

SENATE No. 51

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 relative to individuals with intellectual or developmental disabilities.

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>2/7/2019</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/1/2019</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>	<i>2/8/2019</i>

SENATE No. 51

By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 51) of Patricia D. Jehlen, Mark C. Montigny, Kay Khan and Marcos A. Devers for legislation relative to individuals with intellectual or developmental disabilities. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act relative to individuals with intellectual or developmental disabilities.

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 2016
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.

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

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

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

SECTION 8. Section 21 of chapter 19 of the General Laws, as so appearing, is hereby amended by striking out, in line 16, the words "mentally retarded individuals with common needs for care and treatment" in lines 16 to 17 and inserting in place thereof the following words:- "intellectually or developmentally disabled individuals with common needs for care and treatment,”

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

78 SECTION 24. Section 40 of chapter 111 of the General Laws, as so appearing, is hereby
79 amended by striking out, in line 24, the words "mental retardation" and inserting in place thereof
80 the following words:- developmental services.

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

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

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

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

93 SECTION 29. Section 71 of said chapter 111, as so appearing, is hereby amended by
94 striking out, in lines 10, 24 to 25, 80, 92, 137, 183, 186 and 226, the words "the mentally

retarded” and inserting in place thereof, in each instance, the following words:- persons with intellectual disabilities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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