

SENATE No. 50

The Commonwealth of Massachusetts

PRESENTED BY:

Patricia D. Jehlen

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act eliminating archaic language pertaining to individuals with disabilities in the Commonwealth of Massachusetts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>	
<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>2/2/2017</i>

SENATE No. 50

By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 50) of Patricia D. Jehlen, Mark C. Montigny and Richard J. Ross for legislation to eliminate archaic language pertaining to individuals with disabilities . Children, Families and Persons with Disabilities.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2140 OF 2015-2016.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act eliminating archaic language pertaining to individuals with disabilities in the Commonwealth of Massachusetts.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. This act may be referred to as Katie’s Law.

2 SECTION 2. Section 172C of chapter 6 of the General Laws, as appearing in the 2014
3 Official Edition, is hereby amended by striking out, in line 5, the words “is mentally retarded”
4 and inserting in place thereof the following words:- has an intellectual or developmental
5 disability.

6 SECTION 3. Section 178C of said chapter 6, as so appearing, is hereby amended by
7 striking out, in line 60 and in lines 137 to 138, the words “mentally retarded person” and
8 inserting in place thereof, in each instance, the following words:- person with an intellectual or
9 developmental disability.

10 SECTION 4. Section 178K of said chapter 6, as so appearing, is hereby amended by
11 striking out, in line 235, the words “the mentally retarded” and inserting in place thereof the
12 following words:- people with intellectual disabilities.

13 SECTION 5. Said section 178K of said chapter 6, as so appearing, is hereby amended by
14 striking out, in line 258, the words “mentally retarded person” and inserting in place thereof the
15 following words:- person with an intellectual or developmental disability.

16 SECTION 6. Section 22N of chapter 7 of the General Laws, as so appearing, is hereby
17 amended by striking out, in lines 13 to 14, the words “mental retardation” and inserting in place
18 thereof the following words:- developmental services.

19 SECTION 7. Section 38 of chapter 10 of the General Laws, as so appearing, is hereby
20 amended by striking out, in line 9, the words “retarded children” and inserting in place thereof
21 the following words:- children with an intellectual disability.

22 SECTION 8. Section 21 of chapter 19 of the General Laws, as so appearing, is hereby
23 amended by striking out, in line 16, the words "mentally retarded” and inserting in place thereof
24 the following words:- "intellectually or developmentally disabled”.

25 SECTION 9. Section 7 of chapter 19B of the General Laws, as so appearing, is hereby
26 amended by striking out, in line 2, the words “mental retardation”.

27 SECTION 10. Section 8 of said chapter 19B, as so appearing, is hereby amended by
28 striking out, in line 3, the words “mental retardation”

29 SECTION 11. Said section 8 of said chapter 19B, as so appearing, is hereby further
30 amended by striking out, in lines 6 to 7, the words “the mentally retarded” and inserting in place
31 thereof the following words:- people with intellectual or developmental disabilities.

32 SECTION 12. Section 2 of chapter 21H of the General Laws, as so appearing, is hereby
33 amended by striking out, in lines 73 to 74, the word “retarded” and inserting in place thereof the
34 following words:- intellectually or developmentally disabled.

35 SECTION 13. Section 32 of chapter 22C of the General Laws, as so appearing, is hereby
36 amended by striking out, in line 13, the word “handicap” and inserting in place thereof the
37 following words:- disability, age.

38 SECTION 14. Section 47 of chapter 31 of the General Laws, as so appearing, is hereby
39 amended by striking out, in lines 32 to 33, the words “such mentally retarded person” and
40 inserting in place thereof the following words:- a person with an intellectual disability.

41 SECTION 15. Clause (e) of subsection 1 of Section 1 of chapter 31A of the General
42 Laws, as so appearing, is hereby amended by striking out, in line 24, the word “handicap” and
43 inserting in place thereof the following word:- disability.

