HOUSE DOCKET, NO. 1294 FILED ON: 1/18/2017

HOUSE . . . . . No. 98

The Commonwealth of Massachusetts

PRESENTED BY:

Kay Khan

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 relative to individuals with intellectual or developmental disabilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Kay Khan	*11th Middlesex*	*1/18/2017*
Barbara A. L'Italien	*Second Essex and Middlesex*	*2/1/2017*
James B. Eldridge	*Middlesex and Worcester*	*2/1/2017*
Jason M. Lewis	*Fifth Middlesex*	*1/25/2017*
Brian M. Ashe	*2nd Hampden*	*1/31/2017*
James M. Cantwell	*4th Plymouth*	*2/2/2017*
Michael S. Day	*31st Middlesex*	*2/2/2017*
Carolyn C. Dykema	*8th Middlesex*	*2/2/2017*
Carole A. Fiola	*6th Bristol*	*1/26/2017*
Paul R. Heroux	*2nd Bristol*	*2/2/2017*
Steven S. Howitt	*4th Bristol*	*1/25/2017*
Joseph D. McKenna	*18th Worcester*	*2/3/2017*

HOUSE DOCKET, NO. 1294 FILED ON: 1/18/2017

HOUSE . . . . . No. 98

By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 98) of Kay Khan and others relative to persons with intellectual or developmental disabilities. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act relative to individuals with intellectual or developmental disabilities.

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

SECTION 2. 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 3. Section 178C of said chapter 6, as so appearing, is hereby amended by striking out, in line 60 and in lines 137 to 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 4. 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:- people with intellectual disabilities.

SECTION 5. 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 6. Section 22N of chapter 7 of the General Laws, as so appearing, is hereby amended by striking out, in lines 13 to 14, the words “mental retardation” and inserting in place thereof the following words:- developmental services.

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

SECTION 8. 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 individuals with common needs for care and treatment" in lines 16 to 17 and inserting in place thereof the following words:- " intellectually or developmentally disabled individuals with common needs for care and treatment, provided that a need for care and treatment shall not be evaluated or denied solely by the use of intelligence quotient testing or educational testing".

SECTION 9. 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 10. Section 8 of said chapter 19B, as so appearing, is hereby amended by striking out, in line 3, the words “mental retardation”

SECTION 11. Said section 8 of said chapter 19B, as so appearing, is hereby further amended by striking out, in lines 6 to 7, the words “the mentally retarded” and inserting in place thereof the following words:- people with intellectual or developmental disabilities.

SECTION 12. Section 2 of chapter 21H of the General Laws, as so appearing, is hereby amended by striking out, in lines 73 to 74, the word “retarded” and inserting in place thereof the following words:- intellectually or developmentally disabled.

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

SECTION 14. Section 47 of chapter 31 of the General Laws, as so appearing, is hereby amended by striking out, in lines 32 to33, the words “such mentally retarded person” and inserting in place thereof the following words:- a person with an intellectual disability.

SECTION 15. Clause (e) of subsection 1 of Section 1 of chapter 31A of the General Laws, as so appearing, is hereby amended by striking out, in line 24, the word “handicap” and inserting in place thereof the following word:- disability.

SECTION 16. Section 2 of said chapter 31A, as so appearing, is hereby amended by inserting after the definition for “Department” the following definition:-

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

SECTION 17. Said section 2 of said chapter 31A, as so appearing, is hereby further amended by inserting after the definition for “Local merit appeals board” the following definition:-

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

SECTION 18. Section 23 of chapter 32 of the General Laws, as amended by section 8 of chapter 86 of the acts of 2015, is hereby amended by striking out, in subsection (b) of paragraph (5), the words “physical handicap” and inserting in place thereof the following word:- disability.

SECTION 19. Section 3 of chapter 38 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out, in line 21, the words “mental retardation” and inserting in place thereof the following words:- developmental services.

SECTION 20. 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 21. Section 4 of chapter 92B of the General Laws, as so appearing, is hereby amended by striking out, in line of 28, the words “physical handicap” and inserting in place thereof the following word:- disability.

