



Ohio Legislative Service Commission

Bill Analysis

Elizabeth Molnar

H.B. 158

131st General Assembly
(As Introduced)

Reps. Dever and Howse, Amstutz, Anielski, Antonio, Bishoff, Boyd, Brown, Butler, Conditt, Derickson, DeVitis, Dovilla, Ginter, Hambley, Hayes, Huffman, Lepore-Hagan, Maag, McClain, Patmon, Patterson, Phillips, Ramos, Reineke, Retherford, Romanchuk, Ryan, Schuring, Sears, Slesnick, Sweeney, Sykes, Zeltwanger

BILL SUMMARY

- Replaces the terms "mentally retarded" and "mental retardation" with "intellectually disabled" and "intellectual disability."

CONTENT AND OPERATION

Change in terminology

Throughout the Revised Code, the bill replaces the terms "mentally retarded" and "mental retardation" with the terms "intellectually disabled" and "intellectual disability."¹

¹ R.C. 1.02, 121.22, 121.37, 135.801, 145.01, 145.012, 145.298, 145.332, 149.431, 152.04, 152.09, 154.02, 154.07, 154.20, 173.25, 173.27, 173.38, 173.381, 305.07, 307.02, 313.12, 325.07, 711.23, 1751.01, 1751.14, 2101.17, 2101.24, 2108.521, 2109.01, 2111.01, 2111.10, 2111.49, 2151.011, 2151.281, 2151.353, 2151.414, 2151.415, 2151.421, 2151.425, 2151.651, 2152.02, 2152.12, 2152.14, 2152.51, 2152.811, 2305.111, 2311.14, 2317.021, 2503.37, 2721.05, 2744.01, 2901.13, 2903.341, 2905.32, 2907.24, 2919.23, 2929.01, 2929.04, 2929.06, 2930.061, 2930.16, 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, 2945.482, 2945.491, 2949.29, 2950.01, 2951.041, 2967.22, 3107.02, 3323.01, 3701.881, 3707.20, 3721.01, 3763.06, 3791.031, 3923.24, 3923.241, 4112.01, 4303.272, 4399.05, 4723.071, 4757.41, 4971.16, 5101.46, 5101.611, 5103.02, 5119.44, 5120.051, 5120.11, 5120.17, 5120.173, 5121.04, 5122.01, 5123.01, 5123.012, 5123.02, 5123.021, 5123.03, 5123.033, 5123.04, 5123.044, 5123.0410, 5123.0413, 5123.0418, 5123.081, 5123.092, 5123.093, 5123.122, 5123.165, 5123.169, 5123.17, 5123.171, 5123.18, 5123.19, 5123.196, 5123.20, 5123.27, 5123.34, 5123.35, 5123.351, 5123.36, 5123.37, 5123.374, 5123.375, 5123.40, 5123.41, 5123.42, 5123.421, 5123.422, 5123.43, 5123.44, 5123.441, 5123.45, 5123.451, 5123.47, 5123.50, 5123.51, 5123.52, 5123.541, 5123.542, 5123.55, 5123.57, 5123.58, 5123.601, 5123.61, 5123.611, 5123.612, 5123.614, 5123.62, 5123.63, 5123.64, 5123.65, 5123.651, 5123.67, 5123.69, 5123.701, 5123.71, 5123.74, 5123.75, 5123.76, 5123.79, 5123.80, 5123.81, 5123.82, 5123.83, 5123.84, 5123.85, 5123.86, 5123.87, 5123.88,

Background

Federal law

In October 2010, Congress passed Rosa's Law, which changed references to "a mentally retarded individual" in specified federal laws to "an individual with an intellectual disability," and references to "mental retardation" to "intellectual disability."² Rosa's Law also required federal agencies that administer the affected laws to make conforming amendments to their regulations. Other federal agencies, though not required to do so by Rosa's Law, have revised their regulations to use the term "intellectual disability."³

Ohio law

Enacted in 2009 by the 128th General Assembly, Sub. S.B. 79 changed the name of the Ohio Department of Mental Retardation and Developmental Disabilities to the Ohio Department of Developmental Disabilities. The act also changed the name of county boards of mental retardation and developmental disabilities to county boards of developmental disabilities. It did not change other references to mental retardation in the Revised Code.

HISTORY

ACTION	DATE
Introduced	04-15-15

H0158-I-131.docx/emr

5123.89, 5123.91, 5123.92, 5123.93, 5123.95, 5123.96, 5123.99, 5126.01, 5126.022, 5126.023, 5126.04, 5126.041, 5126.042, 5126.043, 5126.046, 5126.05, 5126.051, 5126.054, 5126.055, 5126.058, 5126.059, 5126.0510, 5126.08, 5126.082, 5126.11, 5126.15, 5126.22, 5126.25, 5126.30, 5126.31, 5126.33, 5126.333, 5126.40, 5126.46, 5126.49, 5126.52, 5126.55, 5126.58, 5139.06, 5139.08, 5139.12, 5139.27, 5139.39, 5139.54, 5164.25, 5164.342, 5164.881, 5165.01, 5166.20, 5166.22, 5168.68, 5301.22, 5305.17, 5307.19, 5310.12, 5321.01, 5705.05, 5705.091, 5705.19, 5705.222, 5709.40, 5709.73, 5709.78, 5711.07, 5747.03, 5815.28, and 5815.35.

² Public Law 111-256.

³ For example, the federal Social Security Administration (SSA) adopted a final rule replacing the term "mental retardation" with "intellectual disability" for purposes of SSA's Listing of Impairments used to evaluate claims involving mental disorders in adults and children under the Social Security Act. *See* 78 Fed. Reg. 148 (2013).

