

# HOUSE . . . . . No. 4922

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Ten  
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An Act eliminating the word ‘retardation’ from the general laws..

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION Section 17 of chapter 10 of the General Laws, as appearing in the 2008  
2   Official Edition, is hereby amended by striking out, in lines 4 and 7, the words “mental  
3   retardation” and inserting in place thereof, in each instance, the following words:- intellectual  
4   disabilities.

5           SECTION Said section 17 of said chapter 10, as so appearing, is hereby further  
6   amended by striking out, in lines 4, 8 and 18, the words “mentally retarded persons” and  
7   inserting in place thereof, in each instance, the following words:- persons with an intellectual  
8   disability.

9           SECTION Section 13 of chapter 18B of the General Laws, as so appearing, is hereby  
10   amended by striking out, in line 22, the words “mental retardation” and inserting in place thereof,  
11   in each instance, the following words:- intellectual disabilities.

SECTION Section 21 of chapter 19 of the General Laws, as so appearing, is hereby amended by striking out, in line 40, the words “mentally retarded individuals” and inserting in place thereof the following words:- persons with an intellectual disability.

SECTION Said section 21 of said chapter 19, as so appearing, is hereby further amended by striking out, in lines 46 and 47, the words “mentally retarded” and inserting in place thereof, in each instance, the following words:- persons with an intellectual disability.

SECTION Said section 21 of said chapter 19, as so appearing, is hereby further amended by striking out, in line 59, the words “mentally retarded persons” and inserting in place thereof, in each instance, the following words:- persons with an intellectual disability.

SECTION Section 1 of chapter 19B of the General Laws, as so appearing, is hereby amended by striking out, in lines 25, 26 and 27, 33, 42, 47 and 48, 49 and 51, the words “mental retardation” and inserting in place thereof, in each instance, the following words:- intellectual disabilities.

SECTION Said section 1 of said chapter 19B, as so appearing, is hereby further amended by striking out, in line 14, 16 and 21, the words “mentally retarded citizens of the commonwealth” and inserting in place thereof, in each instance, the following words:- persons with an intellectual disability.

SECTION Said section 1 of said chapter 19B, as so appearing, is hereby further amended by striking out, in line 16 and 21, the words “mentally retarded persons” and inserting in place thereof, in each instance, the following words:- persons with an intellectual disability.

SECTION Section 10 of said chapter 19B, as so appearing, is hereby amended by striking out, in line 2, the words “mental retardation” and inserting in place thereof the following words:- intellectual disability.

SECTION Section 12 of said chapter 19B, as so appearing, is hereby amended by striking out, in lines 2, 7 and 8, the words “mental retardation” and inserting in place thereof, in each instance, the following words:- intellectual disability.

SECTION Section 13 of said chapter 19B, as so appearing, is hereby amended by striking out, in lines 3, 8 and 9, 13, 27, 31, 32 and 33, the words “mental retardation” and inserting in place thereof, in each instance, the following words:- intellectual disability.

SECTION Section 15 of said chapter 19B, as so appearing, is hereby amended by striking out, in lines 5 and 6, 8 and 39 and 40, the words “who are mentally retarded” and inserting in place thereof, in each instance, the following words:- with an intellectual disability.

SECTION Section 16 of said chapter 19B, as so appearing, is hereby amended by striking out, in line 2, the words “mental retardation” and inserting in place thereof the following words:- intellectual disability.

SECTION Section 18 of said chapter 19B, as so appearing, is hereby amended by striking out, in line 40, the words “mentally retarded individuals” and inserting in place thereof the following words:- persons with an intellectual disability.

SECTION Said section 18 of said chapter 19B, as so appearing, is hereby further amended by striking out, in line 59, the words “mentally retarded persons” and inserting in place thereof the following words:- persons with an intellectual disability.

SECTION Said section 18 of said chapter 19B, as so appearing, is hereby further amended by striking out, in line 46, the words “mentally retarded” and inserting in place thereof the following words:- persons with an intellectual disability.

SECTION Section 1 of chapter 19C of the General Laws , as so appearing, is hereby amended by striking out, in line 16, the words “mentally retarded, as defined by section one of chapter one hundred and twenty-three” and inserting in place thereof the following words:- a person with an intellectual disability as defined by section 1 of chapter 123B.

SECTION Section 4 of said chapter 19C, as so appearing, is hereby amended by striking out, in line 28, the words “mentally retarded” and inserting in place thereof the following words:- a person with an intellectual disability.

