

SENATE BILL REPORT

HB 2490

As Reported by Senate Committee On:
Government Operations & Elections, February 18, 2010

Title: An act relating to persons with intellectual disabilities.

Brief Description: Concerning persons with intellectual disabilities.

Sponsors: Representative Angel; by request of Statute Law Committee.

Brief History: Passed House: 2/05/10, 97-0.

Committee Activity: Government Operations & Elections: 2/18/10 [DP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Fairley, Chair; Roach, Ranking Minority Member; McDermott and Pridemore.

Staff: Sharon Swanson (786-7447)

Background: The Revised Code of Washington (RCW) and the Washington Administrative Code (WAC) both contain references to various individuals with disabilities. With the exception of language used as a specific term of art for purposes of the criminal code and criminal sentencing, these references are generally not essential to describing the circumstances of the particular individual.

In 2004 legislation was enacted that required the Code Reviser to avoid references to certain words frequently used to describe individuals with disabilities. The specific terms are disabled, developmentally disabled, mentally disabled, mentally ill, mentally retarded, handicapped, cripple, and crippled.

These terms are to be avoided in future laws as well as to be replaced in existing statutes as those statutes are amended by law. The replacement terms are individuals with mental disabilities, individuals with mental illness, and individuals with mental retardation.

In 2009 the Legislature changed the preferred term to be used in statutes, memorials, and resolutions from individuals with mental retardation to individuals with intellectual disabilities. The Code Reviser was directed to replace the term mental retardation with the

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term intellectual disability. The Code Reviser was also required to submit a bill with recommendations to the Legislature by December 1, 2009, concerning the replacement of the phrase mental retardation with the phrase intellectual disability, as well as any other perfecting changes to the RCW.

Summary of Bill: The RCW is updated to remove the term individuals with mental retardation and replace it with individuals with intellectual disabilities. It is not the intent of the Legislature to expand or contract the scope of the RCW. Nothing in this act may be construed to change the application of any provision of the RCW to any person.

Intellectual disabilities replaces the term mental retardation in statutes pertaining to:

- capital punishment for aggravated first degree murder;
- dependency and termination of parental rights;
- surrogate parentage contracts;
- the University of Washington's Children's Center for Research and Training in Mental Retardation and Other Handicapping Conditions;
- purchase of federal property for public purposes;
- Washington State Health Care Authority plan coverage for dependents;
- rules for the recovery of paid medical assistance by the Department of Social and Health Services;
- long-term care ombudsman;
- insurance definitions;
- comprehensive community health centers;
- hospital licensing and regulation;
- phenylketonuria and other preventable heritable diseases (screenings and services);
- mental health services for minors;
- developmental disabilities;
- medical care services;
- rehabilitative services for individuals with disabilities;
- nursing homes;
- nursing facility Medicaid payment system;
- excise tax on intermediate care facilities for the mentally retarded; and
- multiuse facilities for the mentally and physically handicapped at the former Harrison Memorial Hospital property.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: I don't want to be called retarded or stupid. It's demeaning. Not every person who is disabled is retarded. We are people, individuals who lead full lives and contribute greatly. Our individuality should be respected. This change in verbiage allows for respect to be shown. This bill is follow-up legislation that began last year. The efforts of the Code Reviser to clean-up out-of-date references should be

commended. As our attitudes have changed towards individuals with intellectual disabilities so should our language and references.

Persons Testifying: PRO: Representative Angel, prime sponsor; Robert Wardell, Advocates in Leadership; Corinna Fate, The Arc of Snohomish County; Emily Rogers, Advocates in Leadership/Arc of Washington; Cherie Tessier, People First of Washington.