

1 **DISABILITY ACT COMPLIANCE AMENDMENTS**

2 2020 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Jennifer Dailey-Provost**

5 Senate Sponsor: Todd Weiler

7 **LONG TITLE**

8 **General Description:**

9 This bill requires the Department of Human Services to identify barriers an individual
10 with a disability experiences in obtaining services and provide a report to the
11 Legislature.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ defines terms; and
- 15 ▶ requires the Department of Human Services to:
 - 16 • identify barriers an individual with a disability experiences in obtaining access
 - 17 to services; and
 - 18 • provide a report to the Health and Human Services Interim Committee regarding
 - 19 a proposal for a disability ombudsman program to address the barriers.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **63I-2-262**, as last amended by Laws of Utah 2019, Chapters 136 and 440

27 ENACTS:

28 **62A-5-111**, Utah Code Annotated 1953

29

30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section **62A-5-111** is enacted to read:

32 **62A-5-111. Disability ombudsman program -- Report.**

33 (1) As used in this section, "rights and privileges of an individual with a disability"
34 means the rights and privileges of an individual with a disability described in:

35 (a) Subsections [62A-5b-103\(1\)](#) through (3);

36 (b) 42 U.S.C. 12181 through 12189 of the Americans with Disabilities Act of 1990; or

37 (c) 28 C.F.R. Part 36 of the Code of Federal Regulations.

38 (2) The department shall:

39 (a) identify and evaluate barriers an individual with a disability experiences in
40 obtaining access to services in the community that are intended to protect the rights and
41 privileges of an individual with a disability;

42 (b) determine the duties and role of an ombudsman program in protecting the rights
43 and privileges of an individual with a disability and addressing the barriers identified in
44 Subsection (2)(a);

45 (c) based on the information described in Subsections (2)(a) and (b), develop a
46 proposal for an ombudsman program to promote and advocate for the rights and privileges of
47 an individual with a disability; and

48 (d) before November 30, 2021, report to the Health and Human Services Interim
49 Committee regarding the proposal described in Subsection (2)(c) and any recommendations for
50 implementation of the proposal.

51 (3) In developing the proposal described in Subsection (2)(c), the department shall:

52 (a) review statutes, policies, and programs in other states relating to an ombudsman
53 who provides services to an individual with a disability; and

54 (b) consult with:

55 (i) the Department of Health; and

56 (ii) other stakeholders, as determined by the department.

57 Section 2. Section **63I-2-262** is amended to read:

58 **63I-2-262. Repeal dates -- Title 62A.**

59 (1) Subsection [62A-5-103.1\(6\)](#) is repealed January 1, 2023.

60 (2) Section [62A-5-111](#) is repealed January 1, 2021.