure also clarifies that sexual contact between an adult receiving treatment and the provider is included in the definition of "sexual abuse."

**Oregon Laws 2018:** Chapter 77

### [Senate Bill 1555](#)

Effective Date: April 3, 2018

#### Oregon Marijuana Account

**Chief Sponsors:** Sen. Steiner Hayward; Rep. Rayfield (at the request of Oregon Health Authority)

**Committees:** Senate Human Services, House Revenue

**Background and Current Law:** Twenty percent of the retail marijuana tax revenues is allocated to the Oregon Health Authority for use in alcohol and drug abuse prevention, early intervention, and treatment. House Bill 5026 (2017) specified that \$16 million of these tax revenues be spent on community mental health services. Current statute directs marijuana tax revenues into the Mental Health Alcoholism and Drug Services Account, which can be used for drug abuse prevention, early intervention, and treatment services, and may not be used for community mental health services.

**Bill Summary:** Senate Bill 1555 modifies the purposes for which a certain percentage of moneys in the Oregon Marijuana Account may be used, permitting the Oregon Health Authority to distribute a portion of the tax revenues to community mental health services.

**Oregon Laws 2018:** Chapter 81

[House Bill 4054](#)

Effective Date: January 1, 2019

**Coordination of Portland Homeless Camp Cleanup**

**Chief Sponsors:** Rep. Reardon; Sen. Monroe

**Committees:** House Transportation Policy, Senate Business and Transportation

**Background and Current Law:** The City of Portland prohibits unsanctioned camping within city limits (City Code 14A.50.020 and 14A.50.050). Under the code, campers are notified at least 24 hours in advance that an unlawful camping site will be cleared, though it typically takes between 24 and 72 hours before cleanup occurs. The cleanup process is designed to restore the land to public use, and can include removing debris, garbage, waste, and biohazards. The Oregon Department of Transportation, which manages several property sites within the City of Portland, utilizes different timelines and procedures for homeless camp cleanup.

**Bill Summary:** House Bill 4054 authorizes the Oregon Department of Transportation to enter into an intergovernmental agreement with the City of Portland to coordinate the removal of personal property from locations owned by the department as part of homeless camp cleanup operations. The measure specifies provisions that must be included in the intergovernmental agreement.

**Oregon Laws 2018:** Chapter 21

[House Bill 4079](#)

Effective Date: January 1, 2019

**Retirement Funds in Calculation of TANF Eligibility**

**Chief Sponsors:** Rep. Nathanson; Sen. Beyer (at the request of State Treasurer)

**Committees:** House Early Childhood and Family Supports, Joint Ways and Means

**Background and Current Law:** The Temporary Assistance for Needy Families (TANF) program provides cash assistance and client services to families with incomes below the federal poverty level. Eligibility criteria and the amount of monthly benefit for the TANF program depends on the size of the family and the financial resources available to the family.

**Bill Summary:** House Bill 4079 requires the Oregon Department of Human Services to disregard as resources any moneys held in specified pension and retirement accounts when determining a person's eligibility for TANF.

**Oregon Laws 2018:** Chapter 56

[House Bill 4081-A](#)

Not Enacted

**Use of Savings in TANF Program**

**Chief Sponsors:** Reps. Piluso, Stark

**Committees:** House Early Childhood and Family Supports, Joint Ways and Means

**Background and Current Law:** The federal Temporary Assistance for Needy Families (TANF) program, administered by the Department of Human Services (DHS), provides cash assistance and client services to families with incomes below the federal poverty level. Eligibility criteria and the amount of monthly benefit depend on the size of the participating family and the family's financial resources. The maximum monthly payment for a family of three increased from \$503 in 1996 to \$506 in 2013.

**Bill Summary:** House Bill 4081-A would have required DHS to use savings from TANF policy changes, improvements in the state economy, or other factors to increase TANF cash assistance or make additional investments in the Job Opportunity and Basic Skills program. The bill would also have capped the amount of assistance at its 1996 level, as adjusted for inflation.

[House Bill 4129](#)

Effective Date: April 3, 2018

**Residential Care Facility Administrator License**

**Chief Sponsors:** Reps. McKeown, Esquivel; Sen. Roblan; Rep. Keny-Guyer; Sen. Gelser

**Committees:** House Human Services and Housing, Joint Ways and Means

**Background and Current Law:** Residential Care Facilities (RCFs) provide shared or individual living units in a homelike environment where six or more seniors and adult individuals with disabilities reside. Administrators of RCFs must currently complete 40 hours of training initially then 20 hours of continuing education each year. The 2017 Legislative Assembly passed House Bill 3359 which established the Residential Care Quality Measurement Program and outlined several policy changes affecting residential and memory care facilities. After passage of the bill, the Speaker of the House called for a work group on administrator licensing to make further recommendations.

**Bill Summary:** House Bill 4129 creates a license for Residential Care Facility administrators within the Health Licensing Office. The measure also changes the "Nursing Home Administrators Board" to the "Long Term Care Administrators Board."

**Oregon Laws 2018:** Chapter 61