

**SENATE . . . . . No. 2140**

---

**The Commonwealth of Massachusetts**

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

SENATE, Thursday, February 25, 2016

The committee on Rules, to whom was referred the Senate Bill eliminating archaic language pertaining to individuals with disabilities in the Commonwealth of Massachusetts (Senate, No. 594),-- reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2140).

For the committee,  
Mark C. Montigny

# SENATE . . . . . No. 2140

---

## The Commonwealth of Massachusetts

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

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. This act may be referred to as Katie’s Law.

2 SECTION 2. Section 172C of chapter 6 of the General Laws, as appearing in the 2014  
3 Official Edition, is hereby amended by striking out, in line 5, the words “who is mentally  
4 retarded” and inserting in place thereof the following words:- a person with a developmental  
5 disability.

6 SECTION 3. Section 178C of said chapter 6, as so appearing, is hereby amended by  
7 striking out, in lines 60 and 137 to 138, inclusive, the words “mentally retarded person” and  
8 inserting in place thereof, in each instance, the following words:- person with a developmental  
9 disability.

10 SECTION 4. Section 178K of said chapter 6, as so appearing, is hereby amended by  
11 striking out, in line 235, the words “the mentally retarded” and inserting in place thereof the  
12 following words:- persons with a developmental disability.

13 SECTION 5. Said section 178K of said chapter 6 is hereby further amended by striking  
14 out, in line 258, as so appearing, the words “mentally retarded person” and inserting in place the  
15 following words:- person with a developmental disability.

16 SECTION 6. Section 22N of chapter 7 of the General Laws, as so appearing, is hereby  
17 amended by striking out, in lines 13 to 14, inclusive, the words “mental retardation” and  
18 inserting in place thereof the following words:- developmental disability.

19 SECTION 7. Section 38 of chapter 10 of the General Laws, as so appearing, is hereby  
20 amended by striking out, in line 9, the words “retarded children” and inserting in place thereof  
21 the following words:- children with a developmental disability.

22 SECTION 8. Section 21 of chapter 19 of the General Laws, as so appearing, is hereby  
23 amended by striking out, in line 16, the words “mentally retarded” and inserting in place thereof  
24 the following words:- individuals with a developmental disability.

25 SECTION 9. Section 7 of chapter 19B of the General Laws, as so appearing, is hereby  
26 amended by striking out, in line 2, the words “mental retardation facilities” and inserting in place  
27 thereof the words:- facilities for persons with a developmental disability.

28 SECTION 10. Section 8 of said chapter 19B, as so appearing, is hereby amended by  
29 striking out, in line 3, the words “mental retardation facility of the department” and inserting in  
30 place thereof the following words:- facility of the department for persons with a developmental  
31 disabilities.

32 SECTION 11. Said section 8 of said chapter 19B, as so appearing, is hereby further  
33 amended by striking out, in lines 6 to 7, inclusive, the words “the mentally retarded” and  
34 inserting in place thereof the following words:- persons with a developmental disability.

35 SECTION 12. Section 2 of chapter 21H of the General Laws, as so appearing, is hereby  
36 amended by striking out, in lines 73 to 74, inclusive, the word “retarded” and inserting in place  
37 thereof the following words:- persons with developmental disabilities .

38 SECTION 13. Section 32 of chapter 22C of the General Laws, as so appearing, is hereby  
39 amended by striking out, in line 13, the word “handicap” and inserting in place thereof the  
40 following words:- disability, age.

41 SECTION 14. Section 1 of chapter 31 of the General Laws, as so appearing, is hereby  
42 amended by inserting after the word “impairment,” in line 85, the following sentence:-  
43 “Handicap” shall have the same meaning as the term "disability".

44 SECTION 15. Section 47 of said chapter 31, as so appearing, is hereby amended by  
45 striking out, in line 33, the words “mentally retarded person” and inserting in place thereof the  
46 following words:- a person with developmental disabilities.

47 SECTION 16. Clause (e) of subsection 1 of Section 1 of chapter 31A of the General  
48 Laws, as so appearing, is hereby amended by striking out, in line 24, the word “handicap” and  
49 inserting in place thereof the following:- disability.

50 SECTION 17. Section 2 of said chapter 31A, as so appearing, is hereby amended by  
51 inserting after the definition for “Department” the following definition:-

52 "Disability", a physical or mental impairment that substantially limits one or more major  
53 life activities without regard to the ameliorative effects of mitigating measures which do not  
54 include ordinary eyeglasses or contact lenses.

