

2020 -- H 7368

LC004085

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - GOVERNOR'S COMMISSION
ON DISABILITIES

Introduced By: Representatives McNamara, Ruggiero, Bennett, and Jackson

Date Introduced: January 30, 2020

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 42-51 of the General Laws entitled "Governor's Commission on
2 Disabilities" is hereby amended by adding thereto the following section:

3 **42-51-13. Appropriate disability language.**

4 The commission shall, by February 1, 2021, file a report with the general assembly
5 proposing amendments to those sections of the general laws that do not use appropriate disability
6 language regarding substance use disorders. The report shall be prepared after consultation with
7 the:

8 (1) American Civil Liberties Union of Rhode Island;

9 (2) Department of attorney general;

10 (3) Department of behavioral healthcare, developmental disabilities, and hospitals
11 (BHDDH);

12 (4) Disability Rights Rhode Island;

13 (5) Drug court magistrate;

14 (6) Governor's council of behavioral health;

15 (7) National Alliance on Mental Illness (NAMI) of Rhode Island;

16 (8) Office of the health insurance commissioner;

17 (9) Office of the mental health advocate;

18 (10) Office of the Rhode Island public defender;

- 1 (11) Substance Use and Mental Health Leadership Council of Rhode Island;
- 2 (12) Mental Health Association of Rhode Island; and
- 3 (13) Mental health consumer advocates of Rhode Island.

4 SECTION 2. Section 43-3-7.1 of the General Laws in Chapter 43-3 entitled
5 "Construction and Effect of Statutes" is hereby amended to read as follows:

6 **43-3-7.1. Use of appropriate disability language. [Effective January 1, 2020.]**

7 (a) Whenever the terms "the handicapped," "handicap person," or "handicapped person"
8 are used in the general laws, the law revision director shall, unless the director determines it could
9 alter the intent of the statute, recommend that they be replaced with the words "persons with
10 disabilities" or "person with a disability," inclusive, and whenever the term "handicap" is used in
11 the general laws, the law revision director shall, unless the director determines it could alter the
12 intent of the statute, recommend that it be replaced with the word "disability."

13 (b) Whenever the terms ~~"developmental disability" or "developmental disabilities"~~
14 "mental retardation" or "mentally retarded" or "retarded" are used in the general laws, the law
15 revision director shall, unless the director determines it could alter the intent of the statute,
16 recommend that they be replaced with the words "intellectual and developmental disability" or
17 "person with an intellectual and developmental disability," if the context so requires.

18 (c) ~~Whenever the terms "substance abuse" or "addict" are used in the general laws, the
19 law revision director shall, unless the director determines it could alter the intent of the statute,
20 recommend that they be replaced with the words "substance use disorder" or "person with a
21 substance use disorder," if the context so requires.~~

22 (d) Whenever an act, resolution, statute, regulation, guideline, directive, or other
23 document of a governmental entity refers to people with disabilities, terms that stigmatize, like
24 "the handicapped," "the disabled," "the blind," "the deaf," "the hearing impaired," "cerebral
25 palsied," "paralytic," "epileptic," "confined to a wheelchair," "wheelchair bound," "lunatic,"
26 "idiot," "defective," "deformed," "victim," "suffers from," "mentally retarded," "retarded,"
27 "addict," "substance abuser," etc., shall not be used. Language that puts the "person first," rather
28 than the impairment or assistive device, such as "person with a disability," "child who has mental
29 illness," "worker who is deaf," "voter who uses a wheelchair," "person who is hard-of-hearing,"
30 shall be used.

31 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO STATE AFFAIRS AND GOVERNMENT - GOVERNOR'S COMMISSION
ON DISABILITIES

1 This act would establish appropriate disability language and would authorize the law
2 revision director to replace inappropriate disability language in the general law with appropriate
3 disability language.

4 This act would take effect upon passage.

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