



www.lsc.ohio.gov

# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

**H.B. 281**  
**134<sup>th</sup> General Assembly**

## Final Analysis

[Click here for H.B. 281's Fiscal Note](#)

**Primary Sponsors:** Reps. Jarrells and Young

**Effective date:** April 6, 2023

Emma Carroll, Research Analyst

UPDATED VERSION\*

### SUMMARY

#### Mental health and disability terminology

- 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 act as the “Mental Health and Disability Terminology Act.”

#### Commission on African-Americans

- Changes the name of the “Commission on African-American Males” to the “Commission on African-Americans.”
- Specifies that the Commission is required to direct its various efforts for African-Americans rather than, as in current law, specifically for black males.
- Transfers to the Ohio State University Bell National Resource Center certain responsibilities with respect to the Commission.

### TABLE OF CONTENTS

Disability and mental illness terminology.....	2
Outdated provisions .....	9
Assistance animals.....	9
Braille teachers.....	9

\* This version updates the effective date.

Children with Medical Handicaps Program.....	9
Ohio Commission for the Blind .....	9
Accessible parking .....	9
Commission on African-Americans.....	10
Technical error .....	11
Designation .....	11

## DETAILED ANALYSIS

### Disability and mental illness terminology

The act replaces various terms in the Revised Code regarding disability and mental illness. The following table details the eliminated words and phrases and the newly enacted language.

Disability and Mental Illness Terminology Changes	
Previous term/phrase	Current term/phrase
abnormalities, defects, or deficiencies	genotypes, mutations, or chromosomal changes <sup>1</sup>
addicted	having/has an addiction; <sup>2</sup> no provision <sup>3</sup>
adjudicated as a mental defective	no provision; <sup>4</sup> under adjudication of mental incompetence <sup>5</sup>
alcoholic	person with alcoholism <sup>6</sup>
alcoholic and narcotic addicted offenders	offenders with alcoholism and narcotic addictions <sup>7</sup>
the blind	individuals/persons who are blind <sup>8</sup>

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

<sup>2</sup> R.C. 2929.15(A)(3) and (A)(4).

<sup>3</sup> R.C. 340.15.

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

<sup>5</sup> R.C. 2923.128(B)(1)(f).

<sup>6</sup> 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).

<sup>7</sup> R.C. 5149.30.

<sup>8</sup> R.C. 5.226, 3304.31, 3506.19, and 3707.20.

Disability and Mental Illness Terminology Changes	
Previous term/phrase	Current term/phrase
cognitively impaired residents	residents with cognitive impairments <sup>9</sup>
the communicatively impaired	persons with communicative impairments <sup>10</sup>
community mental retardation and developmental disabilities programs	community developmental disabilities programs <sup>11</sup>
confined to a wheelchair	using a wheelchair <sup>12</sup>
criminally insane	no provision <sup>13</sup>
crippled child/children	child with a disability/children with disabilities <sup>14</sup>
deaf and dumb	deaf <sup>15</sup>
the deaf or hearing impaired	persons who are deaf or hearing impaired <sup>16</sup>
defect	disability; <sup>17</sup> impairment <sup>18</sup>
Department of Mental Retardation and Developmental Disabilities	Department of Developmental Disabilities <sup>19</sup>
derangement	lacks the relevant mental capacity; <sup>20</sup> mental illness <sup>21</sup>

<sup>9</sup> R.C. 3721.30(A)(1)(d) and (B)(4).

<sup>10</sup> R.C. 4905.79, 5733.56(A)(1) and (B), and 5733.98(A).

<sup>11</sup> R.C. 5709.45(H)(1).

<sup>12</sup> R.C. 4766.01(D).

<sup>13</sup> R.C. 145.012(B).

<sup>14</sup> R.C. 3313.55, 4551.05, and 5153.16(A)(6).

<sup>15</sup> R.C. 1743.05.

<sup>16</sup> R.C. 3701.507(A)(12) and (A)(16).

<sup>17</sup> R.C. 2151.414(E)(8), 2903.341(B), and 2919.22(A).

<sup>18</sup> R.C. 5120.44.

<sup>19</sup> R.C. 5126.38(B) and (D)(2).

<sup>20</sup> R.C. 1.02(C).

<sup>21</sup> R.C. 5924.115(A).

