

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 353*
Committee Substitute Favorable 3/11/09

Short Title: People First.

(Public)

Sponsors:

Referred to:

March 2, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO DIRECT LEGISLATIVE DRAFTING OFFICES AND STATE AGENCIES TO
3 USE CERTAIN RESPECTFUL TERMS WHEN REFERENCING PEOPLE WITH
4 DISABILITIES IN THE PREPARATION OF LEGISLATION AND RULES.

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

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

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

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

15 The General Assembly of North Carolina enacts:

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

18 "**§ 120-32.04. Preferred drafting language; people with disabilities.**

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

25 Column A

26 Handicapped

27 Mentally retarded

28 Afflicted with

29 Crippled

30 Mentally disabled

Column B

People with disabilities

Intellectual disability

Someone who has/had

Physical disability

Mental illness

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

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

35 (2) Equates persons with their condition, such as epileptics, autistics, or
36 quadriplegics;



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

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

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

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

10 **"§ 150B-21.6A. Preferred drafting language; people with disabilities.**

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

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

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

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

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

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