SECTION 22. Subsection (a) of section 103 of chapter 93 of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the word “handicap” and inserting in place thereof the following word:- disability.

SECTION 23. Said section 103 of said chapter 93, as so appearing, is hereby amended by striking out, in line 3, the words "with reasonable accommodation" and inserting in place thereof the following words:- with or without reasonable accommodation.

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

SECTION 26. 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 27. Section 67E of said chapter 111, as so appearing, is hereby amended by striking out, in lines 40 to 41, the words “mental retardation” and inserting in place thereof the following words:- intellectual disability.

SECTION 28. 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 29. Section 71 of said chapter 111, as so appearing, is hereby amended by striking out, in lines 10, 24 to 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 30. Said section 71 of said chapter 111, as so appearing, is hereby further amended by inserting after the word “mental”, in line 192, the word:- health.

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

SECTION 32. 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 33. Section 72Y of said chapter 111, as so appearing, is hereby amended by striking out, in lines 11 to 12, the word “retarded” and inserting in place thereof the following words:- persons with intellectual or developmental disabilities.

SECTION 34. Section 193 of said chapter 111, as so appearing, is hereby amended by striking out, in lines 12 to 13, the words “or retarded”.

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

SECTION 36. 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 37. 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 38. Section 14 of said chapter 122, as so appearing, is hereby amended by striking out, in lines 3 to 4, the words “mental retardation” and inserting in place thereof the following words:- intellectual or developmental disability.

SECTION 39. Section 1 of chapter 123A of the General Laws, as so appearing, is hereby amended by striking out, in lines 45 to 46, the words “mentally retarded person” and inserting in place thereof the following words:- person with an intellectual or developmental disability.

SECTION 40. 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 41. 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 42. Said section 1 of said chapter 123B, as so appearing, is hereby further amended by inserting after the word "disability", in line 57, the following words:- ; provided, however, that no person shall be evaluated or denied services for an intellectual disability based solely on the use of intelligence quotient testing or educational testing.

SECTION 43. Said chapter 123B is hereby further amended by inserting after section 2 the following section:-

Section 2A. If the department intends to deny services to a person applying for services, the department shall notify that applicant not less than 45 days prior to making a final determination. The department shall provide a description of the reasons the department intends to deny the services. A final determination to deny services shall not be based solely on intelligence quotient testing or educational testing.

SECTION 44. 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 45. Said section 13 of said chapter 131 is hereby amended by striking out, in lines 49 and 50, the words “mentally retarded” and inserting in place thereof, in each instance, the following words:- intellectually or developmentally disabled.

SECTION 46. 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 47. Section 28 of chapter 152 of the General Laws, as so appearing, is hereby amended by striking out, in lines 13 to 14, the words “mentally retarded persons” and inserting in place thereof the following words:- persons with intellectual or developmental disabilities.

SECTION 48. Subsection(a) of section 5 of chapter 161A of the General Laws, as so appearing, is hereby amended by striking out, in line 11, the word “handicap” and inserting in place thereof the following word:- disability.

SECTION 49. Section 25 of said chapter 161A, as so appearing, is hereby amended by striking out, in lines 22 to 23, the words “handicapping condition” and inserting in place thereof the following words:- disability.

SECTION 50. 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 51. 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 52. Section 5-101 of chapter 190B of the General Laws, as so appearing, is hereby amended by striking out paragraph (12) .

SECTION 53. 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 54. 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 55. 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 56. 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 57. 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 58. 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 59. Section 5B of chapter 260 of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the word “handicap” and inserting in place thereof the following word:- disability.

SECTION 60. 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 to 15, and 15 to 16, the words “an intellectual disability” and inserting in place thereof, in each instance, the following words:- an intellectual or developmental disability.

SECTION 61. Said section 13F of said chapter 265, as so appearing, is hereby further amended by striking out, in lines 21 to 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 62. 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 63. 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.