AN ACT

To amend and reenact R.S. 4:715(B)(2), R.S. 14:32(D)(3) and 39(D)(3), R.S. 17:43(B)(2) and 1942(B), R.S. 21:51(C) and 52(A) and (B), R.S. 22:245, 1027(A), and 1038(C)(2)(a) and (E), R.S. 36:259(N), R.S. 37:2446.1(B)(7) and 2651(7)(b)(v)(hh), R.S. 40:1580.1(A) and 2208, R.S. 42:1119(B)(2)(a)(i), R.S. 45:1355(A), the heading of Chapter 30-A of Title 46 of the Louisiana Revised Statutes of 1950, R.S. 46:2261, 2262(A) and (C), 2262.1(introductory paragraph), (4), and (12), 2263(3), (4), and (6) through (8), 2264(A), (C), and (D), 2265(A)(introductory paragraph), (9), and (10), 2266(1) and (3) through (5), 2352(7)(a) and (10)(a)(introductory paragraph), 2361, 2362(2) through (6), 2363 through 2365, 2367, 2368(B), and 2372, R.S. 47:6301(A)(3), the heading of Part X of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950, R.S. 49:181(A), and Code of Criminal Procedure Article 401.1(B)(introductory paragraph), relative to terminology referring to the deaf and hard of hearing; to delete and make substitutions for terms which are derogatory, inaccurate, or obsolete; to provide for consistency in usage of terms referring to the
deaf and hard of hearing and to hearing loss; to provide for revision of terminology
relative to the deaf and hard of hearing in administrative rules, policy documents,
professional resources, reference materials, manuals, and other publications; to
provide for legislative intent; to provide for construction; and to provide for related
matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 4:715(B)(2) is hereby amended and reenacted to read as follows:

§715. Personnel to hold games; commissions or salaries; equipment and supplies;
expenses

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B.

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(2) Notwithstanding any provision of law to the contrary, any person, association, or corporation licensed to hold, operate, or conduct any games of chance that benefit persons with visual or hearing impairments, hearing loss, paraplegia, quadriplegia, intellectual disabilities, or persons sixty years of age or older, under any license issued pursuant to this Chapter, may compensate for services rendered, any fifteen employees who assist in the holding, operating, or conducting of such games. The rate of compensation shall be no more than fifteen dollars per hour and in any event shall not exceed ninety dollars per session for any employee. Each employee or volunteer worker may also be provided meals and beverages to be eaten on the premises not to exceed a total value of fifteen dollars per person. Expenditures made under the provisions of this Subsection shall be subject to the reporting provisions of R.S. 4:716. Compensation provided for in this Subsection shall not constitute a violation of the prohibition against the payment or giving of a commission, salary, compensation, reward, or recompense to any person holding, operating, or conducting, or assisting in the holding, operation, or conduct of any such game.

Section 2. R.S. 14:32(D)(3) and 39(D)(3) are hereby amended and reenacted to read as follows:
§32. Negligent homicide

D. The provisions of this Section shall not apply to:

(3) Any guide or service dog trained at a qualified dog guide or service school who is accompanying any blind person, visually impaired person, deaf person, hearing impaired person who is deaf or hard of hearing, or person with any other physical disability who is using the dog as a guide or for service.

§39. Negligent injuring

D. The provisions of this Section shall not apply to:

(3) Any guide or service dog trained at a qualified dog guide or service school who is accompanying any blind person, visually impaired person, deaf person, hearing impaired person who is deaf or hard of hearing, or person with any other physical disability who is using the dog as a guide or for service.

Section 3. R.S. 17:43(B)(2) and 1942(B) are hereby amended and reenacted to read as follows:

§43. Special schools defined; benefits for certificated teachers; legislative policy

B.

(2) Teachers at the Louisiana Schools for the Deaf and Visually Impaired may attain tenure in the educational program, either the educational program for the hearing impaired deaf and hard of hearing or the educational program for the visually impaired...
impaired, for which they are certified. Teachers at the Louisiana Special Education Center may attain tenure at the Louisiana Special Education Center. Teachers in Special School Programs may attain tenure in Special School Programs.