44 SECTION 16. Section 2 of said chapter 31A, as so appearing, is hereby amended by
45 inserting after the definition for “Department” the following definition:-

46 "Disability", a physical or mental impairment that substantially limits one or more major
47 life activities without regard to the ameliorative effects of mitigating measures which do not
48 include ordinary eyeglasses or contact lenses.

49 SECTION 17. Said section 2 of said chapter 31A, as so appearing, is hereby further
50 amended by inserting after the definition for “Local merit appeals board” the following
51 definition:-

52 “Major life activities” shall include, but are not limited to, caring for oneself, performing
53 manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking,
54 breathing, learning, reading, concentrating, thinking, communicating, and working. This term
55 also includes the meaning of “major bodily functions,” which include, but are not limited to,
56 functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological,
57 brain, respiratory, circulatory, endocrine, and reproductive functions.

58 SECTION 18. Section 23 of chapter 32 of the General Laws, as amended by section 8 of
59 chapter 86 of the acts of 2015, is hereby amended by striking out, in subsection (b) of paragraph
60 (5), the words “physical handicap” and inserting in place thereof the following word:- disability.

61 SECTION 19. Section 3 of chapter 38 of the General Laws, as appearing in the 2014
62 Official Edition, is hereby amended by striking out, in line 21, the words “mental retardation”
63 and inserting in place thereof the following words:- developmental services.

64 SECTION 20. Section 3 of chapter 71B of the General Laws, as so appearing, is hereby
65 amended by striking out, in lines 175 and 217, the words “mental retardation” and inserting in
66 place thereof, in each instance, the following words:- developmental services.

67 SECTION 21. Section 4 of chapter 92B of the General Laws, as so appearing, is hereby
68 amended by striking out, in line of 28, the words “physical handicap” and inserting in place
69 thereof the following word:- disability.

70 SECTION 22. Subsection (a) of section 103 of chapter 93 of the General Laws, as so
71 appearing, is hereby amended by striking out, in line 2, the word “handicap” and inserting in
72 place thereof the following word:- disability.

73 SECTION 23. Said section 103 of said chapter 93, as so appearing, is hereby amended by
74 striking out, in line 3, the words "with reasonable accommodation" and inserting in place thereof
75 the following words:- with or without reasonable accommodation.

76 SECTION 24. Section 4O of chapter 111 of the General Laws, as so appearing, is hereby
77 amended by striking out, in line 24, the words “mental retardation” and inserting in place thereof
78 the following words:- developmental services.

79 SECTION 25. Section 24E of said chapter 111 of the General Laws, as so appearing, is
80 hereby amended by striking out, in line 9, the word “handicap” and inserting in place thereof the
81 following word:- disability.

82 SECTION 26. Section 62J of said chapter 111, as so appearing, is hereby amended by
83 striking out, in line 14, the words “mental retardation” and inserting in place thereof the
84 following words:- intellectual or developmental disability.

85 SECTION 27. Section 67E of said chapter 111, as so appearing, is hereby amended by
86 striking out, in lines 40 to 41, the words “mental retardation” and inserting in place thereof the
87 following words:- intellectual disability.

88 SECTION 28. Section 69E of said chapter 111, as so appearing, is hereby amended by
89 striking out, in line 9, the words “mental retardation” and inserting in place thereof the following
90 words:- intellectual or developmental disability.

91 SECTION 29. Section 71 of said chapter 111, as so appearing, is hereby amended by
92 striking out, in lines 10, 24 to 25, 80, 92, 137, 183, 186 and 226, the words “the mentally
93 retarded” and inserting in place thereof, in each instance, the following words:- persons with
94 intellectual disabilities.

95 SECTION 30. Said section 71 of said chapter 111, as so appearing, is hereby further
96 amended by inserting after the word “mental”, in line 192, the word:- health.

97 SECTION 31. Section 72 of said chapter 111, as so appearing, is hereby amended by
98 striking out, in lines 3 to 4, the words “the mentally retarded” and inserting in place thereof the
99 following words:- persons with intellectual disabilities.

