

1 AN ACT relating to individuals with intellectual and developmental disabilities.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 210 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) As used in Sections 1 to 2 of this Act, "developmental disabilities" has the same*
6 *meaning as in KRS 387.510(7).*

7 *(2) The General Assembly finds that in addition to the rights provided under KRS*
8 *Chapter 347 for developmentally disabled persons, the rights of individuals with*
9 *intellectual or developmental disabilities include but are not limited to the right*
10 *to:*

11 *(a) Be treated at all times with courtesy and respect and with full recognition of*
12 *their dignity and individuality;*

13 *(b) Accessible, appropriate, safe, equal, and sanitary living, learning, and*
14 *working environments that comply with local, state, and federal standards*
15 *and recognize the individual's need for privacy and independence;*

16 *(c) Practice the religion of their choice or to abstain from the practice of*
17 *religion;*

18 *(d) Ownership and use of personal possessions to maintain individuality and*
19 *personal dignity;*

20 *(e) Pursue vocational opportunities that will promote and enhance economic*
21 *independence;*

22 *(f) Be treated equally as citizens under the law;*

23 *(g) Be free from emotional, psychological, verbal, and physical abuse;*

24 *(h) Participate in decisions that affect their lives and promote self-*
25 *determination in relation to their cognitive abilities;*

26 *(i) Manage their personal financial affairs to the extent not otherwise*
27 *determined by order of a court of competent jurisdiction or otherwise by*

1 law;

2 (j) Confidential treatment of all information in their personal and medical
3 records, except to the extent that disclosure or release of records is
4 permitted under KRS 210.235;

5 (k) Voice grievances and recommend changes in policies and services without
6 coercion or discrimination;

7 (l) Freely participate in the political process to the extent provided by law;

8 (m) Communicate verbal or nonverbal refusal to participate in medical or
9 psychological experiments;

10 (n) Participate in integrated programs of education, training, social
11 development, habilitation, and recreation;

12 (o) Fair and equal wages in integrated work places; and

13 (p) Choose and maintain healthcare providers, personal care providers,
14 services, and supports to the extent not otherwise required by order of a
15 court of competent jurisdiction or otherwise by law.

16 (3) The general purposes of Sections 1 to 2 of this Act are to:

17 (a) Safeguard all individuals within the state from discrimination because of
18 the person's status as an individual with an intellectual or developmental
19 disability;

20 (b) Protect the individual's interest in personal dignity and freedom from
21 humiliation;

22 (c) Make available to the state the individual's full productive capacities; and

23 (d) Further the interest, rights, and privileges of individuals with intellectual
24 disabilities and developmental disabilities within the state.

25 (4) Nothing in Sections 1 to 2 of this Act shall be deemed to repeal any other law of
26 this state relating to discrimination because of the person's status as a qualified
27 individual with a disability as defined in KRS 344.030.

1 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 210 IS CREATED TO
2 READ AS FOLLOWS:

3 (1) Any person with an intellectual or developmental disability as defined under
4 Section 1 of this Act, or any person on behalf of a person with an intellectual or
5 developmental disability, may file a notice of any violation of a right granted
6 under Section 1 of this Act with the Attorney General.

7 (2) If the Attorney General has reason to believe that any person with an intellectual
8 or developmental disability has been subjected to egregious or flagrant conditions
9 or treatment which deprives the person of any right granted under Section 1 of
10 this Act, and that the deprivation is pursuant to a pattern or practice of resistance
11 to the full enjoyment of the rights and privileges granted, he or she may institute
12 a civil action in the Circuit Court of the county in which the person with an
13 intellectual or developmental disability resides within ninety (90) days of the date
14 the Attorney General found a violation.

15 (3) In an action under this section, the court may:

16 (a) Award preventive relief, including a permanent or temporary injunction,
17 restraining order, or other order against the person responsible for a
18 violation to ensure the full enjoyment of the rights granted by Section 1 of
19 this Act;

20 (b) Award other appropriate relief, including compensatory damages; and

21 (c) To vindicate the public interest, upon request by the Attorney General,
22 assess a civil penalty against the defendant in an amount not to exceed ten
23 thousand dollars (\$10,000).

24 ➔Section 3. This Act may be cited as the Frank Huffman Act.