Disability and Mental Illness Terminology Changes	
Previous term/phrase	Current term/phrase
disability parking space	accessible parking space <sup>22</sup>
disabled-accessible voting machine	accessible voting machine <sup>23</sup>
disabled person/disabled persons	person with a disability/persons with disabilities <sup>24</sup>
disabled tenant	tenant with a disability <sup>25</sup>
drug addicted	having a drug addiction <sup>26</sup>
drug dependent person/drug dependent persons	person with a drug dependency/persons with drug dependencies <sup>27</sup>
elderly and handicapped consumers	consumers who are elderly and who have disabilities <sup>28</sup>
elderly and handicapped low-income persons	low-income persons who are elderly and who have disabilities <sup>29</sup>
frail and handicapped older adults	adults who are frail or who have disabilities <sup>30</sup>
functionally impaired person/older adults	person with a functional impairment/older adults with functional impairments <sup>31</sup>

<sup>22</sup> R.C. 4521.01(E), 4521.02(A), and 4521.10(A)(1) and (G).

<sup>23</sup> R.C. 3505.23.

<sup>24</sup> R.C. 4508.01(B), 4508.03(B) and (C), and 4508.04(A).

<sup>25</sup> R.C. 4112.02.

<sup>26</sup> R.C. 2929.15(A)(3).

<sup>27</sup> 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).

<sup>28</sup> R.C. 4933.122(C).

<sup>29</sup> R.C. 122.69(B)(1)(a) and (d).

<sup>30</sup> R.C. 173.11(C).

<sup>31</sup> R.C. 173.12(B), 2903.10, 2903.13(C)(2), and 2903.16.

Disability and Mental Illness Terminology Changes	
Previous term/phrase	Current term/phrase
handicap/handicaps	disability/disabilities, <sup>32</sup> impairment, <sup>33</sup> impediment(s) <sup>34</sup>
handicap/handicapped accessibility	accessibility for persons with disabilities <sup>35</sup>
handicapped	disabled, <sup>36</sup> disability <sup>37</sup>
the handicapped	persons with disabilities <sup>38</sup>
handicapped children	children with disabilities <sup>39</sup>
handicapped, disabled, or elderly persons/citizens	persons/citizens who are elderly or who have disabilities <sup>40</sup>
handicapped elector/employee	elector/employee with a disability <sup>41</sup>
handicapped individuals	individuals with disabilities <sup>42</sup>
handicapped license plates	accessible license plates <sup>43</sup>
handicapped parking	accessible parking <sup>44</sup>

<sup>32</sup> 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).

<sup>33</sup> R.C. 4121.61(B) and 4123.57(B).

<sup>34</sup> R.C. 4115.33(A)(4), 4123.343(A), 5531.12(A), and 5537.03.

<sup>35</sup> R.C. 3501.18, 3506.12(A), and 4105.13.

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

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

<sup>38</sup> R.C. 3335.51 and 5501.05.

<sup>39</sup> R.C. 5153.16(A)(8).

<sup>40</sup> R.C. 306.551 and 3501.29(D)(2).

<sup>41</sup> R.C. 3501.29 and 4123.343.

<sup>42</sup> R.C. 4123.58(F).

<sup>43</sup> R.C. 4511.69.

<sup>44</sup> R.C. 737.051(B)(2) and 737.161(B)(2).

Disability and Mental Illness Terminology Changes	
Previous term/phrase	Current term/phrase
handicapped person(s)	person with a disability; <sup>45</sup> persons with disabilities; <sup>46</sup> persons with mobility disabilities; <sup>47</sup> persons with other print disabilities <sup>48</sup>
handicapping condition	disabling condition; <sup>49</sup> disability <sup>50</sup>
the indigent sick and disabled	indigent persons who are sick or have disabilities <sup>51</sup>
lunatics	incompetent individuals <sup>52</sup>
the mentally ill	persons with mental illnesses <sup>53</sup>
be mentally ill/is mentally ill	have a mental illness/has a mental illness <sup>54</sup>
mentally ill or deficient person	person with a mental illness or mental impairment <sup>55</sup>
mentally or physically handicapped child	child with a mental or physical disability; <sup>56</sup> no provision <sup>57</sup>

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

<sup>46</sup> 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).

<sup>47</sup> R.C. 3501.29(B)(1)(b).

<sup>48</sup> R.C. 3353.01(G).

<sup>49</sup> R.C. 4511.69(K)(1).

<sup>50</sup> R.C. 3701.046(A).

<sup>51</sup> R.C. 339.11.

<sup>52</sup> R.C. 4961.08.