SECTION Section 3 of chapter 19D of the General Laws, as so appearing, is hereby amended by striking out, in line 9, the words “the mentally retarded” and inserting in place thereof the following words:- persons with an intellectual disability.

SECTION Section 1 of chapter 31 of the General Laws, as so appearing, is hereby amended by striking out the definition of “Mentally retarded person”.

SECTION Said section 1 of said chapter 31, as so appearing, is hereby further amended by inserting, after the definition of “Permanent employee” the following definition:- “Person with an intellectual disability”, a person certified as having an intellectual disability by the Massachusetts rehabilitation commission.

SECTION Section 47 of said chapter 31 , as so appearing, is hereby amended by striking out, in lines 7, 13and 14, 27 and 28 and 33, the words “mentally retarded person” and

74 inserting in place thereof, in each instance, the following words:- person with an intellectual  
75 disability.

76 SECTION Said section 47 of said chapter 31 , as so appearing, is hereby further  
77 amended by striking out, in line 10, the words “is mentally retarded” and inserting in place  
78 thereof the following words:- has an intellectual disability.

79 SECTION Said section 47 of said chapter 31, as so appearing, is hereby further  
80 amended by striking out, in line 16, the words “retarded person” and inserting in place thereof  
81 the following words:- person with an intellectual disability.

82 SECTION Said section 47 of said chapter 31, as so appearing, is hereby further  
83 amended by striking out, in lines 24 and 25, the words “mentally retarded person’s” and  
84 inserting in place thereof the following words:- person with an intellectual disability’s.

85 SECTION Section 4E of chapter 111 of the General Laws, as so appearing, is hereby  
86 amended by striking out, in line 2, the words “mental retardation” and inserting in place thereof  
87 the following words:- intellectual disability.

88 SECTION Section 63A of said chapter 111, as so appearing, is hereby amended by  
89 striking out, in line 4, the words “mentally retarded” and inserting in place thereof the following  
90 words:- a person with an intellectual disability.

91 SECTION Section 67E of said chapter 111 , as so appearing, is hereby amended by  
92 striking out, in lines 43 and 44 and 45, the words “mental retardation” and inserting in place  
93 thereof, in each instance, the following words:- an intellectual disability.

SECTION Section 71 of said chapter 111 , as so appearing, is hereby amended by striking out, in lines 5, 12, 15, and 18, 135 and 136, 139 and 140, 159, 211, 232, and 242, the words “the mental retarded” and inserting in place thereof, in each instance, the following words:- persons with an intellectual disability.

SECTION Said section 71 of said chapter 111, as so appearing, is hereby further amended by striking out, in lines 162 and 163, the words “mentally retarded persons” and inserting in place thereof the following words:- persons with an intellectual disability.

SECTION Section 72 of said chapter 111, as so appearing, is hereby amended by striking out, in lines 7 and 8, 13 and 14, 17, 20 and 21, 26, 27, 36 and 37, and 41, the words “the mentally retarded” and inserting in place thereof, in each instance, the following words:- persons with an intellectual disability.

SECTION Said section 72 of said chapter 111, as so appearing, is hereby further amended by striking out, in lines 31 and 32, words “mentally retarded persons” and inserting in place thereof the following words:- persons with an intellectual disability.

SECTION Section 73 of said chapter 111, as so appearing, is hereby amended by striking out, in line 4, the words “the mentally retarded” and inserting in place thereof the following words:- persons with an intellectual disability.

SECTION Section 27 of chapter 118G of the General Laws, as so appearing, is hereby amended by striking out the definition of “Intermediate care facility for the mentally retarded or ICF/MR,” .

114           SECTION Said section 27 of said chapter 118G , as so appearing, is hereby further  
115 amended by inserting, after the definition of “Assessment” the following definition:-

116           “Intermediate care facility for persons with an intellectual disability or ICF/PWID,” a  
117 privately or publicly operated intermediate care facility for persons with an intellectual disability.

118           SECTION Said section 27 of said chapter 118G , as so appearing, is hereby further  
119 amended by striking out, in lines 11, 13 and 31, the words “the mentally retarded” and inserting  
120 in place thereof, in each instance, the following words:- persons with an intellectual disability.

121           SECTION Said section 27 of said chapter 118G, as so appearing, is hereby further  
122 amended by striking out, in lines 8, 12, 14 and 32, the words “mental retardation” and inserting  
123 in place thereof, in each instance, the following words:- an intellectual disability.

