

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 353*

Short Title: People First. (Public)

Sponsors: Representatives Insko, Earle (Primary Sponsors); M. Alexander, Harrison, and Wainwright.

Referred to: State Government/State Personnel, if favorable, Health.

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 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. People first in drafting.**

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 referenced in Column A with
21 the terms listed in Column B in any new statute or resolution, and change those references in
22 drafts for any existing statute as those statutes are amended for other reasons. This section does
23 not apply where a reference to a word or phrase in Column A is required by federal law or
24 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 is directed in drafting statutes and resolutions to
32 avoid language that implies that the person as a whole is disabled (e.g., the mentally ill or the
33 learning disabled), equates persons with their condition (e.g., epileptics, autistics, or
34 quadriplegics), has negative overtones (e.g., afflicted with cerebral palsy, suffering from
35 multiple sclerosis, confined to a wheelchair or wheelchair bound), or is regarded as derogatory



1 or demeaning (e.g., handicapped or mentally deficient), and replace nonrespectful language by
2 referring to persons with disabilities as persons first where appropriate.

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

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

6 "**§ 150B-21.6A. People first in drafting.**

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

12 Column A

Column B

13 Handicapped

People with disabilities

14 Mentally retarded

Intellectual disability

15 Afflicted with

Someone who has/had

16 Crippled

Physical disability

17 Mentally disabled

Mental illness

18 (b) Agencies are directed in drafting rules to avoid language that implies that the person
19 as a whole is disabled (e.g., the mentally ill or the learning disabled), equates persons with their
20 condition (e.g., epileptics, autistics or quadriplegics), has negative overtones (e.g., afflicted
21 with cerebral palsy, suffering from multiple sclerosis, confined to a wheelchair or wheelchair
22 bound), or is regarded as derogatory or demeaning (e.g., handicapped or mentally deficient),
23 and replace nonrespectful language by referring to persons with disabilities as persons first
24 where appropriate.

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

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