

PUBLIC CHAPTER NO. 734

HOUSE BILL NO. 3139

By Representatives Harry Brooks, Moore, Hardaway

Substituted for: Senate Bill No. 3338

By Senators Henry, McNally, Crowe, Tracy, Stewart, Marrero, Overbey, Yager

AN ACT to amend Tennessee Code Annotated, Title 33; Title 39; Title 41 and Title 49, relative to the term "mental retardation" and related terms.

WHEREAS, the term "mental retardation" and related terms are increasingly considered to be derogatory or hurtful and there is strong sentiment that new terminology is needed;

WHEREAS, efforts are underway to have terminology that contributes to negative stereotypes removed from State laws and usage in government programs; and

WHEREAS, the term "intellectual disability" is being adopted by states and organizations across the country to replace the term "mental retardation" and related terms; and

WHEREAS, making these terminology changes in Tennessee laws should not result in any additional costs to the state; now, therefore

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. The Tennessee Code Commission shall revise appropriate references to change references from "mental retardation" in Tennessee Code Annotated, Titles 33, 39, and 41 to "intellectual disability" in the code as supplements are issued and volumes are replaced.

SECTION 2. Tennessee Code Annotated, Section 39-13-203(c), is amended by deleting the language "was mentally retarded" and by substituting instead the language "had intellectual disability".

SECTION 3. Tennessee Code Annotated, Section 39-13-203(f), is amended by deleting the language "is not mentally retarded" and by substituting instead the language "does not have intellectual disability".

SECTION 4. Tennessee Code Annotated, Section 49-10-102(1)(B), is amended by deleting the language " mental retardation" and by substituting instead the language "intellectual disability".

SECTION 5. Tennessee Code Annotated, Section 49-11-709(c)(1), is amended by deleting the language "the mentally retarded" and by substituting instead the language "people with intellectual disability".

SECTION 6. Tennessee Code Annotated, Section 49-11-709(c)(2), is amended by deleting the language "the mentally retarded" and by substituting instead the language "people with intellectual disability".

SECTION 7. For purposes of each provision amended by this act, a reference to intellectual disability shall be considered to refer to mental retardation, as defined by that provision on the day before the date of enactment of this act.

SECTION 8. Nothing in this act shall be construed to alter or otherwise affect the eligibility for services or the rights or responsibilities of individuals covered by the provision on the day before the date of enactment of this act.

SECTION 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 10. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: March 24, 2010


KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES


RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 9th day of April 2010


PHIL BREDESEN, GOVERNOR