124           SECTION Said section 27 of said chapter 118G is hereby further amended by striking  
125 out, in lines 28, 39, 41, 47, 49 and 53, the word “ICF/MR” and inserting in place thereof, in each  
126 instance, the following word:- ICF/PWID .

127           SECTION Section 29 of chapter 119 of the General Laws, as so appearing, is hereby  
128 amended by striking out, in lines 1, 9, 14, 22, and 29, the words “ mental retardation” and  
129 inserting in place thereof, in each instance, the following words:- an intellectual disability.

130           SECTION Section 1 of chapter 123B of the General Laws, as so appearing, is hereby  
131 amended by striking out, in line 10, the words “mentally retarded person” and inserting in place  
132 thereof the following words:- person with an intellectual disability.

133           SECTION Said section 1 of said chapter 123B, as so appearing, is hereby further  
134 amended by striking out the definition of “Mentally retarded person” .

135           SECTION Said section 1 of said chapter 123B, as so appearing, is hereby further  
136 amended by inserting, after the definition of “Independent funds” the following definition:-

137           “Person with an intellectual disability”, a person who, as a result of inadequately  
138 developed or impaired intelligence, as determined by clinical authorities as described in the  
139 regulations of the department is substantially limited in his or her ability to learn or adapt, as  
140 judged by established standards available for the evaluation of a person’s ability to function in  
141 the community.

142           A person with an intellectual disability may be considered mentally ill provided that no  
143 person with an intellectual disability shall be considered mentally ill solely by virtue of his or her  
144 intellectual disability.

145           SECTION Said section 1 of said chapter 123B , as so appearing, is hereby further  
146 amended by striking out, in line 27, the words “his mental retardation” and inserting in place  
147 thereof the following words:- their intellectual disability.

148           SECTION Section 2 of said chapter 123B, as so appearing, is hereby amended by  
149 striking out, in line 5, the words “mentally retarded persons” and inserting in place thereof the  
150 following words:- persons with an intellectual disability.

151           SECTION Said section 2 of said chapter 123B, as so appearing, is hereby further  
152 amended by striking out, in line 8, the word “the mentally retarded” and inserting in place  
153 thereof the following words:- persons with an intellectual disability.



154           SECTION Said section 2 of said chapter 123B, as so appearing, is hereby further  
155 amended by striking out, in line 11, the word “mental retardation” and inserting in place thereof  
156 the following words:- intellectual disability.

157           SECTION Section 3 of said chapter 123B, as so appearing, is hereby amended by  
158 striking out, in lines 2 and 3, 3 and 4, 7 and 8, 10, 25 and 26, 36 and 48 and 49, the words  
159 “mentally retarded person” and inserting in place thereof, in each instance, the following words:-  
160 person with an intellectual disability.

161           SECTION Said section 3 of said chapter 123B , as so appearing, is hereby further  
162 amended by striking out, in lines 10 and 11 and 47, the words “the mentally retarded” and  
163 inserting in place thereof, in each instance, the following words:- persons with an intellectual  
164 disability.

165           SECTION Said section 3 of said chapter 123B , as so appearing, is hereby further  
166 amended by striking out, in line 16, the word “retarded” and inserting in place thereof the  
167 following words:- intellectually disabled.

168           SECTION Section 4 of said chapter 123B , as so appearing, is hereby amended by  
169 striking out, in lines 23 and 30, the words “mentally retarded person” and inserting in place  
170 thereof, in each instance, the following words:- person with an intellectual disability.

171           SECTION Section 5 of said chapter 123B, as so appearing, is hereby amended by  
172 striking out, in line 1, the words “mentally retarded person” and inserting in place thereof the  
173 following words:- person with an intellectual disability.

174           SECTION Section 6 of said chapter 123B, as so appearing, is hereby amended by  
175 striking out, in line 3, the words “mentally retarded person” and inserting in place thereof the  
176 following words:- person with an intellectual disability.

177           SECTION Section 8 of said chapter 123B, as so appearing, is hereby amended by  
178 striking out, in lines 1, 5 and 113, the words “mentally retarded person” and inserting in place  
179 thereof, in each instance, the following words:- person with an intellectual disability.

180           SECTION Said section 8 of said chapter 123B, as so appearing, is hereby further  
181 amended by striking out, in lines 105 and 106 and 117 and 118, the words “mentally retarded  
182 persons” and inserting in place thereof, in each instance, the following words:- persons with an  
183 intellectual disability.

184           SECTION Section 9 of said chapter 123B, as so appearing, is hereby amended by  
185 striking out, in lines 1, 4 and 10, the words “mentally retarded person” and inserting in place  
186 thereof, in each instance, the following words:- person with an intellectual disability.