100 SECTION 32. Said section 72 of said chapter 111, as so appearing, is hereby further
101 amended by striking out, in line 17, the words “mentally retarded and”.

102 SECTION 33. Section 72Y of said chapter 111, as so appearing, is hereby amended by
103 striking out, in lines 11 to 12, the word “retarded” and inserting in place thereof the following
104 words:- persons with intellectual or developmental disabilities.

105 SECTION 34. Section 193 of said chapter 111, as so appearing, is hereby amended by
106 striking out, in lines 12 to 13, the words “or retarded”.

107 SECTION 35. Section 23 of chapter 119 of the General Laws, as so appearing, is hereby
108 amended by striking out, in lines 49 to 50, the words “mental retardation” and inserting in place
109 thereof the following words:- intellectual or developmental disabilities.

110 SECTION 36. Section 38A of chapter 121B of the General Laws, as so appearing, is
111 hereby amended by striking out, in line 31, the words “mental retardation” and inserting in place
112 thereof the following words:- intellectual or developmental disabilities.

113 SECTION 37. Section 1 of chapter 122 of the General Laws, as so appearing, is hereby
114 amended by striking out, in line 11, the words “mental retardation” and inserting in place thereof
115 the following:- intellectual or developmental disability.

116 SECTION 38. Section 14 of said chapter 122, as so appearing, is hereby amended by
117 striking out, in lines 3 to 4, the words “mental retardation” and inserting in place thereof the
118 following words:- intellectual or developmental disability.

119 SECTION 39. Section 1 of chapter 123A of the General Laws, as so appearing, is hereby
120 amended by striking out, in lines 45 to 46, the words “mentally retarded person” and inserting in
121 place thereof the following words:- person with an intellectual or developmental disability.

122 SECTION 40. Chapter 123B of the General Laws is hereby amended by striking out the
123 title and inserting in place thereof the following title:- Developmental Disabilities.

124 SECTION 41. Section 3 of said chapter 123B of the General Laws, as appearing in the
125 2014 Official Edition, is hereby amended by striking out, in line 5, the phrase “the mentally
126 retarded” and inserting in place thereof the following:- persons with intellectual disabilities.

127 SECTION 42. Section 133E of chapter 127 of the General Laws, as so appearing, is
128 hereby amended by striking out, in line 14, the words “mentally retarded person” and inserting in
129 place thereof the following words:- person with an intellectual or developmental disability.

130 SECTION 43. Said section 13 of said chapter 131 is hereby amended by striking out, in
131 lines 49 and 50, the words “mentally retarded” and inserting in place thereof, in each instance,
132 the following words:- intellectually or developmentally disabled.

133 SECTION 44. Section 30A of chapter 149 of the General Laws, as so appearing, is
134 hereby amended by striking out, in line 22, the words “mental retardation” and inserting in place
135 thereof the following words:- developmental services.

136 SECTION 45. Section 28 of chapter 152 of the General Laws, as so appearing, is hereby
137 amended by striking out, in lines 13 to 14, the words “mentally retarded persons” and inserting in
138 place thereof the following words:- persons with intellectual or developmental disabilities.

139 SECTION 46. Subsection(a) of section 5 of chapter 161A of the General Laws, as so
140 appearing, is hereby amended by striking out, in line 11, the word “handicap” and inserting in
141 place thereof the following word:- disability.

142 SECTION 47. Section 25 of said chapter 161A, as so appearing, is hereby amended by
143 striking out, in lines 22 to 23, the words “handicapping condition” and inserting in place thereof
144 the following words:- disability.

145 SECTION 48. Section 120A of chapter 175 of the General Laws, as so appearing, is
146 hereby amended by striking out, in line 3, the words “mental retardation” and inserting in place
147 thereof, in each instance, the following words:- intellectual or developmental disability.

148 SECTION 49. Section 17A of chapter 186 of the General Laws, as so appearing, is
149 hereby amended by striking out, in line 72, the words “mentally retarded persons” and inserting
150 in place thereof the following words:- persons with an intellectual or developmental disability.

