

Legislative Analysis



MENTAL RETARDATION: REMOVE & REPLACE REFERENCES

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House Bill 5345
Sponsor: Rep. Matt Lori

House Bill 5349
Sponsor: Rep. Kevin Cotter

House Bill 5346
Sponsor: Rep. Philip M. Cavanagh

House Bill 5350
Sponsor: Rep. Tom Cochran

House Bill 5347
Sponsor: Rep. Gail Haines

House Bill 5351
Sponsor: Rep. David Knezek

House Bill 5348
Sponsor: Rep. Tom Leonard

House Bill 5352
Sponsor: Rep. Pat Somerville

Committee: Health Policy
Complete to 2-24-14

A SUMMARY OF HOUSE BILLS 5345-5352 AS INTRODUCED 2-20-14

The bills would amend various acts to replace the terms "mental retardation" and "mentally retarded" with less stigmatizing terms.

The bills address a concern identified by the Michigan Mental Health and Wellness Commission—that of removing stigmatizing terminology from all state statutes.

As a package, the bills would delete the use of the terms "retarded," "mentally retarded," and "mental retardation" as follows:

House Bill 5345 amends the Michigan Penal Code (MCL 750.520a), which contains definitions for terms used in the criminal sexual conduct statutes, to strike references to the outdated terms contained in the definition of "developmental disability" and replace them with the terms *intellectual disability* or *intellectually disabled*. "Intellectual disability" would mean that term as defined in Section 100b of the Mental Health Code. [Note: Senate Bill 805 would amend the Mental Health Code to replace the term "mental retardation" in Section 100b with "intellectual disability"; the new term would have the same meaning as the one it replaces.]

House Bill 5346 amends the Child Care Organization Act (Public Act 116 of 1973, MCL 722.111) to replace the reference to "mentally retarded" within the definition for "child caring institution" with the term *developmentally disabled*.

House Bill 5347 amends the Public Health Code (333.20173a et al.) to replace the reference to an "intermediate care facility for people with mental retardation" with *other facility defined in 42 USC 1396(d)*, replace references to "mental retardation" or

"mentally retarded" with *developmental disability* or *developmentally disabled*, and correct several federal law citations.

House Bill 5348 amends the Insurance Code (MCL 500.2264) to replace "mental retardation" with *developmental disability*.

House Bill 5349 amends the Revised Judicature Act (MCL 600.876) to replace "retarded" with *developmentally disabled*.

House Bill 5350 amends the Surrogate Parenting Act (MCL 722.853 et al.) to replace "mentally retarded" with *intellectually disabled* and define it to mean that term as defined in Section 100b of the Mental Health Code.

House Bill 5351 amends Public Act 31 of the First Extra Session of 1948 (MCL 123.952b), which authorizes an intermediate school district to incorporate an authority to acquire or operate a building as a facility for "retarded" children to instead refer to *developmentally disabled* children.

House Bill 5352 amends the Public School Employees Retirement Act (MCL 38.1306) to revise a reference to service purchased and performed in certain day care programs for the "severely mentally retarded" to instead apply to service performed for the *developmentally disabled*.

FISCAL IMPACT:

The bills would have no fiscal implications for state or local units of government.

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