

By: Zaffirini

S.B. No. 1395

A BILL TO BE ENTITLED

AN ACT

relating to the use of person first respectful language in reference to individuals with disabilities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle Z, Title 3, Government Code, is amended by adding Chapter 392 to read as follows:

CHAPTER 392. PERSON FIRST RESPECTFUL LANGUAGE INITIATIVE

Sec. 392.001. FINDINGS AND INTENT. The legislature finds that language used in reference to persons with disabilities shapes and reflects society's attitudes toward persons with disabilities. Certain terms are demeaning and create an invisible barrier to inclusion as equal community members. It is the intent of the legislature to clarify preferred language for new and revised laws by requiring the use of terminology that places the person before the disability.

Sec. 392.002. USE OF PERSON FIRST RESPECTFUL LANGUAGE REQUIRED. (a) The legislature and the Texas Legislative Council are directed to avoid using the following terms in any new statute or resolution, and to change such references in any existing statute or resolution as sections including these references are otherwise amended by law:

(1) disabled;

(2) developmentally disabled;

(3) mentally disabled;

- 1 (4) mentally ill;
- 2 (5) mentally retarded;
- 3 (6) handicapped;
- 4 (7) cripple; and
- 5 (8) crippled.

6 (b) The legislature and the Texas Legislative Council are
7 directed to replace terms referenced in Subsection (a) as
8 appropriate with the following revised terminology or appropriate
9 variations of that terminology:

- 10 (1) "persons with disabilities";
- 11 (2) "persons with developmental disabilities";
- 12 (3) "persons with mental illness"; and
- 13 (4) "persons with intellectual disabilities."

14 (c) A statute or resolution is not invalid because it does
15 not comply with this section.

16 SECTION 2. Chapter 325, Government Code, is amended by
17 adding Section 325.0123 to read as follows:

18 Sec. 325.0123. REVIEW OF CERTAIN AGENCIES FOR RESPECTFUL
19 LANGUAGE. (a) As part of its review of a health and human services
20 agency, the commission shall consider and make recommendations
21 regarding revising the agency's provisions to use the term
22 "intellectual disability" instead of "mental retardation" and the
23 term "person with intellectual disability" instead of "person with
24 mental retardation."

25 (b) As part of its review of an agency, the commission shall
26 consider and recommend, as appropriate, implementing the person
27 first respectful language initiative under Chapter 392.

1 SECTION 3. Subchapter B, Chapter 531, Government Code, is
2 amended by adding Section 531.0227 to read as follows:

3 Sec. 531.0227. PERSON FIRST RESPECTFUL LANGUAGE PROMOTION.
4 The executive commissioner shall ensure that the commission and
5 each health and human services agency use the preferred terms from
6 the person first respectful language initiative in Chapter 392 when
7 proposing, adopting, or amending the commission's or agency's
8 rules, reference materials, publications, and electronic media.

9 SECTION 4. Section 591.003, Health and Safety Code, is
10 amended by adding Subdivisions (7-a) and (15-a) and amending
11 Subdivisions (13) and (16) to read as follows:

12 (7-a) "Intellectual disability" means significantly
13 subaverage general intellectual functioning that is concurrent
14 with deficits in adaptive behavior and originates during the
15 developmental period.

16 (13) "Mental retardation" means intellectual
17 disability [~~means significantly subaverage general intellectual~~
18 ~~functioning that is concurrent with deficits in adaptive behavior~~
19 ~~and originates during the developmental period].~~

20 (15-a) "Person with intellectual disability" means a
21 person determined by a physician or psychologist licensed in this
22 state or certified by the department to have subaverage general
23 intellectual functioning with deficits in adaptive behavior.

24 (16) "Person with mental retardation" means a person
25 with intellectual disability [~~a person determined by a physician or~~
26 ~~psychologist licensed in this state or certified by the department~~
27 ~~to have subaverage general intellectual functioning with deficits~~

1 ~~in adaptive behavior]~~.

2 SECTION 5. It is not the intent of the legislature that the
3 changes in law made by this Act affect the application or
4 interpretation of the Penal Code or eligibility for any program.

5 SECTION 6. This Act takes effect September 1, 2009.