

CHAPTER 180
FORMERLY
HOUSE BILL NO. 91

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE USE OF RESPECTFUL LANGUAGE WHEN REFERRING TO PERSONS WITH DISABILITIES.

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

Section 1. Amend Chapter 6 of Title 29 of the Delaware Code by inserting a new section 608 therein to read as follows:

“§ 608. Use of respectful language when referring to persons with disabilities.

(a) The Legislature recognizes that language used in reference to individuals with disabilities shapes and reflects society’s attitudes toward people with disabilities. Many of the terms currently used diminish the humanity and natural condition of having a disability. Certain terms are demeaning and create an invisible barrier to inclusion as equal community members. The Legislature finds it necessary to clarify preferred language for new and revised laws and rules by requiring the use of terminology that puts the person before the disability.

(b) From the effective date of this section, all new and revised statutes, administrative rules, local laws, ordinances, charters or regulations promulgated or any publication published by the state or any political subdivision that refers to persons with disabilities shall:

(1) Avoid language that:

(A) implies that a person as a whole is disabled, such as the “mentally ill”, “retarded” or the “learning disabled”, or

(B) equates persons with their conditions, such as “epileptics”, “autistics”, or “quadriplegics”; and

(2) Replace non-respectful language by referring to persons with disabilities as persons first; for example, persons with disabilities, persons with developmental disabilities, persons with mental illness, persons with autism, or persons with cognitive disabilities.

(c) Violation of this section shall not be grounds to invalidate any new or revised statutes, administrative rules, local laws, ordinances, charters, or regulations promulgated or any publication published by the state or any political subdivision; provided, however, such documents shall be changed to reflect the provisions of this section in subsequent revisions.

(d) Nothing in this section shall constitute a requirement to change the name of any agency or program. Existing printed material may be utilized until such time as supplies are required to be replenished.

(e) Nothing in this section shall be construed as changing the application of any provision affected by this section to any person. This section does not apply where a reference to a particular word or phrase is required by federal law or regulation or state statute.”.

Approved August 17, 2011