55 SECTION 18. Said section 2 of said chapter 31A, as so appearing, is hereby further  
56 amended by inserting after the definition for "Local merit appeals board" the following  
57 definition:-

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

64 SECTION 19. Section 23 of chapter 32 of the General Laws, as amended by section 8 of  
65 chapter 86 of the acts of 2015, is hereby amended by striking out, in subsection (b) of paragraph  
66 (5), the words "physical handicap" and inserting the following word:- disability.

67 SECTION 20. Section 3 of chapter 38 of the General Laws, as appearing in the 2014  
68 Official Edition, is hereby amended by striking out, in line 21, the words "or mental retardation  
69 institution" and inserting in place thereof the following words:- institution or any other  
70 institution for a person with a developmental disability.

71 SECTION 21. Section 3 of chapter 71B of the General Laws, as so appearing, is hereby  
72 amended by striking out, in lines 175 and 217, the words "mental retardation" and inserting in  
73 place thereof, in each instance, the following words:- developmental services.

74 SECTION 22. Section 4 of chapter 92B of the General Laws, as so appearing, is hereby  
75 amended by striking out, in line of 28, the words “physical handicap” and inserting in place  
76 thereof the following word:- disability.

77 SECTION 23. Subsection (a) of section 103 of chapter 93 of the General Laws, as so  
78 appearing, is hereby amended by striking out, in line 2, the word “handicap” and inserting in  
79 place thereof the following word:- disability.

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

83 SECTION 25. Section 24E of said chapter 111 of the General Laws, as so appearing, is  
84 hereby amended by striking out, in line 9, the word “handicap” and inserting in place thereof the  
85 following word:- disability.

86 SECTION 26. Section 62J of said chapter 111, as so appearing, is hereby amended by  
87 striking out, in line 14, the words “ mental retardation services” and inserting in place thereof the  
88 following words:- services for persons with developmental disabilities.

89 SECTION 27. Section 67E of said chapter 111, as so appearing, is hereby amended by  
90 striking out, in lines 40 to 41, inclusive, the words “mental retardation” and inserting in place  
91 thereof the following words:- developmental disability.

92 SECTION 28. Section 69E of said chapter 111, as so appearing, is hereby amended by  
93 striking out, in line 9, the words “mental retardation services” and inserting in place thereof the  
94 following words:- services for people with developmental disabilities.

95 SECTION 29. Section 71 of said chapter 111, as so appearing, is hereby amended by  
96 striking out, in lines 10, 24 to 25, inclusive, 80, 92, 137, 183, 186 and 226, the words “mentally  
97 retarded” and inserting in place thereof, in each instance, the following words:- persons with  
98 developmental disabilities.

99 SECTION 30. Said section 71 of said chapter 111, as so appearing, is hereby further  
100 amended by inserting after the word “mental”, in line 192, the word:- health.

101 SECTION 31. Section 72 of said chapter 111, as so appearing, is hereby amended by  
102 striking out, in lines 3 to 4, inclusive, the words “mentally retarded” and inserting in place  
103 thereof the following words:- persons with developmental disabilities.

104 SECTION 32. Said section 72 of said chapter 111, as so appearing, is hereby amended by  
105 striking out, in line 17, the words “mentally retarded and” and inserting in place thereof the  
106 following words:- persons with developmental disabilities.

107 SECTION 33. Section 72Y of said chapter 111, as so appearing, is hereby amended by  
108 striking out, in lines 11 to 12, inclusive, the word “retarded” and inserting in place thereof the  
109 following words:- persons with developmental disabilities.

110 SECTION 34. Section 193 of said chapter 111, as so appearing, is hereby amended by  
111 striking out, in lines 12 to 13, inclusive, the word “retarded” and inserting in place thereof the  
112 following words:- who have a developmental disability.

113 SECTION 35. Section 23 of chapter 119 of the General Laws, as so appearing, is hereby  
114 amended by striking out, in lines 49 to 50, inclusive, the words “mental retardation” and  
115 inserting in place thereof the following words:- developmental disabilities.

116 SECTION 36. Section 38A of chapter 121B of the General Laws, as so appearing, is  
117 hereby amended by striking out, in line 31, the words “mental retardation” and inserting in place  
118 thereof the following words:- developmental disabilities.

119 SECTION 37. Section 1 of chapter 122 of the General Laws, as so appearing, is hereby  
120 amended by striking out, in line 11, the words “mental retardation” and inserting in place thereof  
121 the following words:- developmental disabilities.

122 SECTION 38. Section 14 of said chapter 122, as so appearing, is hereby amended by  
123 striking out, in lines 3 to 4, inclusive, the words “mental retardation” and inserting in place  
124 thereof the following words:- or developmental disability.

125 SECTION 39. Section 1 of chapter 123A of the General Laws, as so appearing, is hereby  
126 amended by striking out, in line 45, the words “a mentally retarded person” and inserting in place  
127 thereof the following words:- a person with developmental disabilities.

