

## **BILL ANALYSIS**

H.B. 1481  
By: Truitt  
Human Services  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Language used to refer to persons with disabilities shapes and reflects society's attitude toward such persons. Certain terms and phrases traditionally used to refer to persons with disabilities are now considered by some to be demeaning and hurtful and can create barriers to the inclusion of persons with disabilities as equal community members.

Many states have implemented the use of what has come to be called respectful language, or language that places the word "person" before the word "disability" or the words that describe a disability. Recently, the federal government enacted legislation that requires the use of respectful language in certain federal policies. Many organizations, such as the World Health Organization, Centers for Disease Control and Prevention, the American Association of Intellectual and Developmental Disabilities, The Arc of the United States, the Special Olympics, and the President's Committee on Individuals with Intellectual Disabilities, have also adopted language that is respectful to persons with disabilities.

H.B. 1481 would initiate the process of changing Texas statutes and rules to reflect important changes in our societal views toward persons with disabilities. The bill specifies preferred language for new and revised laws by requiring the use of terminology that places the person before the disability.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 1481 amends the Government Code to direct the Texas Legislature and the Texas Legislative Council, as part of the person first respectful language initiative, to avoid using the following terms and phrases in any new statute or resolution: disabled, developmentally disabled, mentally disabled, mentally ill, mentally retarded, handicapped, cripple, and crippled. The bill directs the legislature and the Texas Legislative Council to change those terms and phrases used in any existing statute or resolution as sections including those terms and phrases are otherwise amended by law and, in enacting or revising statutes or resolutions, to replace, as appropriate, those terms and phrases with the following preferred phrases or appropriate variations of the following phrases: "persons with disabilities," "persons with developmental disabilities," "persons with mental illness," and "persons with intellectual disabilities." The bill provides that a statute or resolution is not invalid solely because it does not employ the preferred phrases established by the bill's provisions. The bill establishes legislative findings relating to person first respectful language and expresses the legislature's intent in requiring the use of person first respectful language.

H.B. 1481 requires the Sunset Advisory Commission, as part of its review of a health and human services agency, to consider and make recommendations regarding the statutory revisions necessary to use the phrase "intellectual disability" instead of "mental retardation" and to use the

phrase "person with intellectual disability" instead of "person with mental retardation." The bill requires the commission, as part of its review of an agency, to consider and recommend, as appropriate, statutory revisions in accordance with the person first respectful language initiative established by the bill. The bill requires the executive commissioner of the Health and Human Services Commission (HHSC) to ensure that HHSC and each health and human services agency use the preferred terms and phrases listed under the person first respectful language initiative when proposing, adopting, or amending the commission's or agency's rules, reference materials, publications, and electronic media.

H.B. 1481 amends the Education Code to require the commissioner of education to ensure that the Texas Education Agency use the preferred terms and phrases listed under the person first respectful language initiative when proposing, adopting, or amending the agency's rules, reference materials, publications, and electronic media.

H.B. 1481 amends the Health and Safety Code to define "intellectual disability" and "person with intellectual disability." The bill redefines "mental retardation" to mean intellectual disability and "person with mental retardation" to mean a person with intellectual disability.

H.B. 1481 establishes that it is not the intent of the legislature that the changes in law made by the bill's provisions affect the application or interpretation of the Penal Code or eligibility for any program.

#### **EFFECTIVE DATE**

September 1, 2011.