State of South Dakota

EIGHTY-SEVENTH SESSION LEGISLATIVE ASSEMBLY, 2012

751T0142

SENATE BILL NO. 131

Introduced by: Senator Lederman and Representative Miller

1	FOR AN	ACT ENTITLED, An Act to expand the definition of a developmental disability.
2	BE IT EN	NACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:
3	Section	on 1. That § 27B-1-18 be amended to read as follows:
4	27B-	1-18. A developmental disability is any severe, chronic disability of a person that:
5	(1)	Is attributable to a mental or physical impairment or combination of mental and
6		physical impairments;
7	(2)	Is manifested before the person attains age twenty-two;
8	(3)	Is likely to continue indefinitely;
9	(4)	Results in substantial functional limitations in three or more of the following areas
10		of major life activity: self-care, receptive and expressive language, learning, mobility,
11		self-direction, capacity for independent living, and economic self-sufficiency or,
12		results in one or more functional limitations so substantial that, without assistance,
13		the person would be unable to care for oneself on a daily basis, would pose a danger
14		to others, or would pose a danger to self; and
15	(5)	Reflects the person's need for an array of generic services, met through a system of



1	individualized planning and supports over an extended time, including those of a
2	life-long duration.
3	Section 2. That § 27B-2-23 be amended to read as follows:
4	27B-2-23. Any person with a developmental disability or any other interested person may
5	make application for department services by contacting in person or in writing any official state
6	or field office of the Department of Human Services and participating in an evaluation which
7	may include mental, physical, and or educational assessments so that the department may
8	determine if services are needed. The department shall consider an applicant's overall ability to
9	care for oneself without assistance when determining if services are needed.