

SENATE No. 51

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 relative to individuals with intellectual or developmental disabilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>	<i>2/7/2019</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/1/2019</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>	<i>2/8/2019</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>5/21/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>11/22/2019</i>
<i>Joseph A. Boncore</i>	<i>First Suffolk and Middlesex</i>	<i>1/23/2020</i>

SENATE No. 51

By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 51) of Patricia D. Jehlen, Mark C. Montigny, Kay Khan and Marcos A. Devers for legislation 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 SECTION 2. Section 172C of chapter 6 of the General Laws, as appearing in the 2016
3 Official Edition, is hereby amended by striking out, in line 5, the words “is mentally retarded”
4 and inserting in place thereof the following words:- has an intellectual or developmental
5 disability.

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

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

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 an intellectual 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 individuals with common
24 needs for care and treatment" in lines 16 to 17 and inserting in place thereof the following
25 words:- "intellectually or developmentally disabled individuals with common needs for care and
26 treatment,”

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

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

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

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

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

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

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

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

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

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

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

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

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

66 SECTION 20. Section 3 of chapter 71B of the General Laws, as so appearing, is hereby
67 amended by striking out, in lines 175 and 217, the words “mental retardation” and inserting in
68 place thereof, in each instance, the following words:- developmental services.

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

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

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

78 SECTION 24. Section 40 of chapter 111 of the General Laws, as so appearing, is hereby
79 amended by striking out, in line 24, the words "mental retardation" and inserting in place thereof
80 the following words:- developmental services.

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

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

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

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

93 SECTION 29. Section 71 of said chapter 111, as so appearing, is hereby amended by
94 striking out, in lines 10, 24 to 25, 80, 92, 137, 183, 186 and 226, the words "the mentally

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

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

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

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

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

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

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

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

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

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

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

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

126 SECTION 41. Section 3 of said chapter 123B of the General Laws, as appearing in the
127 2014 Official Edition, is hereby amended by striking out, in line 5, the phrase “the mentally
128 retarded” and inserting in place thereof the following:- persons with intellectual disabilities.

129 SECTION 42. Section 133E of chapter 127 of the General Laws, as so appearing, is
130 hereby amended by striking out, in line 14, the words “mentally retarded person” and inserting in
131 place thereof the following words:- person with an intellectual or developmental disability.

132 SECTION 43. Said section 13 of said chapter 131 is hereby amended by striking out, in
133 lines 49 and 50, the words “mentally retarded” and inserting in place thereof, in each instance,
134 the following words:- intellectually or developmentally disabled.

135 SECTION 44. Section 30A of chapter 149 of the General Laws, as so appearing, is
136 hereby amended by striking out, in line 22, the words “mental retardation” and inserting in place
137 thereof the following words:- developmental services.

138 SECTION 45. Section 28 of chapter 152 of the General Laws, as so appearing, is hereby
139 amended by striking out, in lines 13 to 14, the words “mentally retarded persons” and inserting in
140 place thereof the following words:- persons with intellectual or developmental disabilities.

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

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

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

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

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

155 SECTION 51. Said section 5-101 of said chapter 190B, as so appearing, is hereby further
156 amended by inserting after paragraph (18), the following paragraph:-

157 (18A) “Person with a developmental disability”, (a) an individual 5 years of age or older
158 with a severe, chronic disability that: (i) is attributable to a mental or physical impairment
159 resulting from intellectual disability, autism, Smith-Magenis syndrome or Prader-Willi
160 syndrome; (ii) is manifested before the individual attains age 22; (iii) is likely to continue
161 indefinitely; (iv) results in substantial functional limitations in 3 or more of the following areas
162 of major life activity: (1) self-care; (2) receptive and expressive language; (3) learning; (4)
163 mobility; (5) self-direction; (6) capacity for independent living; and (7) economic self-
164 sufficiency; and (v) reflects the individual's need for a combination and sequence of special,
165 interdisciplinary or generic services, supports or other assistance that is of a lifelong or extended
166 duration and is individually planned and coordinated; or (b) an individual under the age of 5 who
167 has a substantial developmental delay or specific congenital or acquired condition with a high
168 probability that the condition will result in a developmental disability if services are not
169 provided. A person who has a developmental disability may be considered to be mentally ill;
170 provided, however, that no person with a developmental disability shall be considered to be
171 mentally ill solely by reason of the person's developmental disability.

172 SECTION 52. Section 5-304 of said chapter 190B, as so appearing, is hereby amended
173 by striking out, in line 16, the words “mentally retarded” and inserting in place thereof the
174 following words:- intellectually or developmentally disabled.

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

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

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

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

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

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

194 SECTION 59. Said section 13F of said chapter 265, as so appearing, is hereby further
195 amended by striking out, in lines 21 to 22, and line 22, the words “mentally retarded person” and

196 inserting in place thereof, in each instance, the following words:- person with an intellectual or
197 developmental disability.

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

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