

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 353*
PROPOSED COMMITTEE SUBSTITUTE H353-PCS30154-SF-2

Short Title: People First.

(Public)

Sponsors:

Referred to:

March 2, 2009

A BILL TO BE ENTITLED

AN ACT TO DIRECT LEGISLATIVE DRAFTING OFFICES AND STATE AGENCIES TO
USE CERTAIN RESPECTFUL TERMS WHEN REFERENCING PEOPLE WITH
DISABILITIES IN THE PREPARATION OF LEGISLATION AND RULES.

Whereas, the General Assembly recognizes that language used in reference to
individuals with disabilities shapes and reflects society's attitudes towards people with
disabilities; and

Whereas, many of the terms currently used diminish the humanity and natural
condition of having a disability; and

Whereas, certain terms are demeaning and create an invisible barrier to inclusion as
equal community members; and

Whereas, the General Assembly finds it necessary to clarify preferred language for
new and revised laws and rules by requiring the use of terminology that puts the person before
the disability; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Article 7 of Chapter 120 of the General Statutes is amended by
adding a new section to read:

"§ 120-32.04. Preferred drafting language; people with disabilities.

(a) The General Assembly directs the Legislative Services Office to avoid all references
to the terms in Column A below. Drafters shall replace the terms listed in Column A with the
terms listed in Column B in any new statute or resolution and change those terms listed in
Column A to the terms in Column B in drafts for any existing statute as those statutes are
amended for other reasons. This section does not apply where a reference to a word or phrase in
Column A is required by federal law or regulation.

Column A

Handicapped

Mentally retarded

Afflicted with

Crippled

Mentally disabled

Column B

People with disabilities

Intellectual disability

Someone who has/had

Physical disability

Mental illness

(b) The Legislative Services Office shall draft statutes and resolutions to avoid
language that:

(1) Implies that the person as a whole is disabled, such as the mentally ill or the
learning disabled;



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- 1 (2) Equates persons with their condition, such as epileptics, autistics, or
- 2 quadriplegics;
- 3 (3) Has negative overtones, such as afflicted with cerebral palsy, suffering from
- 4 multiple sclerosis, confined to a wheelchair or wheelchair bound; or
- 5 (4) Is regarded as derogatory or demeaning, such as handicapped or mentally
- 6 deficient.

7 The Legislative Services Office shall replace language that is perceived to be disrespectful
8 by referring to persons with disabilities as persons first where appropriate.

9 (c) No statute or resolution is invalid because it does not comply with this section."

10 **SECTION 2.** Part 2 of Article 2A of Chapter 150B of the General Statutes is
11 amended by adding a new section to read:

12 **"§ 150B-21.6A. Preferred drafting language; people with disabilities.**

13 (a) The General Assembly directs all agencies adopting rules to avoid all references to
14 the terms in Column A below. Drafters shall replace the terms listed in Column A with the
15 terms listed in Column B in any new rule and change those terms listed in Column A to the
16 terms in Column B in drafts for any existing rule as those rules are amended for other reasons.
17 This section does not apply where a reference to a word or phrase in Column A is required by
18 federal law or regulation or State statute.

<u>Column A</u>	<u>Column B</u>
<u>Handicapped</u>	<u>People with disabilities</u>
<u>Mentally retarded</u>	<u>Intellectual disability</u>
<u>Afflicted with</u>	<u>Someone who has/had</u>
<u>Crippled</u>	<u>Physical disability</u>
<u>Mentally disabled</u>	<u>Mental illness</u>

25 (b) Agencies shall draft rules to avoid language that:

- 26 (1) Implies that the person as a whole is disabled, such as the mentally ill or the
- 27 learning disabled;
- 28 (2) Equates persons with their condition, such as epileptics, autistics, or
- 29 quadriplegics;
- 30 (3) Has negative overtones, such as afflicted with cerebral palsy, suffering from
- 31 multiple sclerosis, confined to a wheelchair or wheelchair bound; or
- 32 (4) Is regarded as derogatory or demeaning, such as handicapped or mentally
- 33 deficient.

34 Agencies shall replace language that is perceived to be disrespectful by referring to persons
35 with disabilities as persons first where appropriate.

36 (c) No rule is invalid because it does not comply with this section."

37 **SECTION 3.** This act is effective when it becomes law.