

By: Truitt

H.B. No. 1481

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 and phrases are demeaning and create an invisible barrier to inclusion as equal community members. It is the intent of the legislature to establish preferred terms and phrases for new and revised laws by requiring the use of language 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 and phrases in any new statute or resolution and 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:

(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) In enacting or revising statutes or resolutions, the  
7 legislature and the Texas Legislative Council are directed to  
8 replace, as appropriate, terms and phrases listed by Subsection (a)  
9 with the following preferred phrases or appropriate variations of  
10 those phrases:

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

15           (c) A statute or resolution is not invalid solely because it  
16 does not employ this section's preferred phrases.

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

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

26           (b) As part of its review of an agency, the commission shall  
27 consider and recommend, as appropriate, statutory revisions in

1 accordance with the person first respectful language initiative  
2 under Chapter 392.

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

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

12 SECTION 4. Subchapter C, Chapter 7, Education Code, is  
13 amended by adding Section 7.063 to read as follows:

14 Sec. 7.063. PERSON FIRST RESPECTFUL LANGUAGE PROMOTION.  
15 The commissioner shall ensure that the agency uses the terms and  
16 phrases listed as preferred under the person first respectful  
17 language initiative in Chapter 392, Government Code, when  
18 proposing, adopting, or amending the agency's rules, reference  
19 materials, publications, and electronic media.

20 SECTION 5. Section 591.003, Health and Safety Code, is  
21 amended by adding Subdivisions (7-a) and (15-a) and amending  
22 Subdivisions (13) and (16) to read as follows:

23 (7-a) "Intellectual disability" means significantly  
24 subaverage general intellectual functioning that is concurrent  
25 with deficits in adaptive behavior and originates during the  
26 developmental period.

27 (13) "Mental retardation" means intellectual

1 disability [~~means significantly subaverage general intellectual~~  
2 ~~functioning that is concurrent with deficits in adaptive behavior~~  
3 ~~and originates during the developmental period~~].

4           (15-a) "Person with intellectual disability" means a  
5 person determined by a physician or psychologist licensed in this  
6 state or certified by the department to have subaverage general  
7 intellectual functioning with deficits in adaptive behavior.

8           (16) "Person with mental retardation" means a person  
9 with intellectual disability [~~a person determined by a physician or~~  
10 ~~psychologist licensed in this state or certified by the department~~  
11 ~~to have subaverage general intellectual functioning with deficits~~  
12 ~~in adaptive behavior~~].

13           SECTION 6. It is not the intent of the legislature that the  
14 changes in law made by this Act affect the application or  
15 interpretation of the Penal Code or eligibility for any program.

16           SECTION 7. This Act takes effect September 1, 2011.