* * *

§1942. Definitions

* * *

B. A "student with an exceptionality", including a student with a disability, is any student who is evaluated according to state and federal regulation or policy and is deemed to have a mental disability, hearing impairment loss (including deafness), multiple disabilities, deaf-blindness, speech or language impairment, visual impairment (including blindness), emotional disturbance, orthopedic impairment, other health impairment, specific learning disability, traumatic brain injury, autism, or as is deemed to be gifted or talented, and as a result requires special education and related services. A student with an exceptionality may include, as determined by the local education agency, a student experiencing developmental delay ages three through eight.

* * *

Section 4. R.S. 21:51(C) and 52(A) and (B) are hereby amended and reenacted to read as follows:

§51. Pet animals; prohibitions relative to hotels and motels; penalty; exemptions

* * *

C. This Section shall not apply to guide dogs or service dogs used by blind persons, visually impaired persons, deaf persons, hearing impaired persons who are deaf or hard of hearing, and other persons with physical disabilities who have been taught to use such dogs at a qualified dog guide or service school.

§52. Guide or service dog; rights and privileges of owners and trainers; penalties for violations

A. Any blind person, visually impaired person, deaf person, hearing impaired person who is deaf or hard of hearing, or person with any other physical disability who is accompanied by a properly controlled dog which such person has
been taught to use as a guide or for service at a qualified dog guide or service school,
or any person who is qualified to provide training for a guide dog or service animal
and is accompanied by a guide dog in training, is entitled to the full and equal
accommodations, advantages, facilities, and privileges of all public accommodation,
amusement, or resort, and other places to which the general public is invited, and
shall be entitled to take such dog into such conveyances and places, subject only to
the accommodations and limitations applicable to all persons not so accompanied,
provided that the dog shall not occupy a seat in any public conveyance.

B. Any person, firm, or corporation, or agent, representative, or employee
of any person, firm, or corporation who deprives any blind person, visually impaired
person, deaf person, hearing impaired person who is deaf or hard of hearing, or
person with any other physical disability, or any person who is accompanied by a
guide dog in training of any right conferred by Subsection A of this Section, shall be
deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum
not to exceed five hundred dollars, or be imprisoned in the parish jail for a period not
to exceed ninety days, or both, within the discretion of the judge; and for every such
offense such person shall forfeit and pay a sum not to exceed five hundred dollars
to any person aggrieved thereby, to be recovered in any court of competent
jurisdiction in the parish where such offense was committed.

*          *          *

Section 5. R.S. 22:245, 1027(A), and 1038(C)(2)(a) and (E) are hereby amended and
reenacted to read as follows:

§245. Hearing impaired interpreter. Interpreter services for the deaf and hard of

hearing; expenses; requirement

As a requirement for authorization to do business in this state pursuant to
R.S. 22:244, all health maintenance organizations shall provide coverage for
expenses incurred by any hearing impaired enrollee who is deaf or hard of hearing
for services performed by a qualified interpreter/transliterator, other than a family
member of the enrollee, when such services are used by the enrollee in connection
with medical treatment or diagnostic consultations performed by a healthcare provider.

§1027. Hearing-impaired interpreter

Interpreter services for the deaf and hard of hearing; expenses

A. Any hospital or medical expense insurance policy delivered or issued for delivery in this state on or after December 1, 1991, shall contain a provision or endorsement requiring payment for expenses incurred by the insured for services performed by a qualified interpreter/transliterator, other than a family member of the insured, when such services are used by the insured in connection with medical treatment or diagnostic consultations performed by a physician, dentist, chiropractor, or podiatrist, provided such medical treatment or consultation is covered under said insurance policy and provided the services are required because of a hearing impairment of the insured or a failure of the insured to understand or otherwise communicate in spoken language.

§1038. Hearing aid coverage for minor child

C.

(2)(a) An entity subject to this Section may limit the benefit payable under Paragraph (1) of this Subsection to one thousand and four hundred dollars per hearing aid for each hearing-impaired ear with hearing loss every thirty-six months.

E. The provisions of this Section shall apply to any new policy, contract, program, or plan issued by an entity subject to the provisions of this Section on or after January 1, 2004. Any such policy, contract, program, or plan in effect prior to January 1, 2004, shall convert to the provisions of this Section on or before the renewal date but in no event later than January 1, 2005. Any policy affected by the provisions of this Section shall apply to an insured or participant under such policy,
contract, program, or plan whether or not the hearing impairment loss is a
pre-existing condition of the insured or participant.

