

ENGROSSED HOUSE
BILL NO. 1304

BY: SEIKEL

AN ACT RELATING TO CHILDREN; AMENDING 56 O.S. 1981,
SECTION 302, AS RENUMBERED BY SECTION 48, CHAPTER
312, O.S.L. 1982 AND AS AMENDED BY SECTION 2,
CHAPTER 128, O.S.L. 1983 (10 O.S. SUPP. 1990,
SECTION 1408), WHICH RELATES TO DEFINITIONS; ADDING
DEFINITION OF DEVELOPMENTAL DISABILITY; AUTHORIZING
DEPARTMENT OF HUMAN SERVICES TO PROVIDE CERTAIN
PROGRAMS AND SERVICES; AND PROVIDING AN EFFECTIVE
DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 56 O.S. 1981, Section 302, as
renumbered by Section 48, Chapter 312, O.S.L. 1982 and as amended by
Section 2, Chapter 128, O.S.L. 1983 (10 O.S. Supp. 1990, Section
1408), is amended to read as follows:

Section 1408. A. "Mentally retarded person" as used in
Sections 1406 through 1424 of this title means a person afflicted
with mental defectiveness or developmental disability from birth or
from an early age to such an extent that he is incapable of managing
himself or his affairs, who for his own welfare or the welfare of
others or of the community requires supervision, control, or care,
and who is not mentally ill or of unsound mind to such an extent as
to require his certification to an institution for the mentally ill.

B. "Resident" as used in Sections 1406 through 1424 of this title shall mean a person admitted and in residence in any of the institutions named in Section 1406 of this title, or on a vacation or extended vacation status from such institution.

C. "Accreditation Council for Services for Mentally Retarded and Other Developmentally Disabled Individuals" means the national private nonprofit organization established for the purpose of promoting quality services for mentally retarded persons which is incorporated under that name.

D. "Developmental disability" as used in Sections 1406 through 1424 of this title means a severe, chronic disability of a person which:

1. is attributable to a mental or physical impairment or combination of mental and physical impairments, such as mental retardation, cerebral palsy, or autism;

2. is manifested before the person attains twenty-two (22) years of age;

3. is likely to continue indefinitely;

4. results in substantial functional limitations in three or more of the following areas of major life activity:

a. self-care,

b. receptive and expressive language,

c. learning,

d. mobility,

e. self-direction,

f. capacity for independent living, and

g. economic self-sufficiency; and

5. reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated. The term developmental disability shall not include mentally ill persons, as those persons

are defined by Section 1-103 of Title 43A of the Oklahoma Statutes,
whose sole disability is mental illness.

E. Nothing in subsection D of this section shall be construed
to render persons who are receiving services upon the effective date
of this act through programs and services for mentally retarded
persons offered by the Department of Human Services as ineligible
for such services. The Department of Human Services may provide,
within the limitations of funds and other resources available for
such purpose, programs and services for persons with developmental
disabilities who are not presently served by the Department of Human
Services.

SECTION 2. This act shall become effective September 1, 1991.

Passed the House of Representatives the 26th day of February,
1991.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1991.

President of the Senate