
State Government & Tribal Affairs
Committee

HB 2490

Brief Description: Concerning persons with intellectual disabilities.

Sponsors: Representative Angel; by request of Statute Law Committee.

Brief Summary of Bill

- Updates statutes to replace the term "mental retardation" with the term "intellectual disabilities".

Hearing Date: 1/15/10

Staff: Tracey O'Brien (786-7196).

Background:

The Revised Code of Washington (RCW) and the Washington Administrative Code both contain extensive references to various individuals with disabilities. With the exception of language used as a specific term of art for purposes of the criminal code and criminal sentencing, these references are generally not essential to describing the circumstances of the particular individual.

Recent legislation has adopted terms that emphasize the individuality of people, no matter what their physical characteristics. Older legislative language utilized terms appropriate to the moment, some of which are neither appropriate nor specifically necessary for the law.

In 2004 legislation was enacted that required the Code Reviser to avoid references to certain words frequently used to describe individuals with disabilities. The specific terms are disabled, developmentally disabled, mentally disabled, mentally ill, mentally retarded, handicapped, cripple, and crippled.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

These terms are to be avoided in future laws as well as to be replaced in existing statutes as those statutes are amended by law. The replacement terms are "individuals with disabilities," "individuals with developmental disabilities," "individuals with mental disabilities," "individuals with mental illness," and "individuals with mental retardation."

Last session, the Legislature changed the preferred term to be used in statutes, memorials, and resolutions from "individuals with mental retardation" to "individuals with intellectual disabilities." The Code Reviser was directed to replace the term "mental retardation" with the term "intellectual disability." The Code Reviser was also required to submit a bill with recommendations to the Legislature by December 1, 2009, concerning the replacement of the phrase "mental retardation" with the phrase "intellectual disability" as well as any other perfecting changes to the RCW.

Summary of Bill:

The Revised Code of Washington (RCW) is updated to remove the demeaning term "individuals with mental retardation" and replace it with "individuals with intellectual disabilities." It is not the intent of the Legislature to expand or contract the scope of the RCW. Nothing in this act may be construed to change the application of any provision of the RCW to any person.

"Intellectual disabilities" replaces the term "mental retardation" in statutes pertaining to:

- capital punishment for aggravated first degree murder;
- dependency and termination of parental rights;
- surrogate parentage contracts;
- the University of Washington's Children's Center for Research and Training in Mental Retardation and Other Handicapping Conditions;
- purchase of federal property for public purposes;
- Washington State Health Care Authority plan coverage for dependents;
- rules for the recovery of paid medical assistance by the Department of Social and Health Services;
- long-term care ombudsman;
- insurance definitions;
- comprehensive community health centers;
- hospital licensing and regulation;
- phenylketonuria and other preventable heritable diseases (screening and services);
- mental health services for minors;
- developmental disabilities;
- medical care services;
- rehabilitative services for individuals with disabilities;
- nursing homes;
- nursing facility Medicaid payment system;
- excise taxes on intermediate care facilities for the mentally retarded; and
- multiuse facilities for the mentally and physically handicapped at the former Harrison Memorial Hospital property.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.