



# House of Representatives

General Assembly

**File No. 298**

February Session, 2012

Substitute House Bill No. 5437

*House of Representatives, April 5, 2012*

The Committee on Public Health reported through REP. RITTER, E. of the 38th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT CONCERNING THE DEFINITIONS OF MENTAL RETARDATION AND INTELLECTUAL DISABILITY.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 1-1g of the 2012 supplement to the general statutes  
2 is repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2012*):

4 (a) For the purposes of sections 17a-210b and 38a-816, "mental  
5 retardation" means [a significantly subaverage general intellectual  
6 functioning existing concurrently with deficits in adaptive behavior  
7 and manifested during the developmental period] a significant  
8 limitation in intellectual functioning and deficits in adaptive behavior  
9 that originated during the developmental period before eighteen years  
10 of age.

11 (b) For the purposes of sections 2c-2b, 4a-60, 4b-28, 4b-31, 8-2g, 8-3e,  
12 8-119t, 9-159s, 10-91f, 12-81, 17a-210, 17a-210b, 17a-215c, 17a-217 to 17a-  
13 218a, inclusive, 17a-220, 17a-226 to 17a-227a, inclusive, 17a-228, 17a-231

14 to 17a-233, inclusive, 17a-247 to 17a-247b, inclusive, 17a-270, 17a-272 to  
 15 17a-274, inclusive, 17a-276, 17a-277, 17a-281, 17a-282, 17a-580, 17a-593,  
 16 17a-594, 17a-596, 17b-226, 19a-638, 45a-598, 45a-669, 45a-670, 45a-672,  
 17 45a-674, 45a-676, 45a-677, 45a-678, 45a-679, 45a-680, 45a-681, 45a-682,  
 18 45a-683, 46a-11a to 46a-11g, inclusive, 46a-51, 46a-60, 46a-64, 46a-64b,  
 19 46a-66, 46a-70, 46a-71, 46a-72, 46a-73, 46a-75, 46a-76, 46b-84, 52-146o,  
 20 53a-46a, 53a-59a, 53a-60b, 53a-60c, 53a-61a, 53a-181i, 53a-320, 53a-321,  
 21 53a-322, 53a-323, 54-56d and 54-250, "intellectual disability" shall have  
 22 the same meaning as "mental retardation" as defined in subsection (a)  
 23 of this section.

24 (c) As used in subsection (a) of this section, ["general intellectual  
 25 functioning" means the results obtained by assessment with one or  
 26 more of the individually administered general intelligence tests  
 27 developed for that purpose and standardized on a significantly  
 28 adequate population and administered by a person or persons  
 29 formally trained in test administration; "significantly subaverage"  
 30 means an intelligence quotient more than two standard deviations  
 31 below the mean for the test;] "significant limitation in intellectual  
 32 functioning" means an intelligence quotient more than two standard  
 33 deviations below the mean as measured by tests of general intellectual  
 34 functioning that are individualized, standardized and clinically and  
 35 culturally appropriate to the individual; and "adaptive behavior"  
 36 means the effectiveness or degree with which an individual meets the  
 37 standards of personal independence and social responsibility expected  
 38 for the individual's age and cultural group [; and "developmental  
 39 period" means the period of time between birth and the eighteenth  
 40 birthday] as measured by tests that are individualized, standardized  
 41 and clinically and culturally appropriate to the individual.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2012	1-1g

**PH**            *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

There is no fiscal impact to the state or municipalities from updating the definition of "mental retardation" in the bill. The revised definition does not change eligibility for services provided through the Department of Developmental Services.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

**OLR Bill Analysis**

**sHB 5437**

***AN ACT CONCERNING THE DEFINITIONS OF MENTAL RETARDATION AND INTELLECTUAL DISABILITY.***

**SUMMARY:**

This bill updates the statutory definition of “mental retardation” to mean (1) a significant limitation in intellectual functioning and (2) deficits in adaptive behavior that originated during the developmental period before age 18.

Under the bill, “significant limitation in intellectual functioning” means an intelligence quotient (I.Q.) more than two standard deviations below the mean. An I.Q. must be measured by general intellectual function tests that are individualized, standardized, and clinically and culturally appropriate to the individual. The bill requires that adaptive behavior be measured by tests that are individualized, standardized, and clinically and culturally appropriate, but does not require that they test intellectual functions.

By law, mental retardation has the same meaning as intellectual disability in most statutes. (PA 11-16 substituted the term “intellectual disability” for mental retardation in several statutes to reflect changes in federal law and the developmental disabilities community.)

Current law defines mental retardation as a general intellectual functioning that is significantly subaverage. It must coincide with deficits in adaptive behavior and have manifested during the developmental period before age 18.

EFFECTIVE DATE: October 1, 2012

**COMMITTEE ACTION**

Public Health Committee

Joint Favorable Substitute

Yea 24 Nay 0 (03/23/2012)