

Date of Hearing: March 12, 2024

ASSEMBLY COMMITTEE ON JUDICIARY

Ash Kalra, Chair

AB 2026 (Mathis) – As Introduced February 1, 2024

PROPOSED CONSENT (As Proposed to be Amended)

SUBJECT: DISABILITIES: PERSON-FIRST TERMINOLOGY

KEY ISSUE: SHOULD NONSUBSTANTIVE CHANGES BE MADE TO NUMEROUS SECTIONS OF EXISTING LAW TO ENSURE THAT THE CODES USE TERMS THAT ARE MORE RESPECTFUL TO PERSONS WITH A DISABILITY?

SYNOPSIS

Current law provides a number of special rights and legal protections to persons with intellectual or developmental disabilities (IDD) but, in a number of provisions of the Health and Safety Code and Welfare and Institutions Code, refers to such persons as “autistic children,” “developmentally disabled children,” “developmentally disabled adults,” “disabled adults,” “severely disabled children,” and “seriously emotionally disturbed children.” While these important laws are meant to protect persons in the IDD community from exploitation and harm, some of these laws – or at least in terms of the statutory terminology the use – may not sufficiently acknowledge the capacity and dignity of persons in the IDD community.

In order to be more respectful of persons with a disability to emphasize that people with disabilities are people first and are not defined by their disabilities, without making substantive changes to the law, this bill changes the terminology used in numerous existing code sections to “put people first.” The bill adopts person-first language when referring to those within the IDD community to replace these terms with “children with autism,” “children with developmental disabilities,” “adults with developmental disabilities,” “children with disabilities,” “adults with disabilities,” “children with severe disabilities,” and “children with emotional disability” in numerous provisions of existing law. Also, as proposed to be amended, in order to reasonably ensure that such changes continue to be made in future legislation, the author proposes to add the legislative findings and declarations that are in 1) of the SUMMARY, below, to the bill. Most significantly, the proposed language would state the following intent of the Legislature: “that the Legislature should, when introducing new legislation, engage in a coordinated effort to use person-first language when referring to individuals within the intellectual and developmental disability community.” The bill is supported by The Coalition for Adequate Funding for Special Education and has no opposition on file.

SUMMARY: In order to be more respectful of persons with an intellectual or developmental disabilities (IDD) and emphasize that they are people first who are not defined by their disabilities, changes the terminology used in existing code sections in a manner that does not make substantive changes to the law. Specifically, **this bill:**

1) Makes the following findings and declarations on behalf of the Legislature:

- a) The terms “autistic children,” “developmentally disabled children,” “developmentally disabled adults,” “disabled children,” “disabled adults,” “severely disabled children,”

and “seriously emotionally disturbed children” are outdated terms that are dehumanizing and disrespectful to persons who are disabled because they put the disability, rather than the person, first.

- b) Such terminology is widely used within many state statutes.
 - c) Person-first language that puts the person first, such as “children with autism,” “children with developmental disabilities,” “adults with developmental disabilities,” “children with disabilities,” “adults with disabilities,” “children with severe disabilities,” and “children who are seriously emotionally disturbed,” is more respectful because it recognizes that the individuals are more than their physical or emotional disabilities and are persons who deserves dignity and respect.
 - d) While the terminology in existing state statutes may be changed by the enactment of discreet legislative measures, such measures do not and cannot ensure that state statutes will continue to be drafted in the future using terminology that puts the person first.
 - e) Therefore, it is the intent of the Legislature that the Legislature should, when introducing new legislation, engage in a coordinated effort to use person-first language when referring to individuals within the intellectual and developmental disability community.
- 2) In numerous code sections, changes the term “developmentally disabled person” to “person with developmental disabilities.”
 - 3) In numerous code sections, changes “seriously emotionally disturbed children” to “children who are seriously emotionally disturbed.”
 - 4) In numerous code sections, changes “elderly, disabled adults” to “adults who are elderly and with disabilities.”
 - 5) In numerous code sections, changes “seriously emotionally disturbed foster children” to “foster children who are seriously emotionally disturbed.”
 - 6) In numerous code sections, changes “developmentally disabled adult” to “adult with developmental disabilities.”
 - 7) Makes similar non-substantive and conforming changes to the law.

EXISTING LAW provides a number of special rights and legal protections to persons in the IDD community and, in a number of provisions of the Health and Safety Code and Welfare and Institutions Code, refers to such persons as “autistic children,” “developmentally disabled children,” “developmentally disabled adults,” “disabled adults,” “severely disabled children,” and “seriously emotionally disturbed children.”