128 SECTION 40. Section 3 of chapter 123B of the General Laws, as so appearing, is hereby  
129 amended by striking out, in line 5, the words “the mentally retarded” and inserting in place  
130 thereof the following words:- persons with developmental disabilities.

131 SECTION 41. Section 133E of chapter 127 of the General Laws, as so appearing, is  
132 hereby amended by striking out, in line 14, the words “a mentally retarded person” and inserting  
133 in place thereof the following words:- a person with developmental disabilities.

134 SECTION 42. Section 13 of chapter 131 of the General Laws, as so appearing, is hereby  
135 amended by striking out, in lines 49 and 50, the words “mentally retarded” and inserting in place  
136 thereof, in each instance, the following words:- students with developmental disabilities.



137 SECTION 43. Section 30A of chapter 149 of the General Laws, as so appearing, is  
138 hereby amended by striking out, in line 21, the words “mental retardation” and inserting in place  
139 thereof the following words:- developmental disabilities.

140 SECTION 44. Section 28 of chapter 152 of the General Laws, as so appearing, is hereby  
141 amended by striking out, in lines 13 to 14, inclusive, the words “mentally retarded persons” and  
142 inserting in place thereof the following words:- persons with developmental disabilities.

143 SECTION 45. Subsection(a) of section 5 of chapter 161A of the General Laws, as so  
144 appearing, is hereby amended by striking out, in line 11, the word “handicap” and inserting in  
145 place thereof the following word:- disability.

146 SECTION 46. Section 25 of said chapter 161A, as so appearing, is hereby amended by  
147 striking out, in lines 22 to 23, inclusive, the words “handicapping condition” and inserting in  
148 place thereof the following words:- disability.

149 SECTION 47. Section 120A of chapter 175 of the General Laws, as so appearing, is  
150 hereby amended by striking out, in line 3, the words “mental retardation” and inserting in place  
151 thereof the following words:- developmental disability.

152 SECTION 48. Section 17A of chapter 186 of the General Laws, as so appearing, is  
153 hereby amended by striking out, in line 72, the words “mentally retarded persons” and inserting  
154 in place thereof the following words:- persons with developmental disabilities.

155 SECTION 49. Section 5-101 of chapter 190B of the General Laws, as so appearing, is  
156 hereby amended by striking out paragraph (12), the words “Mentally retarded person” and  
157 inserting in place thereof the following words:- Person with a developmental disability.

158 SECTION 50. Section 5-304 of chapter 190B, as so appearing, is hereby amended by  
159 striking out, in line 16, the words “be mentally retarded” and inserting in place thereof the  
160 following words:- have a developmental disability.

161 SECTION 51. Section 5-309 of said chapter 190B, as so appearing, is hereby amended  
162 by striking out, in line 57, the words “mental retardation facility” and inserting in place thereof  
163 the following words:- facility for persons with developmental disabilities.

164 SECTION 52. Section 32 of chapter 209 of the General Laws, as so appearing, is hereby  
165 amended by striking out, in line 6, the words “mental retardation” and inserting in place thereof  
166 the following words:- developmental disability.

167 SECTION 53. Section 85V of chapter 231 of the General Laws, as so appearing, is  
168 hereby amended by striking out, in line 24, the words “mentally retarded” and inserting in place  
169 thereof the following words:- persons with developmental disabilities.

170 SECTION 54. Section 23E of chapter 233 of the General Laws, as so appearing, is  
171 hereby amended by striking out, in lines 36 and 50, the words “mental retardation” and inserting  
172 in place thereof, in each instance, the following words:- a developmental disability.

173 SECTION 55. Section 5B of chapter 260 of the General Laws, as so appearing, is hereby  
174 amended by striking out, in line 5, the word “handicap” and inserting in place thereof the  
175 following word:- disability.

176 SECTION 56. Section 13F of chapter 265 of the General Laws, as so appearing, is hereby  
177 amended by striking out, in lines 21 to 22, inclusive, the words “mentally retarded person upon

178 another mentally retarded person” and inserting in place thereof the following words:- person  
179 with a developmental disability upon another person with a developmental disability.

180 SECTION 57. Section 45 of said chapter 265, as so appearing, is hereby amended by  
181 striking out, in line 3, the phrase “mentally retarded person” and inserting in place thereof the  
182 following:- person with a developmental disability.

183 SECTION 58. Section 7 of chapter 268A of the General Laws, as so appearing, is hereby  
184 amended by striking out, in line 66, the words “mentally retarded persons” and inserting in place  
185 thereof the following words:- persons with developmental disabilities.