

HOUSE No. 141**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:
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/15/2019</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>1/31/2019</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>1/29/2019</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>	<i>1/29/2019</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>1/18/2019</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>	<i>1/31/2019</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>1/30/2019</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>1/24/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/1/2019</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>1/30/2019</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>1/28/2019</i>
<i>Richard M. Haggerty</i>	<i>30th Middlesex</i>	<i>1/24/2019</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/1/2019</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>	<i>2/1/2019</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/1/2019</i>
<i>Liz Miranda</i>	<i>5th Suffolk</i>	<i>1/31/2019</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/31/2019</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>1/29/2019</i>

Bud L. Williams

11th Hampden

1/30/2019

HOUSE No. 141

By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 141) of Kay Khan and others relative to individuals with intellectual or developmental disabilities. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

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:

1 SECTION 1. This act may be referred to as Katie's Law.

2

3 SECTION 2. Section 172C of chapter 6 of the General Laws, as appearing in the
4 2016 Official Edition, is hereby amended by striking out, in line 5, the words “is mentally
5 retarded” and inserting in place thereof the following words:- has an intellectual or
6 developmental disability.

7

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

12

13 SECTION 4. Section 178K of said chapter 6, as so appearing, is hereby amended by
14 striking out, in line 235, the words “the mentally retarded” and inserting in place thereof the
15 following words:- people with intellectual disabilities.

16

17 SECTION 5. Said section 178K of said chapter 6, as so appearing, is hereby
18 amended by striking out, in line 258, the words “mentally retarded person” and inserting in place
19 thereof the following words:- person with an intellectual or developmental disability.

20

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

24

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

28 SECTION 8. Section 21 of chapter 19 of the General Laws, as so appearing, is
29 hereby amended by striking out, in line 16, the words "mentally retarded individuals with
30 common needs for care and treatment" in lines 16 to 17 and inserting in place thereof the
31 following words:- "intellectually or developmentally disabled individuals with common needs
32 for care and treatment,”

33

34 SECTION 9. Section 7 of chapter 19B of the General Laws, as so appearing, is
35 hereby amended by striking out, in line 2, the words “mental retardation”.

36

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

39

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

43

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

47

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

51

52 SECTION 14. Section 47 of chapter 31 of the General Laws, as so appearing, is
53 hereby amended by striking out, in lines 32 to 33, the words “such mentally retarded person” and
54 inserting in place thereof the following words:- a person with an intellectual disability.

55
56 SECTION 15. Clause (e) of subsection 1 of Section 1 of chapter 31A of the General
57 Laws, as so appearing, is hereby amended by striking out, in line 24, the word “handicap” and
58 inserting in place thereof the following word:- disability.

59
60 SECTION 16. Section 2 of said chapter 31A, as so appearing, is hereby amended by
61 inserting after the definition for “Department” the following definition:-

62
63 "Disability", a physical or mental impairment that substantially limits one or more
64 major life activities without regard to the ameliorative effects of mitigating measures which do
65 not include ordinary eyeglasses or contact lenses.

66
67 SECTION 17. Said section 2 of said chapter 31A, as so appearing, is hereby further
68 amended by inserting after the definition for “Local merit appeals board” the following
69 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.

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

94

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

98

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

102

103 SECTION 24. Section 40 of chapter 111 of the General Laws, as so appearing, is
104 hereby amended by striking out, in line 24, the words “mental retardation” and inserting in place
105 thereof the following words:- developmental services.

106

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

110

111 SECTION 26. Section 62J of said chapter 111, as so appearing, is hereby amended
112 by striking out, in line 14, the words “mental retardation” and inserting in place thereof the
113 following words:- intellectual or developmental disability.

114

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

118

119 SECTION 28. Section 69E of said chapter 111, as so appearing, is hereby amended
120 by striking out, in line 9, the words “mental retardation” and inserting in place thereof the
121 following words:- intellectual or developmental disability.

122

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

127

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

130

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

134

135 SECTION 32. Said section 72 of said chapter 111, as so appearing, is hereby further
136 amended by striking out, in line 17, the words “mentally retarded and”.

137

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

141

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

144

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

148

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

152

153 SECTION 37. Section 1 of chapter 122 of the General Laws, as so appearing, is
154 hereby amended by striking out, in line 11, the words “mental retardation” and inserting in place
155 thereof the following:- intellectual or developmental disability.

156

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

160

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

165

166 SECTION 40. Chapter 123B of the General Laws is hereby amended by striking out
167 the title and inserting in place thereof the following title:- Developmental Services.

168

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. 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 43. 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 44. 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 45. 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.

189

190 SECTION 46. Subsection(a) of section 5 of chapter 161A of the General Laws, as so
191 appearing, is hereby amended by striking out, in line 11, the word “handicap” and inserting in
192 place thereof the following word:- disability.

193

194 SECTION 47. Section 25 of said chapter 161A, as so appearing, is hereby amended
195 by striking out, in lines 22 to 23, the words “handicapping condition” and inserting in place
196 thereof the following words:- disability.

197

198 SECTION 48. Section 120A of chapter 175 of the General Laws, as so appearing, is
199 hereby amended by striking out, in line 3, the words “mental retardation” and inserting in place
200 thereof, in each instance, the following words:- intellectual or developmental disability.

201

202 SECTION 49. Section 17A of chapter 186 of the General Laws, as so appearing, is
203 hereby amended by striking out, in line 72, the words “mentally retarded persons” and inserting
204 in place thereof the following words:- persons with an intellectual or developmental disability.

205

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

208

SECTION 51. 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 52. 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.

231

232 SECTION 53. Section 5-309 of said chapter 190B, as so appearing, is hereby
233 amended by striking out, in line 57, the words “mental retardation” and inserting in place thereof
234 the following words:- developmental services.

235

236 SECTION 54. Section 32 of chapter 209 of the General Laws, as so appearing, is
237 hereby amended by striking out, in line 6, the words “mental retardation” and inserting in place
238 thereof the following words:- intellectual disability.

239

240 SECTION 55. Section 85V of chapter 231 of the General Laws, as so appearing, is
241 hereby amended by striking out, in line 24, the words “mentally retarded” and inserting in place
242 thereof the following words:- persons with intellectual or developmental disabilities.

243

244 SECTION 56. Section 23E of chapter 233 of the General Laws, as so appearing, is
245 hereby amended by striking out, in lines 36 and 50, the words “mental retardation” and inserting
246 in place thereof, in each instance, the following words:- an intellectual disability.

247

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

251

252 SECTION 58. Section 13F of chapter 265 of the General Laws, as so appearing, is
253 hereby amended by striking out, in lines 2, 3, 12, 13, 14 to 15, and 15 to 16, the words “an
254 intellectual disability” and inserting in place thereof, in each instance, the following words:- an
255 intellectual or developmental disability.

256

257 SECTION 59. Said section 13F of said chapter 265, as so appearing, is hereby
258 further amended by striking out, in lines 21 to 22, and line 22, the words “mentally retarded
259 person” and inserting in place thereof, in each instance, the following words:- person with an
260 intellectual or developmental disability.

261

262 SECTION 60. Section 45 of said chapter 265, as so appearing, is hereby amended by
263 striking out, in line 3, the words “mentally retarded person” and inserting in place thereof the
264 following words:- person with an intellectual or developmental disability.

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266 SECTION 61. Section 7 of chapter 268A of the General Laws, as so appearing, is
267 hereby amended by striking out, in line 66, the words “mentally retarded” and inserting in place
268 thereof the following words:- intellectually or developmentally disabled.