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H.B. 281
134th General Assembly

Bill Analysis

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Version: As Passed by the House

Primary Sponsors: Reps. Jarrells and Young

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SUMMARY

- Replaces various statutory terms related to people with disabilities or mental illness.
- Updates statutory provisions relating to assistance dogs, braille teacher standards, the Children with Medical Handicaps Program, the former Ohio Commission for the Blind, and accessible parking spaces.
- Designates the legislation as the “Mental Health and Disability Terminology Act.”

DETAILED ANALYSIS

Disability and mental illness terminology

The bill replaces various terms in the Revised Code regarding disability and mental illness. The following table details the words and phrases that are eliminated and the new language to be substituted.

Disability and Mental Illness Terminology Changes	
Existing term/phrase	Replacement term/phrase
abnormalities, defects, or deficiencies	genotypes, mutations, or chromosomal changes ¹
addicted	has an addiction; ² no provision ³

¹ R.C. 1751.65(A), 3901.491(A)(1), 3901.501(A)(1); in reference to genetic screening or testing.

² R.C. 2929.15(A)(3) and (A)(4).

³ R.C. 340.15.

Disability and Mental Illness Terminology Changes	
Existing term/phrase	Replacement term/phrase
adjudicated as a mental defective	no provision; ⁴ under adjudication of mental incompetence ⁵
alcoholic	person with alcoholism ⁶
alcoholic and narcotic addicted offenders	offenders with alcoholism and narcotic addictions ⁷
the blind	individuals/persons who are blind ⁸
cognitively impaired residents	residents with cognitive impairments ⁹
the communicatively impaired	persons with communicative impairments ¹⁰
community mental retardation and developmental disabilities programs	community developmental disabilities programs ¹¹
confined to a wheelchair	using a wheelchair ¹²
criminally insane	no provision ¹³
crippled child/children	child with a disability/children with disabilities ¹⁴
deaf and dumb	deaf ¹⁵

⁴ R.C. 2923.125(D)(1)(h)(i), 2923.1213(B)(1)(b), and 2923.13(A)(5).

⁵ R.C. 2923.128(B)(1)(f).

⁶ R.C. 2923.13(A)(4), 2935.33, 2945.25(H), 4112.02(N)(2)(e), 4507.08(D)(1), 5119.01, and 5119.61(A).

⁷ R.C. 5149.30.

⁸ R.C. 5.226, 3304.31, 3506.19, and 3707.20.

⁹ R.C. 3721.30(A)(1)(d) and (B)(4).

¹⁰ R.C. 4905.79, 5733.56(A)(1) and (B), and 5733.98(A).

¹¹ R.C. 5709.45(H)(1).

¹² R.C. 4766.01(D).

¹³ R.C. 145.012(B).

¹⁴ R.C. 3313.55, 4551.05, and 5153.16(A)(6).

¹⁵ R.C. 1743.05.

Disability and Mental Illness Terminology Changes	
Existing term/phrase	Replacement term/phrase
the deaf or hearing impaired	persons who are deaf or hearing impaired ¹⁶
defect	disability; ¹⁷ impairment ¹⁸
Department of Mental Retardation and Developmental Disabilities	Department of Developmental Disabilities ¹⁹
derangement	lacks the relevant mental capacity ²⁰ or mental illness ²¹
disability parking space	accessible parking space ²²
disabled-accessible voting machine	accessible voting machine ²³
disabled person/disabled persons	person with a disability/persons with disabilities ²⁴
disabled tenant	tenant with a disability ²⁵
drug addicted	having a drug addiction ²⁶
drug dependent person/drug dependent persons	person with a drug dependency/persons with drug dependencies ²⁷

¹⁶ R.C. 3701.507(A)(12) and (A)(16).

¹⁷ R.C. 2151.414(E)(8), 2903.341(B), and 2919.22(A).

¹⁸ R.C. 5120.44.

¹⁹ R.C. 5126.38(B).

²⁰ R.C. 1.02(C).

²¹ R.C. 5924.115(A).

²² R.C. 4521.01(E), 4521.02(A), and 4521.10(A)(1) and (G).

²³ R.C. 3505.23.

²⁴ R.C. 4508.01(B), 4508.03(B) and (C), and 4508.04(A).

²⁵ R.C. 4112.02.

