

**SENATE . . . . . No. 46**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Patricia D. Jehlen***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act eliminating archaic language pertaining to individuals with disabilities in the Commonwealth of Massachusetts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Patricia D. Jehlen</i>	
<i>James B. Eldridge</i>	
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>
<i>Karen E. Spilka</i>	
<i>Ellen Story</i>	<i>3rd Hampshire</i>

**SENATE . . . . . No. 46**

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By Ms. Jehlen, petition (accompanied by bill, Senate, No. 46) of Story, Spilka, Sciortino and other members of the General Court for legislation to eliminate archaic language pertaining to individuals with disabilities [Joint Committee on Children, Families and Persons with Disabilities].

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Eleven**  
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An Act eliminating archaic language pertaining to individuals with disabilities in the Commonwealth of Massachusetts.

*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 1. Section 32 of chapter 22C of the General Laws, as so appearing in the  
2 Official Edition of 2008, is hereby amended in the second paragraph on line 12 by deleting the  
3 word “handicap” and inserting in place thereof the following:- disability, age,

4           SECTION 2. Section 1 of chapter 31 of the General Laws, as so appearing in the Official  
5 Edition of 2008, is hereby amended by inserting after the last sentence of the definition for  
6 “Handicap”, the following:- “Handicap” shall have the same meaning as the term "disability".

7           SECTION 3. Clause (e) of subsection 1 of Section 1 of chapter 31A of the General  
8 Laws, as so appearing in the Official Edition of 2008, is hereby amended by deleting on line 22  
9 the word “handicap” and inserting in place thereof the following:-disability

10           SECTION 4. Subsection 2 of section 2 of chapter 31A of the General Laws, as appearing  
11 in the Official Edition of 2008, is hereby amended by inserting after the definition for

12 “Department” the following:- "Disability", a physical or mental impairment that substantially  
13 limits one or more major life activities without regard to the ameliorative effects of mitigating  
14 measures which do not include ordinary eyeglasses or contact lenses.

15 And, by inserting in section 2 of chapter 31A after the definition for “Local merit appeals  
16 board” the following:-

17 Major life activities” shall include, but are not limited to, caring for oneself, performing  
18 manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking,  
19 breathing, learning, reading, concentrating, thinking, communicating, and working. This term  
20 also includes the meaning of “major bodily functions,” which include, but are not limited to,  
21 functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological,  
22 brain, respiratory, circulatory, endocrine, and reproductive functions.

23 SECTION 5. Section 23 of chapter 32 of the General Laws as so appearing in the Official  
24 Edition of 2008, is hereby amended in clause (5)(b) by deleting the words physical handicap” and  
25 inserting the following:- disability

26 SECTION 6. Section 4 of chapter 92B of the General Laws, as so appearing in the  
27 Official Edition of 2008, is hereby amended in line of 26 by deleting the words “physical  
28 handicap”, and inserting in their place the following:- disability

29 SECTION 7. The title of section 103 of chapter 93 as so appearing in the Official Edition  
30 of 2008, is hereby amended by deleting the word “handicap” and inserting in its place the  
31 following:- disability

32           And, in subsection A of section 103 of chapter 93, by deleting in the first sentence the  
33 word “handicap” and inserting in place thereof the following:- disability

34           And, in line 1 of subsection A of section 103 of chapter 93, by inserting after the  
35 “reasonable” the following:- or without reasonable accommodation,

36           SECTION 8. Section 24E of chapter 111, of the General Laws, as so appearing in the  
37 Official Edition of 2008, is hereby amended in the second paragraph on line 8 by deleting the  
38 word “handicap” and inserting in place thereof the following:- disability

39           SECTION 9. Subsection(a) of section 5 of chapter 161A of the General Laws, as so  
40 appearing in the Official Edition of 2008, is hereby amended on line 11 by deleting the word  
41 “handicap” and inserting on place thereof the following:- disability

42           And, by deleting in section 25 of chapter 161A on line 21 the words “handicapping  
43 condition” and inserting in place thereof the following:- disability

44           SECTION 10. Section 5B of chapter 260 of the General Laws, as so appearing in the  
45 Official Edition of 2008, is hereby amended on line 4 by deleting the word “handicap” and insert  
46 in place thereof the following:- disability