* * *

Section 6. R.S. 36:259(N) is hereby amended and reenacted to read as follows:

§259. Transfer of agencies and functions to Louisiana Department of Health

* * *

N. The advisory council for the program of early identification of deaf or
hard of hearing impaired infants (R.S. 46:2261 et seq.) is placed within the Louisiana
Department of Health and shall exercise and perform its powers, duties, functions,
and responsibilities as provided by or pursuant to law.

* * *

Section 7. R.S. 37:2446.1(B)(7) and 2651(7)(b)(v)(hh) are hereby amended and
reenacted to read as follows:

§2446.1. Continuing education requirement

* * *

B. Among those subjects which shall be approved by the board as categories
of study toward completion of the annual requirement of continuing education are:

* * *

(7) Allied professional disciplines relating to the hearing impaired deaf or
hard of hearing and hearing aid devices may be approved by the board.

* * *

§2651. Definitions

As used in this Chapter:

* * *

(7)

* * *

(b) An individual who meets the requirements of this Chapter for licensure
as an audiologist and who engages in the fitting and selling of hearing aids shall:

* * *
(v) Provide documentation of completion of at least thirty semester credit hours of professional coursework, twenty-one hours of which shall be in audiology. A minimum of six semester credit hours shall be in specific areas in amplification, including:

* * *

(hh) Rehabilitative procedures, such as hearing aid orientation, counseling of hearing impaired individuals who are deaf or hard of hearing and their families, speechreading, and auditory training.

* * *

Section 8. R.S. 40:1580.1(A) and 2208 are hereby amended and reenacted to read as follows:

§1580.1. Fire alarms; hotel or motel rooms

A. Every new or renovated hotel or motel room shall have sleeping rooms equipped with approved fire detection and alarm systems for the deaf or hard of hearing impaired in case of fire in accordance with the requirements of Section 9 of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) table 9.1.2 and 9.1.3.

* * *

§2208. Hearing impaired interpreter Interpreter services for the deaf and hard of hearing; expenses; coverage

As a requirement for authorization to do business in this state pursuant to R.S. 40:2203, all preferred provider organizations shall provide coverage for expenses incurred by any hearing impaired covered patient who is deaf or hard of hearing for services performed by a qualified interpreter/translator, other than a family member of the covered patient, when such services are used by the covered patient in connection with medical treatment or diagnostic consultations performed by the health care provider.

Section 9. R.S. 42:1119(B)(2)(a)(i) is hereby amended and reenacted to read as follows:

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§1119. Nepotism

* * *

B.

* * *

(2) Notwithstanding the provisions of Paragraph (1) of this Subsection:

(a)(i) Any local school board may employ any member of the immediate family of any board member or of the superintendent as a classroom teacher provided that such family member is certified to teach or is temporarily authorized to teach while pursuing certification. Any local school board in a parish having a population of fewer than sixty thousand according to the latest federal decennial census may employ any member of the immediate family of any board member or of the superintendent as a special education related services professional provided that such family member is licensed in an appropriate field for special education related services and such family member is the only applicant who meets the qualifications for the position set by the school board who has applied for the position after it has been advertised for at least thirty days in the official journal of the school board. A special education related services professional shall include the following when employed to provide special education services: a social worker, occupational therapist, physical therapist, speech therapist/pathologist, teacher of hearing impaired students who are deaf or hard of hearing, teacher of visually impaired students, or nurse. Any school board member or superintendent whose immediate family member is employed by the school board shall recuse himself from any decision involving the promotion or assignment of teaching or service location of such employee.

* * *

Section 10. R.S. 45:1355(A) is hereby amended and reenacted to read as follows:

§1355. Disasters; deaf and hearing impaired hard of hearing persons informed

A. During any time of a disaster, or threat of a disaster, television stations shall transmit information or instructions in connection with the disaster, or threat of disaster, to the deaf and hearing impaired persons hard of hearing by scrolling or
other appropriate means of communication in order to provide such persons with the
same information or instructions as is provided to hearing persons.