²⁶ R.C. 2929.15(A)(3).

²⁷ R.C. 2921.22(G)(5), 2923.13(A)(4), 2925.01(B), 2925.02(A), 2945.25(H), 3719.011, 3719.61, 3719.70(B)(1), and 5119.61(A).

Disability and Mental Illness Terminology Changes	
Existing term/phrase	Replacement term/phrase
elderly and handicapped consumers	consumers who are elderly and who have disabilities ²⁸
elderly and handicapped low-income persons	low-income persons who are elderly and who have disabilities ²⁹
frail and handicapped older adults	adults who are frail or who have disabilities ³⁰
functionally impaired person/older adults	person with a functional impairment/older adults with functional impairments ³¹
handicap/handicaps	disability/disabilities; ³² impairment; ³³ impediment(s) ³⁴
handicap/handicapped accessibility	accessibility for persons with disabilities ³⁵
handicapped	disabled; ³⁶ disability ³⁷
the handicapped	persons with disabilities ³⁸
handicapped children	children with disabilities ³⁹

²⁸ R.C. 4933.122(C).

²⁹ R.C. 122.69(B)(1)(a) and (d).

³⁰ R.C. 173.11(C).

³¹ R.C. 173.12(B), 2903.10, 2903.13(C)(2), and 2903.16.

³² R.C. 9.03(C)(1)(c), 901.73(C)(1), 1751.14(A)(2)(a), 2901.30(A)(1), 3701.65(C)(6), 3923.24(A)(2)(a) and (C), 3923.241(A)(2)(a), 5107.26(C)(1), 5153.163(C), and 5515.08(B)(2).

³³ R.C. 4121.61(B) and 4123.57(B).

³⁴ R.C. 4115.33(A)(4), 4123.343(A), 5531.12(A), and 5537.03.

³⁵ R.C. 3501.18, 3506.12(A), and 4105.13.

³⁶ R.C. 959.07(A)(6), 3501.29(F), 5101.60(C), and 5501.07(B).

³⁷ R.C. 3999.16, 4766.01(D), 5104.015(V), 5104.017(V), 5104.018(R), and 5104.019(L).

³⁸ R.C. 3335.51 and 5501.05.

³⁹ R.C. 5153.16(A)(8).

Disability and Mental Illness Terminology Changes	
Existing term/phrase	Replacement term/phrase
handicapped, disabled, or elderly persons/citizens	persons/citizens who are elderly or who have disabilities ⁴⁰
handicapped elector/employee	elector/employee with a disability ⁴¹
handicapped individuals	individuals with disabilities ⁴²
handicapped license plates	accessible license plates ⁴³
handicapped parking	accessible parking ⁴⁴
handicapped person(s)	person with a disability, ⁴⁵ persons with disabilities, ⁴⁶ persons with mobility disabilities, ⁴⁷ persons with other print disabilities ⁴⁸
handicapping condition	disabling condition, ⁴⁹ disability ⁵⁰
the indigent sick and disabled	indigent persons who are sick or have disabilities ⁵¹
lunatics	incompetent individuals ⁵²

⁴⁰ R.C. 306.551 and 3501.29(D)(2).

⁴¹ R.C. 3501.29 and 4123.343.

⁴² R.C. 4123.58(F).

⁴³ R.C. 4511.69.

⁴⁴ R.C. 737.051(B)(2) and 737.161(B)(2).

⁴⁵ R.C. 4503.04(P)(2), 4511.01(EEE), 4511.69(K)(1), 5153.01(B)(3), and 5153.163(D).

⁴⁶ R.C. 140.01(E), 3335.50, 3335.51, 3335.55, 3375.82(E), 3501.29(B)(1)(a), 3503.12, 3781.19, 3999.16, 4503.04(F), 4503.042(E), 4517.01(FF)(1)(b), 4517.12(A)(4), and 5733.04(I)(9).

⁴⁷ R.C. 3501.29(B)(1)(b).

⁴⁸ R.C. 3353.01(G).

⁴⁹ R.C. 4511.69(K)(1).

⁵⁰ R.C. 3701.046(A).

⁵¹ R.C. 339.11.

⁵² R.C. 4961.08.