151 SECTION 50. Section 5-101 of chapter 190B of the General Laws, as so appearing, is
152 hereby amended by striking out paragraph (12) .

153 SECTION 51. Said section 5-101 of said chapter 190B, as so appearing, is hereby further
154 amended by inserting after paragraph (18), the following paragraph:-

155 (18A) “Person with a developmental disability”, (a) an individual 5 years of age or older
156 with a severe, chronic disability that: (i) is attributable to a mental or physical impairment
157 resulting from intellectual disability, autism, Smith-Magenis syndrome or Prader-Willi
158 syndrome; (ii) is manifested before the individual attains age 22; (iii) is likely to continue
159 indefinitely; (iv) results in substantial functional limitations in 3 or more of the following areas
160 of major life activity: (1) self-care; (2) receptive and expressive language; (3) learning; (4)
161 mobility; (5) self-direction; (6) capacity for independent living; and (7) economic self-
162 sufficiency; and (v) reflects the individual's need for a combination and sequence of special,
163 interdisciplinary or generic services, supports or other assistance that is of a lifelong or extended
164 duration and is individually planned and coordinated; or (b) an individual under the age of 5 who
165 has a substantial developmental delay or specific congenital or acquired condition with a high
166 probability that the condition will result in a developmental disability if services are not
167 provided. A person who has a developmental disability may be considered to be mentally ill;
168 provided, however, that no person with a developmental disability shall be considered to be
169 mentally ill solely by reason of the person's developmental disability.

170 SECTION 52. Section 5-304 of said chapter 190B, as so appearing, is hereby amended
171 by striking out, in line 16, the words “mentally retarded” and inserting in place thereof the
172 following words:- intellectually or developmentally disabled.

173 SECTION 53. Section 5-309 of said chapter 190B, as so appearing, is hereby amended
174 by striking out, in line 57, the words “mental retardation” and inserting in place thereof the
175 following words:- developmental services.

176 SECTION 54. Section 32 of chapter 209 of the General Laws, as so appearing, is hereby
177 amended by striking out, in line 6, the words “mental retardation” and inserting in place thereof
178 the following words:- intellectual disability.

179 SECTION 55. Section 85V of chapter 231 of the General Laws, as so appearing, is
180 hereby amended by striking out, in line 24, the words “mentally retarded” and inserting in place
181 thereof the following words:- persons with intellectual or developmental disabilities.

182 SECTION 56. Section 23E of chapter 233 of the General Laws, as so appearing, is
183 hereby amended by striking out, in lines 36 and 50, the words “mental retardation” and inserting
184 in place thereof, in each instance, the following words:- an intellectual disability.

185 SECTION 57. Section 5B of chapter 260 of the General Laws, as so appearing, is hereby
186 amended by striking out, in line 5, the word “handicap” and inserting in place thereof the
187 following word:- disability.

188 SECTION 58. Section 13F of chapter 265 of the General Laws, as so appearing, is hereby
189 amended by striking out, in lines 2, 3, 12, 13, 14 to 15, and 15 to 16, the words “an intellectual
190 disability” and inserting in place thereof, in each instance, the following words:- an intellectual
191 or developmental disability.

192 SECTION 59. Said section 13F of said chapter 265, as so appearing, is hereby further
193 amended by striking out, in lines 21 to 22, and line 22, the words “mentally retarded person” and

194 inserting in place thereof, in each instance, the following words:- person with an intellectual or
195 developmental disability.

196 SECTION 60. Section 45 of said chapter 265, as so appearing, is hereby amended by
197 striking out, in line 3, the words “mentally retarded person” and inserting in place thereof the
198 following words:- person with an intellectual or developmental disability.

199 SECTION 61. Section 7 of chapter 268A of the General Laws, as so appearing, is hereby
200 amended by striking out, in line 66, the words “mentally retarded” and inserting in place thereof
201 the following words:- intellectually or developmentally disabled.