<sup>53</sup> 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.

<sup>54</sup> R.C. 5119.33(A), 5119.331, 5119.40(C), and 5120.17(C)(1).

<sup>55</sup> R.C. 2127.43.

<sup>56</sup> 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.

<sup>57</sup> R.C. 2931.02(C) and (D).

Disability and Mental Illness Terminology Changes	
Previous term/phrase	Current term/phrase
mentally ill person/mentally ill persons	person with a mental illness/persons with mental illnesses <sup>58</sup>
mental retardation/mentally retarded	intellectual disability/intellectually disabled <sup>59</sup>
mobility impaired person	person with a mobility impairment <sup>60</sup>
person unable to manage the person's property because of mental illness or deficiency, habitual drunkard, confined person	incompetent adult <sup>61</sup>
physically impaired but mentally alert individual/resident	individual/resident who is physically impaired but mentally alert <sup>62</sup>
physical or mental deficiency/deficiencies	physical or mental disability/disabilities <sup>63</sup>
physiological defect or deficiency	physiological impairment <sup>64</sup>
productive usefulness/social and economic usefulness	social and economic participation <sup>65</sup>

<sup>58</sup> 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.

<sup>59</sup> R.C. 5119.70.

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

<sup>61</sup> R.C. 2127.05; consistent with definition of "incompetent" in R.C. 2111.01, not in the act.

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

<sup>63</sup> R.C. 4111.06 and 4141.01(B)(3)(h)(iii).

<sup>64</sup> R.C. 955.011(B)(1).

<sup>65</sup> R.C. 3335.50, 3335.51, and 3335.55.

Disability and Mental Illness Terminology Changes	
Previous term/phrase	Current term/phrase
severely mentally disabled children, adolescents, and adults	persons with severe mental disabilities <sup>66</sup>
severely mentally disabled persons	persons with severe mental disabilities <sup>67</sup>
the sick and disabled of the township/municipal corporation	persons of the township/municipal corporation who are sick or have disabilities <sup>68</sup>
special equipment for persons with disabilities	accessible equipment for persons with disabilities <sup>69</sup>
special license plates	accessible license plates <sup>70</sup>
special needs	needs <sup>71</sup>
special parking locations	accessible parking locations <sup>72</sup>
suffers from/suffering/suffered from [a disease/disability]	has/having; <sup>73</sup> with; <sup>74</sup> experiences/experiencing <sup>75</sup>

---

<sup>66</sup> R.C. 340.011(A)(5).

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

<sup>68</sup> R.C. 513.05 and 749.02.

<sup>69</sup> R.C. 4503.44(A)(2) and (B).

<sup>70</sup> R.C. 4503.44 and 4511.69.

<sup>71</sup> R.C. 5104.015(V), 5104.017(V), 5104.018(R), and 5104.019(L).

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

<sup>73</sup> 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).

<sup>74</sup> R.C. 5122.36.

<sup>75</sup> 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).



## Outdated provisions

In addition to the above changes, the act 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 act 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.<sup>76</sup>

### Braille teachers

Ohio law previously required 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 act 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 act corrects this so that braille teacher standards in Ohio are created in reference to those adopted by the NLS for braille transcribers.<sup>77</sup>

### Children with Medical Handicaps Program

The act changes references to the Bureau for Children with Medical Handicaps to the name currently in use, the Children with Medical Handicaps Program.<sup>78</sup>

### Ohio Commission for the Blind

Ohio law previously contained references to the Ohio Commission for the Blind, an organization that no longer exists. The act changes these references to the Bureau of Services for the Visually Impaired, a contemporary successor organization serving a similar function.<sup>79</sup>

### Accessible parking

The act removes language clarifying that accessible parking locations are “also known as handicapped parking spaces or disability parking spaces.”<sup>80</sup> Continuing law specifies that any

---

<sup>76</sup> R.C. 955.011.

<sup>77</sup> R.C. 3319.232; National Library Service for the Blind and Print Disabled of the Library of Congress, [Braille Transcription and Proofreading Courses](#), which may be accessed by conducting a keyword “braille transcription” search on the NLS website: [loc.gov/nls](http://loc.gov/nls); National Federation of the Blind (NFB), [Braille Certification](#), which may be accessed by conducting a keyword “braille certification” search on the NFB website: [nfb.org](http://nfb.org).

<sup>78</sup> R.C. 3701.507(A)(18) and 5153.16(A)(6).