Disability and Mental Illness Terminology Changes	
Existing term/phrase	Replacement term/phrase
the mentally ill	persons with mental illnesses ⁵³
be mentally ill/is mentally ill	have a mental illness/has a mental illness ⁵⁴
mentally ill or deficient person	person with a mental illness or mental impairment ⁵⁵
mentally or physically handicapped child	child with a mental or physical disability; ⁵⁶ no provision ⁵⁷
mentally ill person/mentally ill persons	person with a mental illness/persons with mental illnesses ⁵⁸
mental retardation/mentally retarded	intellectual disability/intellectually disabled ⁵⁹
mobility impaired person	person with a mobility impairment ⁶⁰
person unable to manage the person's property because of mental illness or deficiency, habitual drunkard, confined person	incompetent adult ⁶¹

⁵³ R.C. 145.012(B), 145.298(A)(2), 305.07(A), 325.07, 1713.41, 2919.23(A)(3), 3313.65(A)(1)(d), 3707.20, 5119.311, 5121.56, 5122.28, 5747.03(A)(1), and 5905.02.

⁵⁴ R.C. 5119.33(A), 5119.331, 5119.40(C), and 5120.17(C)(1).

⁵⁵ R.C. 2127.43.

⁵⁶ R.C. 2903.15(A), 2919.21(A)(2) and (E), 2919.22(A) and (B), 2919.23(A)(1), 2945.42, 3113.06, and 3113.08.

⁵⁷ R.C. 2931.02(C) and (D).

⁵⁸ R.C. 340.011(A), 340.04, 2101.16(A)(75) and (B)(3), 2101.17(A) and (C), 2151.23(A)(4), 2923.125(D)(1)(i), 2923.1213(B)(1)(b), 2923.13(A)(5), 2945.37(A)(7) and (F), 2945.38(B)(2) and (G), 2945.39(A)(2)(b), 2945.40, 2945.401, 2949.29(D), 2967.22, 3702.55(D), 3781.112(A)(4), 3791.031(A)(2), 5119.10(C), 5119.14(A) and (B)(2), 5119.311, 5119.33, 5119.333, 5119.34(B)(2)(a), 5119.40, 5119.50, 5120.051, 5120.17, 5122.01(B), 5122.03(B), 5122.05(C)(3), 5122.10, 5122.11, 5122.111, 5122.13, 5122.141, 5122.15, 5122.19, 5122.21(B), 5122.27(F)(7), 5122.271(A), 5122.30, 5122.311(A), 5122.39, 5122.43(A), 5139.54(A)(3), 5164.15(A)(2), 5165.03(A)(3) and (B)(1), 5305.22, 5321.01(C)(9)(b)(i), 5747.03(A)(2)(b), 5907.06, 5907.09, 5924.503(B)(2), 5924.504(A)(2)(b), and 5924.506.

⁵⁹ R.C. 5119.70.

⁶⁰ R.C. 935.03(B)(12), 955.011(B), 955.43, 1533.12(B)(4), and 2921.321.

⁶¹ R.C. 2127.05; consistent with definition of "incompetent" in R.C. 2111.01, not in the bill.

Disability and Mental Illness Terminology Changes	
Existing term/phrase	Replacement term/phrase
physically impaired but mentally alert individual/resident	individual/resident who is physically impaired but mentally alert ⁶²
physical or mental deficiency/deficiencies	physical or mental disability/disabilities ⁶³
physiological defect or deficiency	physiological impairment ⁶⁴
productive usefulness/social and economic usefulness	social and economic participation ⁶⁵
severely mentally disabled children, adolescents, and adults	persons with severe mental disabilities ⁶⁶
severely mentally disabled persons	persons with severe mental disabilities ⁶⁷
the sick and disabled of the township/municipal corporation	persons of the township/municipal corporation who are sick or have disabilities ⁶⁸
special equipment for persons with disabilities	accessible equipment for persons with disabilities ⁶⁹
special license plates	accessible license plates ⁷⁰
special needs	needs ⁷¹
special parking locations	accessible parking locations ⁷²

⁶² R.C. 3721.011(B)(2)(c), 5119.34(D)(3), and 5123.651(C)(3).

⁶³ R.C. 4111.06 and 4141.01(B)(3)(h)(iii).

⁶⁴ R.C. 955.011(B)(1).

⁶⁵ R.C. 3335.50, 3335.51, and 3335.55.

⁶⁶ R.C. 340.011(A)(5).

