FILED ON: 7/20/2016

HOUSE . . . . . No. 4532

Substituted by the House, on motion of Mr. Sannicandro of Ashland, for a bill with the same title (House, No. 4021). July 20, 2016.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to individuals with intellectual or developmental disabilities and the agencies that serve them.

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

SECTION 1. Section 172C of chapter 6 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out, in line 5, the words “is mentally retarded” and inserting in place thereof the following words:- has an intellectual or developmental disability.

SECTION 2. Section 178C of said chapter 6, as so appearing, is hereby amended by striking out, in line 60 and in lines 137 and 138, the words “mentally retarded person” and inserting in place thereof, in each instance, the following words:- person with an intellectual or developmental disability.

SECTION 3. Section 178K of said chapter 6, as so appearing, is hereby amended by striking out, in line 235, the words “the mentally retarded” and inserting in place thereof the following words:- persons with intellectual disabilities.

SECTION 4. Said section 178K of said chapter 6, as so appearing, is hereby amended by striking out, in line 258, the words “mentally retarded person” and inserting in place thereof the following words:- person with an intellectual or developmental disability.

SECTION 5. Section 22N of chapter 7 of the General Laws, as so appearing, is hereby amended by striking out, in lines 13 and 14, the words “mental retardation” and inserting in place thereof the following words:- developmental services.

SECTION 6. Section 21 of chapter 19 of the General Laws, as so appearing, is hereby amended by striking out, in line 16, the words “mentally retarded” and inserting in place thereof the following words:- intellectually or developmentally disabled.

SECTION 7. Section 7 of chapter 19B of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the words “mental retardation”.

SECTION 8. Section 8 of said chapter 19B, as so appearing, is hereby amended by striking out, in line 3, the words “mental retardation”.

SECTION 9. Said section 8 of said chapter 19B, as so appearing, is hereby further amended by striking out, in lines 6 and 7, the words “the mentally retarded” and inserting in place thereof the following words:- people with intellectual or developmental disabilities.

SECTION 10. Section 2 of chapter 21H of the General Laws, as so appearing, is hereby amended by striking out, in lines 73 and 74, the word “retarded” and inserting in place thereof the following words:- intellectually or developmentally disabled.

SECTION 11. Section 47 of chapter 31 of the General Laws, as so appearing, is hereby amended by striking out, in line 33, the words “mentally retarded person” and inserting in place thereof the following words:- person with an intellectual disability.

SECTION 12. Section 3 of chapter 38 of the General Laws, as so appearing, is hereby amended by striking out, in line 21, the words “mental retardation” and inserting in place thereof the following words:- developmental services.

SECTION 13. Section 3 of chapter 71B of the General Laws, as so appearing, is hereby amended by striking out, in lines 175 and 217, the words “mental retardation” and inserting in place thereof, in each instance, the following words:- developmental services.

SECTION 14. Section 4O of chapter 111 of the General Laws, as so appearing, is hereby amended by striking out, in line 24, the words “mental retardation” and inserting in place thereof the following words:- developmental services.

SECTION 15. Section 62J of said chapter 111, as so appearing, is hereby amended by striking out, in line 14, the words “mental retardation” and inserting in place thereof the following words:- intellectual or developmental disability.

SECTION 16. Section 69E of said chapter 111, as so appearing, is hereby amended by striking out, in line 9, the words “mental retardation” and inserting in place thereof the following words:- intellectual or developmental disability.

SECTION 17. Section 71 of said chapter 111, as so appearing, is hereby amended by striking out, in lines 10, 24 and 25, 80, 92, 137, 183, 186 and 226, the words “the mentally

retarded” and inserting in place thereof, in each instance, the following words:- persons with intellectual disabilities.

SECTION 18. Section 72 of said chapter 111, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words “the mentally retarded” and inserting in place thereof the following words:- persons with intellectual disabilities.

SECTION 19. Said section 72 of said chapter 111, as so appearing, is hereby further amended by striking out, in line 17, the words “mentally retarded and”.

SECTION 20. Section 72Y of said chapter 111, as so appearing, is hereby amended by striking out, in lines 11 and 12, the word “retarded” and inserting in place thereof the following words:- persons with intellectual or developmental disabilities.

SECTION 21. Section 193 of said chapter 111, as so appearing, is hereby amended by striking out, in lines 12 and 13, the words “or retarded”.

SECTION 22. Section 23 of chapter 119 of the General Laws, as so appearing, is hereby amended by striking out, in lines 49 and 50, the words “mental retardation” and inserting in place thereof the following words:- intellectual or developmental disabilities.

SECTION 23. Section 38A of chapter 121B of the General Laws, as so appearing, is hereby amended by striking out, in line 31, the words “mental retardation” and inserting in place thereof the following words:- intellectual or developmental disabilities.

SECTION 24. Section 1 of chapter 122 of the General Laws, as so appearing, is hereby amended by striking out, in line 11, the words “mental retardation” and inserting in place thereof the following:- intellectual or developmental disability.

SECTION 25. Section 14 of said chapter 122, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words “mental retardation” and inserting in place thereof the following words:- intellectual or developmental disability.

