

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE BILL 208  
Health Care Committee Substitute Adopted 4/2/09

Short Title: People First.

(Public)

Sponsors:

Referred to:

February 18, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO DIRECT LEGISLATIVE DRAFTING OFFICES AND STATE AGENCIES TO  
3 USE CERTAIN RESPECTFUL REFERENCE TO PEOPLE WITH DISABILITIES IN  
4 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) It is the intent of the General Assembly to refer to a person with a disability as a  
20 person first when directing the drafting of statutes and resolutions. To this extent, where  
21 appropriate, the drafting divisions of the Legislative Services Office shall avoid language that  
22 implies a person as a whole is disabled, equates a person with his or her condition, or is  
23 regarded as derogatory or demeaning.

24 (b) This section does not apply where a word or phrase is required by federal law or  
25 regulation, is describing a medical diagnosis, or is referring to nonliving entities such as  
26 facilities, organizations, programs, services, or zone designations.

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

28 SECTION 2. The Office of Administrative Hearings shall direct the Rules  
29 Division to implement provisions substantially equivalent to those in G.S. 120-32.04. The  
30 Rules Division shall inform all agency rule-making coordinators in writing of these changes.

31 SECTION 3. The General Statutes Commission shall review current statutes and  
32 make recommendations on any modifications that can be made to the 2010 Regular Session of  
33 the 2009 General Assembly.

34 SECTION 4. The North Carolina Council on Developmental Disabilities shall  
35 annually provide a list of nationally recognized descriptors to the Legislative Services Office to  
36 be incorporated into the training of legislative drafters.

37 SECTION 5. G.S. 14-113 reads as rewritten:



1 **"§ 14-113. Obtaining money by false representation of physical ~~defect~~disability.**

2 It shall be unlawful for any person to falsely represent himself or herself in any manner  
3 whatsoever as ~~blind, deaf, dumb, or crippled or otherwise physically defective~~ a person who is  
4 blind, deaf, mute, or physically disabled for the purpose of obtaining money or other thing of  
5 value or of making sales of any character of personal property. Any person so falsely  
6 representing himself or herself as ~~blind, deaf, dumb, crippled or otherwise physically~~  
7 ~~defective~~, a person who is blind, deaf, mute, or physically disabled and securing aid or  
8 assistance on account of such representation, shall be deemed guilty of a Class 2  
9 misdemeanor."

10 **SECTION 6.** This act is effective when it becomes law.