* * *

Section 11. The heading of Chapter 30-A of Title 46 of the Louisiana Revised
Statutes of 1950, R.S. 46:2261, 2262(A) and (C), 2262.1(introductory paragraph), (4), and
(12), 2263(3), (4), and (6) through (8), 2264(A), (C), and (D), 2265(A)(introductory
paragraph), (9), and (10), 2266(1) and (3) through (5), 2352(7)(a) and (10)(a)(introductory
paragraph), 2361, 2362(2) through (6), 2363 through 2365, 2367, 2368(B), and 2372 are
hereby amended and reenacted to read as follows:

CHAPTER 30-A. IDENTIFICATION OF HEARING IMPAIRMENT LOSS IN INFANTS LAW

§2261. Short title

This Chapter may be cited as the "Identification of Hearing Impairment Loss
in Infants Law".

§2262. Purpose

A. The purpose of the program for early identification of hearing impairment
loss is to identify hearing impaired deaf or hard of hearing infants at the earliest
possible time so that medical treatment, early audiological evaluation, selection of
amplification, and early educational intervention can be provided.

* * *

C. Early identification and management of the hearing impaired deaf or hard
of hearing infant are essential if that infant is to acquire the vital language and speech
skills needed to achieve maximum potential educationally, emotionally, and socially.

* * *

§2262.1. Bill of Rights

In order to ensure that children who are deaf or hard of hearing
impaired have the same rights and potential to become independent and self-
actualizing as children who are not deaf or hard of hearing impaired, the Deaf Child's
Bill of Rights is established so that children who are deaf or hard of hearing impaired
are entitled:

* * *

(4) To adult role models who are deaf or hard of hearing impaired.

* * *

(12) Where appropriate, to have deaf and hard of hearing impaired adults
directly involved in determining the extent, content, and purpose of all programs that
affect their education.

§2263. Definitions

Except where the context clearly indicates otherwise, in this Chapter:

* * *

(3) "Hearing impaired Deaf or hard of hearing infant" means an infant who
has a disorder of the auditory system of any type or degree, causing a hearing
impairment hearing loss sufficient to interfere with the development of language and
speech skills. The term "hearing impaired infant" includes both deaf and hard of
hearing infants:

(4) "Infants at risk" "Infants susceptible to a hearing disability" means those
infants who are at risk for susceptible to hearing impairment loss because they have
one or more risk factors.

* * *

(6) "Program" means the program that the office of public health establishes
to provide for the early identification and follow-up of infants at risk susceptible to
a hearing disability, of deaf or hard of hearing impaired infants, and of infants who
have a risk factor for developing a progressive hearing impairment loss.

(7)(a) "Risk factors" means those criteria or factors, any one of which
identifies an infant as being at risk for susceptible to hearing impairment loss.

(a) (b) The risk factors that identify those neonates, infants from birth
through the first twenty-eight days, who are at risk for susceptible to sensorineural
hearing impairment loss include the following:

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are additions.
(i) Family history of congenital or delayed onset childhood sensorineural impairment.

(ii) Congenital infection known or suspected to be associated with sensorineural hearing impairment such as toxoplasmosis, syphilis, rubella, cytomegalovirus, and herpes.

(iii) Craniofacial anomalies including morphologic abnormalities of the pinna and ear canal, absent philtrum, low hairline, et cetera.

(iv) Birth weight less than one thousand five hundred grams or less than three and three tenths pounds.

(v) Hyperbilirubinemia at a level exceeding indication for exchange transfusion.

(vi) Ototoxic medications, including but not limited to the aminoglycosides used for more than five days, such as gentamicin, tobramycin, kanamycin, streptomycin, and loop diuretics used in combination with aminoglycosides.

(vii) Bacterial meningitis.

(viii) Severe depression at birth, which may include infants with Apgar scores of zero to three at five minutes or those who fail to initiate spontaneous respiration by ten minutes or those with hypotonia persisting to two hours of age.

(ix) Prolonged mechanical ventilation for a duration equal to or greater than ten days, such as persistent pulmonary hypertension.

(x) Stigmata or other findings associated with a syndrome known to include sensorineural hearing loss, such as Waardenburg or Usher's Usher Syndrome.

(xi) Other risk factors added or deleted by the office of public health upon recommendation of the advisory council for early identification of deaf or hard of hearing impaired children.

(b) (c) The factors that identify those infants aged twenty-nine days to two years who are at risk for susceptible to sensorineural hearing impairment loss include the following:

(i) Parent or caregiver concerns regarding hearing, speech, language, or and/or developmental delay.
(ii) Bacterial meningitis.

(iii) Neonatal risk factors that may be associated with progressive sensorineural hearing loss, such as cytomegalovirus, prolonged mechanical ventilation, and inherited disorders.