FISCAL EFFECT: As currently in print this bill is keyed non-fiscal.

COMMENTS: Current law provides a number of special rights and legal protections to persons in the IDD community but, in a number of provisions of the Health and Safety Code and Welfare and Institutions Code, refers to such persons as “autistic children,” “developmentally disabled children,” “developmentally disabled adults,” “disabled adults,” “severely disabled children,”

and “seriously emotionally disturbed children.” While these important laws are meant to protect persons in the IDD community from exploitation and harm, some of these laws – or at least in terms of the statutory terminology the use – may not sufficiently acknowledge the capacity and dignity of persons in the IDD community.

In order to be more respectful of persons with an intellectual or developmental disability and emphasize that they are people first and not defined by their disabilities, this bill changes the terminology used in existing code sections to “put people first” without making substantive changes to the law. According to the author, the terminology currently used in many codes is outdated and insensitive:

Within California’s code section, there are a number of outdated terms and references when describing those within the IDD community. . . .

The terms “autistic children,” “developmentally disabled children,” “developmentally disabled adults,” “disabled children,” “disabled adults,” “severely disabled children,” and “emotionally disturbed” are outdated terms, and yet are still used within several California code sections. . . .

AB 2026 seeks to rectify this issue and replace such terms with more inclusive and accurate People-First Language. . . .

AB 2026 adopts Person-First Language when referring to those within the IDD Community, and will simply replace these terms with “children with autism,” “children with developmental disabilities,” “adults with developmental disabilities,” “children with disabilities,” “adults with disabilities,” “children with severe disabilities,” and “emotional disability.”

Terminology matters to persons with disabilities and those who describe them. The words used by the media to write about mental health are very important and can help reduce stigma around mental illness if carefully chosen. (American Psychiatric Association, 2024: “Words Matter: Reporting on Mental Health Conditions”, available at <https://www.psychiatry.org/newsroom/reporting-on-mental-health-conditions>.) When writing (or legislating) about people in the IDD community, one should use language that emphasizes what people can do instead of what they cannot do. (See Americans with Disabilities Act National Network, 2024: Guidelines for Writing About People With Disabilities, available at <https://adata.org/factsheet/ADANN-writing>.) Furthermore, the words we use to describe others can shape our perceptions of the people involved who are affected by those words. (Foothold Technology, 2023 - The Importance of People First Language, available at <https://footholdtechnology.com/news/people-first-language/>.)

According to the author, these findings and recommendations show why it is important to be mindful of the language we employ when we talk or write about people with disabilities. “Referring to such individuals with terms like “the disabled” obscures their humanity with their condition. No one is a disability, an injury, or a health condition. They are people. And that’s the guiding principle of People-First Language.” While this is true about our daily conversations, it is even more crucial in drafting laws that affect persons with a disability, including individuals in the IDD community.

The bill and proposed author’s amendments. As discussed above, the bill changes the terminology in existing code sections to eliminate outdated terminology that describes persons in terms of their disabilities, or what they cannot do. The bill updates that language to put the “person first.” For example, it removes “developmentally disabled person” from the codes and substitutes it with “person with developmental disabilities.” In order to reasonably ensure that such changes continue to be made in future legislation, the author proposes to add the legislative findings and declarations that are in 1) of the SUMMARY, above, to the bill. Most significantly, the proposed language would state the following intent of the Legislature: “that the Legislature should, when introducing new legislation, engage in a coordinated effort to use person-first language when referring to individuals within the intellectual and developmental disability community.”

ARGUMENTS IN SUPPORT: The Coalition for Adequate Funding for Special Education writes the following:

AB 2026 would build on last year’s AB 248 (Mathis, Statutes of 2023) by replacing outdated terminology used to describe people with disabilities with more inclusive and people-first language throughout the Health and Safety Codes and the Welfare and Institutions Codes.

We support AB 2026 because it’s a long-overdue policy change to eliminate these obsolete terms from the statute.

Similar Pending Legislation. The Committee is scheduled to hear AB 1906 (Gipson) on the same day when it is scheduled to hear this bill. In order to achieve the author’s goal to remove offensive terminology about “dependent adults” from the codes, while also carefully assessing the consequences of such changes, recommending comprehensive changes to terminology, and avoiding unintended or negative impacts, the author proposes to have the California Law Revision Commission conduct a study to recommend how such changes should be made.

REGISTERED SUPPORT / OPPOSITION:

Support

The Coalition for Adequate Funding for Special Education

Opposition

None on file

Analysis Prepared by: Alison Merrilees / JUD. / (916) 319-2334