

1-1 By: Truitt, et al. (Senate Sponsor - Zaffirini) H.B. No. 1481
1-2 (In the Senate - Received from the House March 31, 2011;
1-3 April 13, 2011, read first time and referred to Committee on Health
1-4 and Human Services; May 13, 2011, reported favorably by the
1-5 following vote: Yeas 7, Nays 0; May 13, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the use of person first respectful language in
1-9 reference to individuals with disabilities.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subtitle Z, Title 3, Government Code, is amended
1-12 by adding Chapter 392 to read as follows:

1-13 CHAPTER 392. PERSON FIRST RESPECTFUL LANGUAGE INITIATIVE

1-14 Sec. 392.001. FINDINGS AND INTENT. The legislature finds
1-15 that language used in reference to persons with disabilities shapes
1-16 and reflects society's attitudes toward persons with disabilities.
1-17 Certain terms and phrases are demeaning and create an invisible
1-18 barrier to inclusion as equal community members. It is the intent
1-19 of the legislature to establish preferred terms and phrases for new
1-20 and revised laws by requiring the use of language that places the
1-21 person before the disability.

1-22 Sec. 392.002. USE OF PERSON FIRST RESPECTFUL LANGUAGE
1-23 REQUIRED. (a) The legislature and the Texas Legislative Council
1-24 are directed to avoid using the following terms and phrases in any
1-25 new statute or resolution and to change those terms and phrases used
1-26 in any existing statute or resolution as sections including those
1-27 terms and phrases are otherwise amended by law:

- 1-28 (1) disabled;
1-29 (2) developmentally disabled;
1-30 (3) mentally disabled;
1-31 (4) mentally ill;
1-32 (5) mentally retarded;
1-33 (6) handicapped;
1-34 (7) cripple; and
1-35 (8) crippled.

1-36 (b) In enacting or revising statutes or resolutions, the
1-37 legislature and the Texas Legislative Council are directed to
1-38 replace, as appropriate, terms and phrases listed by Subsection (a)
1-39 with the following preferred phrases or appropriate variations of
1-40 those phrases:

- 1-41 (1) "persons with disabilities";
1-42 (2) "persons with developmental disabilities";
1-43 (3) "persons with mental illness"; and
1-44 (4) "persons with intellectual disabilities."

1-45 (c) A statute or resolution is not invalid solely because it
1-46 does not employ this section's preferred phrases.

1-47 SECTION 2. Chapter 325, Government Code, is amended by
1-48 adding Section 325.0123 to read as follows:

1-49 Sec. 325.0123. REVIEW OF CERTAIN AGENCIES FOR RESPECTFUL
1-50 LANGUAGE. (a) As part of its review of a health and human services
1-51 agency, the commission shall consider and make recommendations
1-52 regarding the statutory revisions necessary to use the phrase
1-53 "intellectual disability" instead of "mental retardation" and to
1-54 use the phrase "person with intellectual disability" instead of
1-55 "person with mental retardation."

1-56 (b) As part of its review of an agency, the commission shall
1-57 consider and recommend, as appropriate, statutory revisions in
1-58 accordance with the person first respectful language initiative
1-59 under Chapter 392.

1-60 SECTION 3. Subchapter B, Chapter 531, Government Code, is
1-61 amended by adding Section 531.0227 to read as follows:

1-62 Sec. 531.0227. PERSON FIRST RESPECTFUL LANGUAGE PROMOTION.
1-63 The executive commissioner shall ensure that the commission and
1-64 each health and human services agency use the terms and phrases

listed as preferred under the person first respectful language initiative in Chapter 392 when proposing, adopting, or amending the commission's or agency's rules, reference materials, publications, and electronic media.

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

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

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

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

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

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

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

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

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

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