(iv) Head trauma, especially with either longitudinal or transverse fracture of the temporal bone.

(v) Stigmata or other findings associated with syndromes known to include sensorineural hearing loss, such as Waardenburg or Usher's Syndrome.

(vi) Ototoxic medications, including but not limited to the aminoglycosides used for more than five days, such as gentamicin, tobramycin, kanamycin, streptomycin, and loop diuretics used in combination with aminoglycosides.

(vii) Neurodegenerative disorders such as neurofibromatosis, myoclonic epilepsy, Werdnig-Hoffman disease, Tay-Sachs disease, infantile Gaucher's disease, Nieman-Pick disease, any metachromatic leukodystrophy, or any infantile demyelinating neuropathy.

(viii) Childhood infectious diseases known to be associated with sensorineural hearing loss, such as mumps or measles.

(ix) Other risk factors added or deleted by the office of public health upon recommendation of the advisory council for early identification of deaf or hard of hearing impaired children.

(8) "Screening for hearing impairment loss" means employing a device for identifying whether an infant has a disorder of the auditory system, but may not necessarily provide a comprehensive determination of hearing thresholds in the speech range. Procedures may include auditory brainstem response (ABR) screening, or evoked otoacoustic emissions (EOAE) screening, or and other devices approved by the office upon recommendation of the advisory council.

§2264. Identification of hearing impairment loss in infants

A. The office of public health in the Louisiana Department of Health shall establish, in consultation with the advice of the Louisiana Commission for the Deaf and the advisory council created in R.S. 46:2265, a program for the early
identification and follow-up of infants at risk susceptible to a hearing
disability, deaf or hard of hearing impaired infants, and infants at risk of susceptible
to developing a progressive hearing impairment loss. That the program shall, at a
minimum:

(1) Develop criteria or factors to identify those infants at risk for hearing
impairment and infants at risk of developing a progressive hearing impairment who
are likely deaf or hard of hearing and infants who may develop a progressive hearing
loss, including the risk factors set forth in this Chapter, and develop an at-risk a
susceptibility questionnaire for infant hearing loss.

(2) Create an at-risk susceptibility registry to include, but not be limited to,
the identification of infants at risk for susceptible to hearing impairment loss, deaf
or hard of hearing impaired infants, and infants at risk of susceptible to developing
a progressive hearing impairment loss.

(3) Provide to the hospitals and other birthing sites the at-risk susceptibility
questionnaire for infant hearing loss and require that the form be completed for any
newborn prior to discharge from the hospital or other birthing site. As to infants at
risk infants susceptible to a hearing disability, copies of the completed at-risk
susceptibility questionnaire shall be distributed to the at-risk susceptibility registry
of the office, the parent or guardian, and, if known, the infant’s primary care
physician and the provider of audiological services.

(4) Require for all newborn infants that the hospital of birth or that hospital
to which the newborn infant may be transferred provide screening for hearing
impairment loss by auditory brainstem response (ABR) screening, or evoked
otoacoustic emissions (EOAE) screening, or any other screening device approved by
the office before discharge. The results of that screening for hearing impairment loss
shall be provided to the at-risk susceptibility registry of the office of public health,
the parent or guardian, and if known, the primary care physician and the provider of
audiological services.

(5) Develop and provide to the hospitals or other birthing sites appropriate
written materials regarding hearing impairment loss, and require that the hospitals

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or other birthing sites provide this written material to all parents or guardians of newborn infants.

(6) Develop methods to contact parents or guardians of infants at risk infants susceptible to a hearing disability, of deaf or hard of hearing impaired infants, and of infants at risk of susceptible to developing a progressive hearing impairment loss.

(7) Establish a telephone hotline to communicate information about hearing impairment loss, hearing screening, audiological evaluation, and other services for deaf or hard of hearing impaired infants.

(8) Provide that when a screening for hearing impairment indicates a hearing loss, audiological evaluation shall be done as soon as practical. The parents or guardians of the infant shall be provided with information on locations at which medical and audiological follow up can be obtained.

*          *          *

C. The office shall develop a system for the collection of data, determine the cost-effectiveness of the program, and disseminate statistical reports to the Louisiana Commission for the Deaf.

D. The office, in cooperation with the state Department of Education, shall develop a plan to coordinate early educational and audiological services for infants identified as deaf or hard of hearing impaired.