<sup>79</sup> R.C. 149.01, 3701.53(D), 5109.16, and 5109.18.

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

sign indicating an accessible parking space must not use forms of the words “handicapped” or “disabled.”<sup>81</sup>

## Commission on African-Americans

The act changes the name of the “Commission on African-American Males” to the “Commission on African-Americans.”<sup>82</sup> Further, it specifies that the Commission is required to direct its various efforts to African Americans generally rather than, as in former law, specifically to black men.<sup>83</sup>

The act transfers responsibilities for the Commission on African-Americans from the Ohio State University African American and African Studies Community Extension Center (CEC) to the university’s Bell National Resource Center, and requires the Commission to maintain its office at the Resource Center.<sup>84</sup> The Ohio State University Office of Diversity and Inclusion established the Bell National Resource Center on the African American Male in 2002 as a “centralized location to concentrate efforts to increase the retention and graduation rates of African American men” on campus.<sup>85</sup>

The responsibilities transferred to the Bell National Resource Center include a requirement to do all of the following:

- Make numerous appointments to the Commission (see “**Commission membership**,” below);<sup>86</sup>
- Appoint the Executive Director of the Commission;<sup>87</sup>
- Establish the overall policy and management of the Commission and direct, manage, and oversee the Commission;
- Develop overall policies and plans that must be implemented by the Commission;
- Prescribe duties and responsibilities of the Commission;<sup>88</sup> and
- Annually contract for a report on the status of African Americans in Ohio.<sup>89</sup>

---

<sup>81</sup> R.C. 9.54, not in the act.

<sup>82</sup> R.C. 4112.12(A), and R.C. 125.22 and 6301.10 (conforming).

<sup>83</sup> R.C. 4112.13.

<sup>84</sup> R.C. 4112.12.

<sup>85</sup> [Bell National Resource Center on the African American Male](#), which is available on the Ohio State University’s website: [osu.edu](http://osu.edu).

<sup>86</sup> R.C. 4112.12(A).

<sup>87</sup> R.C. 4112.12(D).

<sup>88</sup> R.C. 4112.12(F) and (G).

<sup>89</sup> R.C. 4112.12(H).

## Commission membership

The act adds to the Commission one new member, who must have experience in the philanthropic community. This new member must be appointed by the Bell National Resource Center in consultation with the Governor.

The act reduces to a maximum of 13 the total membership of the Commission by eliminating numerous positions, including the following ex-officio members or the ex-officio member's designee:

1. The Equal Employment Opportunity Officer of the Department of Administrative Services;
2. The Executive Director of the Ohio Civil Rights Commission; and
3. The Executive Director of the Division of Criminal Justice Services in the Department of Public Safety.

Former law required the CEC, in consultation with the Governor, to appoint four members from the private corporate sector, at least four members from the public sector, and two members from the nonprofit sector. The act eliminates all of these positions and instead requires two members to be appointed from the private corporate sector or from the nonprofit sector by the Bell National Resource Center in consultation with the Governor.<sup>90</sup>

On the act's effective date, Commission members who were appointed and are serving on that date as members from the private corporate sector, the public sector, and the nonprofit sector, cease to be members of the Commission. And the act requires that, not later than May 6, 2023, the Bell National Resource Center, in consultation with the Governor, appoint to the Commission the two members from the private corporate sector or from the nonprofit sector, and the one member with experience in the philanthropic community, that is mentioned above. Terms for these appointments are for three years. An individual whose membership on the Commission was terminated under the act may be reappointed provided that the individual meets the qualifications.<sup>91</sup>

## Technical error

As a result of a technical error, the act included a section of former law that was amended and renumbered in 1997.<sup>92</sup> The section addresses the disclosure of the identity of people who request programs or services from certain public agencies.

## Designation

The act is designated as the "Mental Health and Disability Terminology Act."

---

<sup>90</sup> R.C. 4112.12(A).

<sup>91</sup> Section 3.

<sup>92</sup> R.C. 5126.38. H.B. 629 of the 121<sup>st</sup> General Assembly renumbered R.C. 5126.38 to R.C. 5126.044, not in the act.

---

## HISTORY

Action	Date
Introduced	05-03-21
Reported, H. Health	06-09-21
Passed House (93-1)	06-16-21
Reported, S. Health	12-14-22
Passed Senate (31-1)	12-14-22
House concurred in Senate amendments (88-1)	12-14-22

---