

Date of Hearing: March 14, 2023

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Corey A. Jackson, Chair

AB 248 (Mathis) – As Amended March 7, 2023

SUBJECT: Individuals with intellectual or developmental disabilities: The Dignity for All Act

SUMMARY: Strikes the terms “mentally retarded persons”, “mentally retarded children”, and “retardation” and replaces them with “individuals with intellectual or developmental disabilities” throughout code.

EXISTING LAW:

- 1) Allows the Director of General Services to let a nonprofit corporation conduct an educational and work program for mentally retarded persons, as specified. (Government Code Section [GOV] 14670.1)
- 2) Delineates the member classifications under the Public Employees’ Retirement System, including a teacher for mentally retarded children within a correctional facility. (GOV 20405)
- 3) Outlines requirements for supervisory care workers in an intermediate care facility, including that a worker meets the same requirements of a mental retardation professional, as specified. (Health and Safety Code Section 1267.11)
- 4) Defines “direct care staff in intermediate care facilities/developmentally disabled, intermediate care facilities/developmentally disabled-habilitative, and intermediate care facilities/developmentally disabled-nursing” as a qualified mental retardation professional employed in the performance of direct care to a patient. (Welfare and Institutions Code Section 14110.6)

FISCAL EFFECT: This bill has been keyed non-fiscal by the Legislative Counsel.

COMMENTS:

Background: *Change of Terms.* As societal norms and attitudes have shifted, it has required changes to the language in our laws. Recognizing the power of words and historical context for some of the terms used within code, the state and federal government has made several amendments to the reference of specific populations, all aimed at reducing stigma and relieving decades of discriminatory behaviors. Outside of legislation, public efforts like the 2008 “Think Before You Speak” campaign and Maria Shriver’s push to “eliminate the R-word” have focused on shifting public opinion on the impact of derogatory language.

In 2010, Congress passed “Rosa’s Law,” which removed reference to the word “retarded” and replaced it with “individual with intellectual disability”. This change was sparked by the advocacy efforts of a family from Maryland whose daughter lives with an intellectual disability. Rosa Marcellino, who was nine years old at the time, worked with her family to advocate for removing this term from their state code and then lobbied for change at the federal level. A subsequent study was completed in 2018 that found the change in wording implemented by

Rosa's Law, and then used for the National Health Interview Survey, produced a statistically significant increase in the self-reporting of intellectual disabilities for adults and children.

California followed suit in 2012 with the passage of AB 2370 (Mansoor), Chapter 448, Statutes of 2012, which sought to remove reference to "mental retardation" and "mentally retarded person" in the state code. AB 2370 was known as the Shriver R-Word Act, named after Dr. Timothy Shriver, who previously served as chair of the Special Olympics and partnered with his sister Maria to advocate for change in the state. This bill seeks to build upon AB 2370 by removing the few references to "mentally retarded children" and "mentally retarded persons" that remain in code.

Author's statement: According to the author, "There's no reason to use the terms "Retard", "Regarded" and "Retardation" in our laws. The terms are outdated, hateful and offensive - and it can equally be replaced with a more accurate, inclusive terms, or removed altogether without altering the meaning of a statute, should that statute not be tainted for some other reason. The words we use matters: Let's make sure the words we use treat everyone with dignity."

Need for this bill: This bill would delete the terms "mentally retarded persons," "mentally retarded children," and "retardation" from code and replace it with "individuals with intellectual or developmental disabilities." As data continues to show the influence that the words we use have on social interactions and societal norms, our state must analyze the terms used in our laws and make the changes when necessary to ensure all residents are addressed with respect.

While AB 2370 removed the words "mental retardation" and "mentally retarded person" from California code, current provisions continue to use reference to the derogatory term "retard" in different forms. This bill will bring consistency across code sections when referencing intellectual disabilities and will ensure that those living with intellectual or developmental disabilities are referred to with dignity by our state.

RELATED AND PRIOR LEGISLATION:

AB 1096 (L. Rivas), Chapter 296, Statutes of 2021, removed reference to the word "alien" within code.

AB 2370 (Mansoor), Chapter 448, Statutes of 2012, removed references to "mental retardation" or "mentally retarded person" and replaces them with "intellectual disability" or "a person with an intellectual disability."

SB 1381 (Pavley), Chapter 457, Statutes of 2012, removed references to "mental retardation" or "mentally retarded person" and replaces them with "intellectual disability" or "a person with an intellectual disability."

AB 1640 (La Malfa), Chapter 31, Statutes of 2007, deleted the terms "idiot," "imbecility," and "lunatics" from state code and replaced those terms with "persons who are mentally incapacitated."

REGISTERED SUPPORT / OPPOSITION:

Support

California Catholic Conference
Coalition for Adequate Funding for Special Education
Disability Rights California

Opposition

None on file

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