*          *          *

§2265. Advisory council creation; membership; terms; quorum; compensation

A. There is hereby created an advisory council for the program of early identification of deaf or hard of hearing impaired infants. The council shall consist of fourteen members as follows:

*          *          *

(9) A parent of an oral hearing impaired who chose the oral method for their deaf or hard of hearing child.

(10) A parent of a deaf or hard of hearing impaired child utilizing total communication.

*          *          *

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§2266. Powers, duties, functions of the advisory council

The advisory council shall:

(1) Advise and recommend risk factors or criteria for infants who are at risk of hearing impairments and infants at risk of developing a progressive hearing impairment likely deaf or hard of hearing and infants who may develop a progressive hearing loss.

(3) Advise the office as to integrating the program for early identification of deaf or hard of hearing impaired infants with existing medical, audiological, and early infant education programs.

§2352. Duties

The commission shall:

(7) Certify interpreters and maintain a registry of certified interpreters. The commission shall promulgate rules for the examination of applicants for certification and the issuance of certificates. Such rules shall be subject to legislative oversight review pursuant to the Administrative Procedure Act and shall be subject to the following limitations:

(a) The commission shall not promulgate any rule or regulation which denies a hearing-impaired deaf or hard of hearing person's right to choose his interpreter.

(10)(a) Establish, administer, and promote a statewide program to provide access to all public telecommunications services by persons who are deaf, deaf-blind,
and others such as severely hearing-impaired persons with severe hearing loss or severely speech-impaired severe speech impairments. This program shall include but is not limited to:

* * *

§2361. Purpose

It is the policy of this state to secure the rights of persons with hearing impairments loss who cannot readily understand or communicate in spoken languages and who consequently cannot equally participate in or benefit from proceedings, programs, and activities of the courts, legislative bodies, administrative agencies, licensing commissions, departments, and boards of the state and its subdivisions unless qualified interpreters/transliterator are available to facilitate communication.

§2362. Definitions

As used in this Chapter:

* * *

(2) A "hearing-impaired person who is deaf or hard of hearing" means a person who, because of a hearing impairment loss, has difficulty understanding the communication occurring.

(3) "Interpreter/transliterator" means a facilitator of communication among persons with hearing and hearing-impaired persons who are deaf or hard of hearing as provided in R.S. 46:2365 and R.S. 14:2368.

(4) "Intermediary interpreter/transliterator" means any person, including any hearing-impaired person who is deaf or hard of hearing, who is able to assist in providing an accurate interpretation between spoken English and sign language or between variants of sign language by acting as an intermediary between a hearing-impaired person who is deaf or hard of hearing and a qualified interpreter/transliterator. The intermediary interpreter/transliterator may be needed for non-manual hearing-impaired persons who are deaf or hard of hearing and shall be provided.
(5) "Qualified interpreter/transliterator" means any person certified by the Registry of Interpreters for the Deaf, or in the event an interpreter/transliterator so certified is not available, one whose qualifications are such that he is able to accurately communicate with and convey information to and from the hearing-impaired person who is deaf or hard of hearing.

(6) "Quasi-judicial proceeding" means any proceeding of a public administrative office or body which is required to investigate facts, ascertain the existence of facts, hold hearings, and draw conclusions from them as a basis for their official action, and to exercise discretion of a judicial nature.

§2363. Waiver

The right of a hearing-impaired person who is deaf or hard of hearing to the services of an interpreter/transliterator may not be waived except by a hearing-impaired person who is deaf or hard of hearing who requests a waiver. The failure of the hearing-impaired person who is deaf or hard of hearing to request the services of an interpreter/transliterator is not deemed a waiver of that right.

§2364. Interpreter/transliterator required

A. Whenever a hearing-impaired person who is deaf or hard of hearing is a party or witness at any stage involving direct communication with hearing-impaired persons who are deaf or hard of hearing or his legal representative or custodian during any judicial or quasi-judicial proceeding in this state or in its political subdivisions, including but not limited to proceedings of civil and criminal court, grand jury, before a magistrate, juvenile, adoption, mental health commitment, and any proceeding in which a hearing-impaired person who is deaf or hard of hearing may be subjected to confinement or criminal sanction, the appointing authority shall appoint and pay for a qualified interpreter/transliterator to interpret or transliterate the proceedings to the hearing-impaired person who is deaf or hard of hearing and to interpret or transliterate the hearing-impaired person’s testimony of the person who is deaf or hard of hearing.