⁶⁷ R.C. 340.03(A)(11), 5119.21(A)(3), 5119.42, and 5119.60(C) and (D).

⁶⁸ R.C. 513.05 and 749.02.

⁶⁹ R.C. 4503.44(A)(2) and (B).

⁷⁰ R.C. 4503.44 and 4511.69.

⁷¹ R.C. 5104.015(V), 5104.017(V), 5104.018(R), and 5104.019(L).

⁷² R.C. 3501.29(B)(1)(b), 3781.111(C) and (E), 4503.44(G), and 4511.69.

Disability and Mental Illness Terminology Changes	
Existing term/phrase	Replacement term/phrase
suffers from/suffering/suffered from [a disease/disability]	has/having; ⁷³ with; ⁷⁴ experiences/experiencing ⁷⁵

Outdated provisions

In addition to the above changes, the bill also updates statutory provisions relating to assistance dogs, braille teacher standards, the Children with Medical Handicaps Program, the former Ohio Commission for the Blind, and accessible parking spaces. These changes are described in more detail below.

Assistance animals

The bill eliminates references to “Ohio Guide Dog Permanent Registrations” and “Ohio Hearing Dog Permanent Registrations” that were issued prior to 1984 and references to “Ohio Handicap Assistance Dog Permanent Registrations” that were issued between 1984 and 2004.⁷⁶

Braille teachers

Ohio law currently requires that standards for braille teachers be consistent with standards adopted for teachers by the National Library Service for the Blind and Physically Handicapped of the Library of Congress. The bill updates the name of the organization to the contemporary name National Library Service for the Blind and Print Disabled of the Library of Congress (NLS). Additionally, the NLS no longer issues standards for braille teachers, and the bill corrects this so that braille teacher standards in Ohio are created in reference to those adopted by the NLS for braille transcribers.⁷⁷

⁷³ R.C. 901.73(C)(1), 918.05, 959.99(E)(7), 2305.42(A), 2305.43, 2746.02(E), 2907.27(A) and (C), 2929.20(N), 3313.71, 3313.74, 3335.41, 3335.42, 3701.243(C)(4), 3701.79(A)(5), 3701.81(A) and (B), 3707.06(A), 3707.22, 3707.29, 3707.30, 3719.061(B), 4123.68(B), 4123.71, 4173.02(A)(1), 4501.21(B), 4506.07(A)(3), 4507.06(A)(1)(c), 4507.08(D)(3), 4508.01(B), 4747.12(A)(10), and 5101.56(B)(1) and (C)(2)(a).

⁷⁴ R.C. 5122.36.

⁷⁵ R.C. 2101.24(A)(1)(ee), 2935.33, 4123.70, 4741.221(A)(1), 5119.90(K) and (L), 5119.91, 5119.92(A), and 5119.93(A) and (B).

⁷⁶ R.C. 955.011.

⁷⁷ R.C. 3319.232; National Library Service for the Blind and Print Disabled of the Library of Congress, *Braille Transcription and Proofreading Services*, available [here](#); National Federation of the Blind, *Braille Certification*, available [here](#).

Children with Medical Handicaps Program

The bill changes references to the Bureau for Children with Medical Handicaps to the name currently in use, the Children with Medical Handicaps Program.⁷⁸

Ohio Commission for the Blind

Ohio law currently contains references to the Ohio Commission for the Blind, an organization that no longer exists. The bill changes these references to the Bureau of Services for the Visually Impaired, a contemporary successor organization serving a similar function.⁷⁹

Accessible parking

The bill removes language clarifying that accessible parking locations are “also known as handicapped parking spaces or disability parking spaces.”⁸⁰ Current law specifies that any sign indicating an accessible parking space must not use forms of the words “handicapped” or “disabled.”⁸¹

Designation

The bill is designated as the “Mental Health and Disability Terminology Act.”

HISTORY

Action	Date
Introduced	05-03-21
Reported, H. Health	06-09-21
Passed House (93-1)	06-16-21

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⁷⁸ R.C. 3701.507(A)(18) and 5153.16(A)(6).

⁷⁹ R.C. 149.01, 3701.53(D), 5109.16, and 5109.18.

⁸⁰ R.C. 3501.29(B)(1)(b), 4503.44(G), and 4511.69(E).

⁸¹ R.C. 9.54, not in the bill.