187           SECTION Section 12 of said chapter 123B, as so appearing, is hereby amended by  
188 striking out, in lines 12 and 19, the words “mentally retarded person” and inserting in place  
189 thereof, in each instance, the following words:- person with an intellectual disability.

190           SECTION Section 16 of said chapter 123B, as so appearing, is hereby amended by  
191 striking out, in lines 17 and 25 and 26, the words “the mentally retarded” and inserting in place  
192 thereof, in each instance, the following words:- persons with an intellectual disability.

193           SECTION   Section 11 of chapter 131 of the General Laws, as so appearing, is hereby  
194 amended by striking out, in line 38, the words “mentally retarded” and inserting in place thereof  
195 the following words:- has an intellectual disability.

196           SECTION   Section 30B of chapter 149 of the General Laws, as so appearing, is hereby  
197 amended by striking out, in line 14, the words “mental retardation” and inserting in place thereof  
198 the following words:- intellectual disability.

199           SECTION   Section 193T of chapter 175 of the General Laws, as so appearing, is hereby  
200 amended by striking out, in line 5, the words “mental retardation” and inserting in place thereof  
201 the following words:- intellectual disability.

202           SECTION   Section 1-404 of chapter 190B of the General Laws, as so appearing, is  
203 hereby amended by striking out, in lines 4 and 12, the words “mentally retarded person” and  
204 inserting in place thereof, in each instance, the following words:- person with an intellectual  
205 disability.

206           SECTION   Section 5-303 of said chapter 190B , as so appearing, is hereby amended by  
207 striking out, in lines 18, 52, and 75, the words “be mentally retarded” and inserting in place  
208 thereof, in each instance, the following words:- have an intellectual disability.

209           SECTION   Said section 5-303 of said chapter 190B, as so appearing, is hereby further  
210 amended by striking out, in lines 77 and 78, the words “or mentally retarded persons” and  
211 inserting in place thereof the following words:- persons with an intellectual disability.

212           SECTION   Section 1B of chapter 192 of the General Laws, as so appearing, is hereby  
213 amended by striking out, in line 3, the words “mental retardation” and inserting in place thereof  
214 the following words:- intellectual disability.

215           SECTION   Section 7 of chapter 206 of the General Laws, as so appearing, is hereby  
216 amended by striking out, in lines 9 and 10 and 12, the words “mentally retarded person” and  
217 inserting in place thereof, in each instance, the following words:- person with an intellectual  
218 disability.

219           SECTION   Said section 7 of said chapter 206, as so appearing, is hereby further  
220 amended by striking out, in line 13, the words “or mentally retarded person” and inserting in  
221 place thereof the following words:- person or a person with an intellectual disability.

222           SECTION   Section 24 of said chapter 206 , as so appearing, is hereby amended by  
223 striking out, in line 13, the words “mentally retarded persons” and inserting in place thereof the  
224 following words:- persons with an intellectual disability.

225           SECTION   Section 34E of chapter 221 of the General Laws, as so appearing, is hereby  
226 amended by striking out, in lines 35, 43 and 50, the word “retardation” and inserting in place  
227 thereof, in each instance, the following words:- intellectual disability.

228           SECTION   Section 23E of chapter 233 of the General Laws, as so appearing,, is hereby  
229 amended by striking out, in lines 4, 6, 13 and 14, 15, 17, 21, 28 and 29, 50 and 51, 52 and 53 and  
230 66, the words “mental retardation” and inserting in place thereof, in each instance, the following  
231 words:- an intellectual disability.

232           SECTION Said section 23E of said chapter 233, as so appearing, is hereby further  
233 amended by striking out, in line 7, the words “Mental retardation” and inserting in place thereof  
234 the following words:- Intellectual disability.

235           SECTION Said section 23E of said chapter 233, as so appearing, is hereby further  
236 amended by striking out, in line 75, the words “mental retardation” and inserting in place thereof  
237 the following words:- persons with an intellectual disability.

238           SECTION Section 13F of chapter 265 of the General Laws, as so appearing, is hereby  
239 amended by striking out, in lines 2, 11, 12 and 13, the words “mentally retarded person” and  
240 inserting in place thereof, in each instance, the following words:- person with an intellectual  
241 disability.

242           SECTION Said section 13F of said chapter 265, as so appearing, is hereby further  
243 amended by striking out, in lines 2 and 14, the words “be mentally retarded” and inserting in  
244 place thereof, in each instance, the following words:- have an intellectual disability.