B. Whenever a juvenile whose parent is hearing-impaired deaf or hard of hearing is brought before a court for any reason, the court shall appoint and pay for
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a qualified interpreter/transliterator to interpret or transliterate the proceedings to the

hearing-impaired deaf or hard of hearing parent and to interpret or transliterate the

hearing-impaired that parent's testimony.

C. If any hearing or proceeding of any department, board, licensing

authority, commission, or administrative agency of the state or of its political

subdivision is held, the appointing authority shall appoint and pay for a qualified

interpreter/transliterator for hearing-impaired deaf or hard of hearing participants.

D. Whenever a hearing-impaired person who is deaf or hard of hearing is a

witness before any legislative committee or subcommittee, or legislative research or

study committee, or subcommittee or commission authorized by the state legislature

or by the legislative body of any political subdivision of the state, the appointing

authority shall appoint and pay for a qualified interpreter/transliterator to

interpret/transliterate the proceedings to the hearing-impaired person who is deaf or

hard of hearing and to interpret/transliterate the hearing-impaired that person's

testimony.

E.(1) Whenever a hearing-impaired person who is deaf or hard of hearing is

arrested for an alleged violation of a criminal law, including a local ordinance, the

arresting officer shall procure and the court with jurisdiction over the alleged

violation shall pay for a qualified interpreter/transliterator for any interrogation,

warning, notification of rights, or taking of a statement.

(2) No hearing-impaired person who is deaf or hard of hearing who has been

arrested and who is otherwise eligible for release shall be held in custody pending

arrival of an interpreter/transliterator.

(3) No answer, statement, or admission, written or oral, made by a hearing-

impaired person who is deaf or hard of hearing in reply to a question of a law

enforcement officer or any other person having a prosecutorial function in any

criminal proceeding may be used against that hearing-impaired person who is deaf

or hard of hearing unless either the statement was made or elicited through a

qualified interpreter/transliterator and was made knowingly, voluntarily, and

intelligently or, in the case of waiver of interpreters/transliterators, unless the court

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makes a special finding that any statement made by the hearing-impaired person who is deaf or hard of hearing was made knowingly, voluntarily, and intelligently.

F. Where it is the policy and practice of a court of this state or of its political subdivisions to appoint counsel for indigent persons, the appointing authority shall appoint and pay for a qualified interpreter/transliterator for hearing-impaired indigent people who are deaf or hard of hearing to assist in communication with counsel in all phases of the preparation and presentation of the case.

§2365. Determination of interpreter's/transliterator's qualifications

A. Before appointing an interpreter/transliterator, the appointing authority shall make a preliminary determination, based on the hearing-impaired person's needs, the certification of an interpreter/transliterator needs of the person who is deaf or hard of hearing and upon the recommendation of the Louisiana Commission for the Deaf. If the interpreter/transliterator is not able to facilitate effective communication with the hearing-impaired person who is deaf or hard of hearing, the appointing authority shall provide another qualified interpreter/transliterator.

B. Upon request of the person for whom the interpreter/transliterator is appointed, or on the appointing authority's own motion, an interpreter/transliterator may be removed for the inability to communicate with the hearing-impaired person who is deaf or hard of hearing, or if, for reasonable cause, another interpreter/transliterator is so desired by the hearing-impaired person who is deaf or hard of hearing for whom the interpreter/transliterator is serving.

*   *   *

§2367. Interpreter/transliterator in full view

Whenever an interpreter/transliterator is required to be appointed under this Chapter, the appointing authority shall not commence proceedings until the appointed interpreter/transliterator is in full view of and spatially situated to assure effective communication with the hearing-impaired deaf or hard of hearing participant.

§2368. Coordination of interpreter/transliterator requests

*   *   *

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B. Whenever an interpreter/transliterator is required under pursuant to this Chapter, the appointing authority shall use one of the interpreters/translitters on the Louisiana Commission for the Deaf list. If none of the listed interpreters/translitters is available or is able to provide effective communication with the particular hearing-impaired person who is deaf or hard of hearing, then the appointing authority shall appoint any other person who is able to accurately communicate with and convey information to and from the particular hearing-impaired person involved who is deaf or hard of hearing.