SECTION 26. Section 1 of chapter 123A of the General Laws, as so appearing, is hereby amended by striking out, in lines 45 and 46, the words “mentally retarded person” and inserting in place thereof the following words:- person with an intellectual or developmental disability.

SECTION 27. Chapter 123B of the General Laws is hereby amended by striking out the title and inserting in place thereof the following title:- Developmental Disabilities.

SECTION 28. Section 3 of said chapter 123B of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out, in line 5, the phrase “the mentally retarded” and inserting in place thereof the following:- persons with intellectual disabilities.

SECTION 29. Section 133E of chapter 127 of the General Laws, as so appearing, is hereby amended by striking out, in line 14, the words “mentally retarded person” and inserting in place thereof the following words:- person with an intellectual or developmental disability.

SECTION 30. Said section 13 of said chapter 131 is hereby amended by striking out, in lines 49 and 50, the phrase “mentally retarded” and inserting in place thereof, in each instance, the following words:- intellectually or developmentally disabled.

SECTION 31. Section 30A of chapter 149 of the General Laws, as so appearing, is hereby amended by striking out, in line 22, the words “mental retardation” and inserting in place thereof the following words:- developmental services.

SECTION 32. Section 28 of chapter 152 of the General Laws, as so appearing, is hereby amended by striking out, in lines 13 and 14, the words “mentally retarded persons” and inserting in place thereof, in each instance, the following words:- persons with intellectual or developmental disabilities.

SECTION 33. Section 120A of chapter 175 of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the words “mental retardation” and inserting in place thereof, in each instance, the following words:- intellectual or developmental disability.

SECTION 34. Section 17A of chapter 186 of the General Laws, as so appearing, is hereby amended by striking out, in line 72, the words “mentally retarded persons” and inserting in place thereof the following words:- persons with an intellectual or developmental disability.

SECTION 35. Section 5-101 of chapter 190B of the General Laws, as so appearing, is hereby amended by striking out paragraph (12) .

SECTION 36. Said section 5-101 of said chapter 190B, as so appearing, is hereby further amended by inserting after paragraph (18), the following paragraph:-

(18A) “Person with a developmental disability”, (a) an individual 5 years of age or older with a severe, chronic disability that: (i) is attributable to a mental or physical impairment resulting from intellectual disability, autism, smith-magenis syndrome or Prader-Willi syndrome; (ii) is manifested before the individual attains age 22; (iii) is likely to continue indefinitely; (iv) results in substantial functional limitations in 3 or more of the following areas of major life activity: (1) self-care; (2) receptive and expressive language; (3) learning; (4) mobility; (5) self-direction; (6) capacity for independent living; and (7) economic self-sufficiency; and (v) reflects the individual's need for a combination and sequence of special, interdisciplinary or generic

services, supports or other assistance that is of a lifelong or extended duration and is individually planned and coordinated; or (b) an individual under the age of 5 who has a substantial developmental delay or specific congenital or acquired condition with a high probability that the condition will result in a developmental disability if services are not provided. A person who has a developmental disability may be considered to be mentally ill; provided, however, that no person with a developmental disability shall be considered to be mentally ill solely by reason of the person's developmental disability.

SECTION 37. Section 5-304 of said chapter 190B, as so appearing, is hereby amended by striking out, in line 16, the words “mentally retarded” and inserting in place thereof the following words:- intellectually or developmentally disabled.

SECTION 38. Section 5-309 of said chapter 190B, as so appearing, is hereby amended by striking out, in line 57, the words “mental retardation” and inserting in place thereof the following words:- developmental services.

SECTION 39. Section 32 of chapter 209 of the General Laws, as so appearing, is hereby amended by striking out, in line 6, the words “mental retardation” and inserting in place thereof the following words:- intellectual disability.

SECTION 40. Section 85V of chapter 231 of the General Laws, as so appearing, is hereby amended by striking out, in line 24, the words “mentally retarded” and inserting in place thereof the following words:- persons with intellectual or developmental disabilities.

SECTION 41. Section 23E of chapter 233 of the General Laws, as so appearing, is hereby amended by striking out, in lines 36 and 50, the words “mental retardation” and inserting in place thereof, in each instance, the following words:- an intellectual disability.

SECTION 42. Section 13F of chapter 265 of the General Laws, as so appearing, is hereby amended by striking out, in lines 2, 3, 12, 13, 14 and 15, and 15 and 16, the words "an intellectual disability" and inserting in place thereof, in each instance, the following words:- an intellectual or developmental disability.

SECTION 43. Said section 13F of said chapter 265, as so appearing, is hereby further amended by striking out, in lines 21 and 22, and line 22, the words "mentally retarded person" and inserting in place thereof, in each instance, the following words:- person with an intellectual or developmental disability.

SECTION 44. Section 45 of said chapter 265, as so appearing, is hereby amended by striking out, in line 3, the words "mentally retarded person" and inserting in place thereof the following words:- person with an intellectual or developmental disability.

SECTION 45. Section 7 of chapter 268A of the General Laws, as so appearing, is hereby amended by striking out, in line 66, the words "mentally retarded" and inserting in place thereof the following words:- intellectually or developmentally disabled.