

February 17, 2009

**S 208. PEOPLE FIRST.** Filed 2/17/09. *TO DIRECT LEGISLATIVE DRAFTING OFFICES AND STATE AGENCIES TO USE CERTAIN RESPECTFUL REFERENCE TO PEOPLE WITH DISABILITIES IN THE PREPARATION OF LEGISLATION AND RULES.*

Enacts a new GS 120-32.04 to direct that the Legislative Services Office avoid all references to the following terms: *handicapped, mentally retarded, afflicted with, crippled, and mentally disabled* and replace those terms with the following: *people with disabilities, intellectual disability, someone who has/had, physical disability, and mental illness* in any new statute or resolution, and change those references in drafts for any existing statute as those statutes are amended for other reasons. Provides that this section does not apply where a reference to a prohibited word or phrase is required by federal law or regulation. Requires that the Legislative Office avoid language that implies that the person as a whole is disabled (e.g., the mentally ill or the learning disabled), equates persons with their condition (e.g., epileptics, autistics, or quadriplegics), has negative overtones (e.g., afflicted with cerebral palsy, suffering from multiple sclerosis, confined to a wheelchair or wheelchair bound), or is regarded as derogatory or demeaning (e.g., handicapped or mentally deficient) and replace nonrespectful language by referring to people with disabilities as persons first where appropriate. Clarifies that no statute or resolution is invalid because it does not comply with this statute.

Enacts a new GS 150B-21.6A to direct all agencies to implement the same provisions as set forth in proposed GS 120-32.04 regarding use of respectful language when referring to people with disabilities when creating new rules or when amending rules for other reasons. Also provides that no rule is invalid if it does not comply with this statute.

Includes whereas clauses.

**Intro. by Dorsett.**

GS 120, 150B

April 2, 2009

**S 208. PEOPLE FIRST.** Filed 2/17/09. Senate committee substitute makes the following changes to 1st edition.

Changes the catch line for proposed GS 120-32.04 to *preferred drafting language; people with disabilities* (was, *people first* in drafting). Directs the drafting divisions of the Legislative Services Office to avoid using language that: (1) implies that a person as a whole is disabled, (2) equates a person with the person's condition, or (3) is regarded as derogatory or demeaning. Provides that this section does not apply where a word or phrase is: (1) required by federal law or regulation; (2) describing a medical diagnosis; or (3) referring to nonliving entities such as facilities, programs or organizations. Provides that no statute or resolution is invalid because it does not comply with this section. Deletes the prescriptive list of acceptable and unacceptable terms proposed in the first edition; makes a conforming change by deleting proposed GS 150B-21.6A, also listing unacceptable and acceptable terms.

Requires the Office of Administrative Hearings to direct the Rules Division to implement provisions that are substantially equivalent to those in proposed GS 120-32.04. Directs the Rules Division to inform, in writing, all agency rule-making coordinators of these changes. Requires the General Statutes Commission to review current statutes and recommend any modifications to the 2010 Regular Session of the 2009 General Assembly. Directs the NC Council on Developmental Disabilities to annually provide a list of nationally recognized descriptors to the Legislative Services Office to be incorporated into the training of legislative drafters.

Amends GS 14-113 to replace reference to *physical defect* with *physical disability*. Also makes additional changes to apply the drafting language guidelines of proposed GS 120-32.04.

April 9, 2009

**S 208. PEOPLE FIRST.** Filed 2/17/09. Senate amendment makes the following changes to 2nd edition. Replaces provisions of second edition with *AN ACT PERTAINING TO STATUTORY AND ADMINISTRATIVE RULE REFERENCES TO PEOPLE WITH DISABILITIES*. States the General Assembly's intent to avoid the use of statutory language that implies that a person with a disability is, as a whole, disabled, that equates a person with his or her condition, or that refers to persons with disabilities in ways that are regarded as derogatory or demeaning. Requires the General

Statutes Commission to recommend to the 2010 reconvened legislative session and to the 2011 regular session of the General Assembly statutory changes and drafting policies to implement this intent.

June 17, 2009

**S 208. PEOPLE FIRST.** Filed 2/17/09. House committee substitute makes the following changes to 3rd edition. Provides that the Arc of North Carolina (was, the North Carolina Council on Developmental Disabilities) must provide a list of nationally recognized descriptors to the Legislative Services Office to be used in required training for legislative drafters.

July 13, 2009

**SL 2009-264 (S 208). PEOPLE FIRST. AN ACT PERTAINING TO STATUTORY AND ADMINISTRATIVE RULE REFERENCES TO PEOPLE WITH DISABILITIES.** Summarized in *Daily Bulletin* 2/17/09, 4/2/09, 4/9/09, and 6/17/09. Enacted July 10, 2009. Effective July 10, 2009.