§2372. Visual recording

The appointing authority, on his own motion or on the motion of a party to the proceedings, may order that the testimony of the hearing-impaired person who is deaf or hard of hearing and the interpretation/transliteration thereof be electronically or visually recorded for use in verification of the official transcript of the proceedings.

Section 12. R.S. 47:6301(A)(3) is hereby amended and reenacted to read as follows:

§6301. Rebates; donations to school tuition organizations

A.

(3) In order for a donation from a taxpayer to qualify for the rebate, the donation shall be used by the school tuition organization to provide scholarships for tuition and fees for students to attend a qualified school in accordance with the provisions of this Section. No more than five percent of a donation shall be used by the school tuition organization for administrative or promotional costs. No scholarship shall be designated, referred to, or in any way named after a private entity nor shall any donation be earmarked by a donor to provide a scholarship for a particular qualified student or a particular qualified school. However this Paragraph shall not prohibit a donation being earmarked for a student with a disability. A student shall be considered to have a disability if such student is evaluated according to state and federal regulation or policy and is deemed to have

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a mental disability, hearing impairment loss (including deafness), multiple
disabilities, deaf-blindness, speech or language impairment, visual impairment
(including blindness), emotional disturbance, orthopedic impairment, other health
impairment, specific learning disability, traumatic brain injury, dyslexia and related
disorders, or autism, and as a result requires special education and related services.

*          *          *

Section 13. The heading of Part X of Chapter 1 of Title 49 of the Louisiana Revised
Statutes of 1950 and R.S. 49:181(A) are hereby amended and reenacted to read as follows:

PART X. EMPLOYMENT AND LICENSING

EXAMINATIONS--INTERPRETERS FOR DEAF PERSONS

THE DEAF AND HARD OF HEARING

§181. Interpreters for deaf or severely hearing-impaired persons taking state
examinations State examinations; interpreters for the deaf and hard of
hearing

A. Any deaf or severely hearing-impaired person who is deaf or hard of
hearing and takes an examination which is a prerequisite for employment or
licensing by the state or any of its agencies is entitled to be furnished, upon request,
with an interpreter by the state or its agency.

*          *          *

Section 14. Code of Criminal Procedure Article 401.1(B)(introductory paragraph)
is hereby amended and reenacted to read as follows:

Art. 401.1. Court instructions for interpreter

*          *          *

B. When a deaf or hard of hearing or hearing-impaired person is summoned
for jury duty, the court shall:

*          *          *

Section 15.(A) The legislature hereby finds that language used to refer to persons
with disabilities and other persons with exceptionalities shapes and reflects attitudes toward
and perceptions of those persons by society.
(B) It is hereby declared that the intent of the legislature is to delete from the lawbodies of this state terms that convey negative or derogatory perceptions of persons with disabilities and other persons with exceptionalities. Accordingly, the intent of the legislature is to provide in this Act for establishment of terminology in law referring to the deaf and hard of hearing that is more appropriate than the terminology replaced herein, and which conveys no indignity toward persons with hearing loss.

(C) It is the intent of the legislature that no provision of this Act shall alter or affect in any way the substance, interpretation, or application of any present law or administrative rule.

(D) Nothing in this Act shall be construed to expand or diminish any right of or benefit for any person provided by any existing law or administrative rule.

Section 16.(A) Each agency, board, commission, department, office, and other instrumentality of the state to which the legislature has delegated authority to promulgate rules and regulations in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., is hereby authorized and requested to employ the preferred terminology enacted in Sections 1 through 14 of this Act for referring to the deaf and hard of hearing and to hearing loss in duly promulgated administrative rules, policy publications, and materials published in paper format or electronically, whether for internal use or public use, including but not limited to informational brochures, resource guides, reference materials, manuals, and the content of any Internet website or other electronic media. The provisions of this Section shall apply prospectively; however, nothing herein shall be construed to limit any agency, board, commission, department, office, or other instrumentality of the state from amending existing administrative rules for the purpose of instituting the preferred terminology provided for in this Act.

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(B) The legislative services offices of the House of Representatives and the Senate are hereby authorized and requested to publish guidance in legislative drafting manuals and in any other professional resources as those offices may deem appropriate concerning use of the preferred terminology for referring to the deaf and hard of hearing and to hearing loss provided for in this Act.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ___________________