

2019 -- S 0171 SUBSTITUTE A

LC000299/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- APPROPRIATE DISABILITY
LANGUAGE

Introduced By: Senators DiPalma, Sosnowski, Seveney, Coyne, and Valverde

Date Introduced: January 24, 2019

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 22-11-3.4 of the General Laws in Chapter 22-11 entitled "Joint
2 Committee on Legislative Services" is hereby amended to read as follows:

3 **22-11-3.4. Duties of the law revision director.**

4 (a) In addition to other duties assigned to the law revision director, he or she shall
5 rearrange, rephrase, and consolidate the public laws and acts and resolves of the general assembly
6 so that redundancies may be avoided, obsolete enactments eliminated, contradictions reconciled,
7 omissions supplied, and imperfections cured. The law revision director has no authority either to
8 change the law or to alter the substance of the statutes but shall alert the general assembly
9 annually to specific changes, which may be required. In addition, a report shall be filed annually
10 with the general assembly which shall indicate which sections of the general laws at the previous
11 session had more than one amendment and displaying a copy of the final version of the statute on
12 the first legislative day of the next subsequent session of the general assembly.

13 (b) The law revision director shall, by February 1, 2020, file a report with the general
14 assembly, proposing amendments to those sections of the general laws that do not use appropriate
15 disability language as required by § 43-3-7.1. The report shall also include a list of those statutes
16 for which amendments are not being proposed pursuant to § 43-3-7.1 because the director had
17 determined that such amendments could alter the intent of the statute. The report shall be
18 prepared after consultation with the governor's commission on disabilities.

1 SECTION 2. Section 36-3-5 of the General Laws in Chapter 36-3 entitled "Division of
2 Personnel Administration" is hereby amended to read as follows:

3 **36-3-5. Powers and duties of the administrator.**

4 In addition to the duties imposed upon the personnel administrator elsewhere in the law
5 and the personnel rules, it shall be the duty of the personnel administrator:

6 (1) As executive head of the division of personnel administration, to direct, supervise,
7 develop, and authorize all personnel related administrative and technical activities including
8 personnel administration and personnel management.

9 (2) To prepare and recommend to the director of administration such rules as are deemed
10 necessary to carry out the provisions of the law.

11 (3) To supervise the operation of the classification plan and to recommend to the director
12 amendments and additions thereto.

13 (4) To supervise the operation of the pay plan and to recommend to the director
14 amendments and additions thereto.

15 (5) To establish and supervise the maintenance of employment lists, promotion lists, and
16 reemployment lists; to develop recruitment procedures, monitor agency recruitment processes for
17 compliance with the statutes and policies, and make available to state agencies qualified
18 candidates as vacancies occur; direct and supervise equal opportunity programs; manage
19 employee benefit plans including the coordination of health insurance, prescription/vision care,
20 group life insurance, dental care, prepaid legal services, deferred compensation and cancer
21 programs, and any other programs established by the legislature related to employee benefits; and
22 to manage career awards programs and state and local enforcement firefighters incentive training
23 programs.

24 (6) To perform any other lawful act which he or she may consider necessary or desirable
25 to carry out the purposes and provisions of this chapter, and chapter 4 of this title, and the rules
26 and to conduct innovative demonstration projects to improve state personnel management.

27 (7) The personnel administrator is authorized and empowered to revise state job
28 descriptions to ensure the use of appropriate disability language, as required by § 43-3-7.1.

29 SECTION 3. Section 43-3-7.1 of the General Laws in Chapter 43-3 entitled
30 "Construction and Effect of Statutes" is hereby amended to read as follows:

31 **43-3-7.1. Use of appropriate disability language.**

32 (a) Whenever the terms "the handicapped", "handicap person", or "handicapped person"
33 are used in the general laws, ~~they shall~~ the law revision director shall, unless they determine it
34 could alter the intent of the statute, recommend that they be replaced with the words "persons

1 with disabilities" or "person with a disability," inclusive, and whenever the term "handicap" is
2 used in the general laws, ~~it shall~~ the law revision director shall, unless they determine it could
3 alter the intent of the statute, recommend that it be replaced with the word "disability"; ~~provided~~
4 ~~that this section shall not be applied retroactively but shall only be applied prospectively.~~

5 (b) Whenever the term "developmental disability" or "developmental disabilities" or
6 "mentally retarded" or "retarded" are used in the general laws, the law revision director shall,
7 unless they determine it could alter the intent of the statute, recommend that they be replaced with
8 the words "intellectual and developmental disability" or "person with an intellectual and
9 developmental disability", if the context so requires.

10 (c) Whenever the term "substance abuse" or "addict" are used in the general laws, the law
11 revision director shall, unless they determine it could alter the intent of the statute, recommend
12 that they be replaced with the words "substance use disorder" or "person with a substance use
13 disorder", if the context so requires.

14 ~~(b)~~(d) Whenever an act, resolution, statute, regulation, guideline, directive, or other
15 document of a governmental entity refers to people with disabilities, terms that stigmatize, like
16 "the handicapped", "the disabled", "the blind", "the deaf", "the hearing impaired", "cerebral
17 palsied", "paralytic", "epileptic", "confined to a wheelchair", "wheelchair bound", "lunatic",
18 "idiot", "defective", "deformed", "victim", "suffers from", "mentally retarded", "retarded",
19 "addict", "substance abuser", etc., shall not be used. Language that puts the "person first", rather
20 than the impairment or assistive device, such as "person with a disability", "child who has mental
21 illness", "worker who is deaf", "voter who uses a wheelchair", "person who is hard-of-hearing",
22 shall be used.

23 SECTION 4. Chapter 42-64.13 of the General Laws entitled "Rhode Island Regulatory
24 Reform Act" is hereby amended by adding thereto the following section:

25 **42-64.13-13. Revision of regulations - appropriate disability language.**

26 The office of regulatory reform is authorized and empowered to ensure all regulations use
27 appropriate disability language, as required by § 43-3-7.1.

28 SECTION 5. This act shall take effect on January 1, 2020.

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- APPROPRIATE DISABILITY
LANGUAGE

1 This act would ensure appropriate disability language is used in all job descriptions and
2 statutes.

3 This act would take effect on January 1, 2020.

=====
LC000299/SUB A
=====