

Stricken language would be deleted from and underlined language would be added to present law.
Act 214 of the Regular Session

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: S2/9/23 H2/22/23
A Bill

SENATE BILL 189

By: Senator Irvin

By: Representative L. Johnson

For An Act To Be Entitled

AN ACT TO CLARIFY THE DEFINITION OF "INTELLECTUAL AND
DEVELOPMENTAL DISABILITY" IN THE ARKANSAS CODE; AND
FOR OTHER PURPOSES.

Subtitle

TO CLARIFY THE DEFINITION OF
"INTELLECTUAL AND DEVELOPMENTAL
DISABILITY" IN THE ARKANSAS CODE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 20-48-101(4), concerning the definition of
"intellectual and developmental disability", is amended to read as follows:

(4) "Intellectual and developmental disability" means a chronic
disability of ~~a person~~ an individual that:

(A) ~~(i) Is attributable to an impairment of general
intellectual functioning or adaptive behavior, including cerebral palsy,
spina bifida, Down syndrome, epilepsy, or autism;~~

~~(ii) Is attributable to any other condition of a
person found to be closely related to intellectual and developmental
disability because the condition results in an impairment of general
intellectual functioning or adaptive behavior similar to that of a person
with an intellectual and developmental disability or requires treatment and
services similar to that required for a person with an intellectual and
developmental disability; or~~

~~(iii) Is attributable to dyslexia resulting from a~~



~~disability described in subdivision (4)(A)(i) or subdivision (4)(A)(ii) of this section;~~ a diagnosis of one (1) of the following:

(i) Cerebral palsy, as established by the results of a medical examination by the individual's primary care provider or a licensed physician;

(ii) Epilepsy, as established by the results of a neurological examination by the individual's primary care provider or a licensed physician;

(iii) Spina bifida, as established by the results of medical examination by the individual's primary care provider or a licensed physician;

(iv) Down syndrome, as established by the results of a medical examination by the individual's primary care provider or a licensed physician;

(v) Autism spectrum disorder, as established under § 20-77-124; or

(vi) Intellectual disability, as established by a full-scale standard intelligence score of seventy (70) or below, measured by a standard test designed for individual administration that is administered by a qualified professional; or

(vii) Any other condition that results in impairment of general intellectual functioning or adaptive behavior similar to an individual qualifying under subdivision (4)(A)(vi) of this section;

(B) Originates before the person attains twenty-two (22) years of age;

(C) Has continued or can be expected to continue indefinitely; and

(D) Constitutes a substantial impairment to the person's ability to function without appropriate support services, including, ~~but not limited to, planned recreational activities, medical~~ without limitation:

(i) Daily living and social activities;

~~(ii) Medical services such as physical therapy and speech therapy;~~

~~(iii) Job training; and sheltered employment or job training~~

(iv) Employment;

SECTION 2. Arkansas Code § 20-48-202(4) and (5), concerning the definitions of "individual with developmental and intellectual disability" and "intellectual and developmental disability", are amended to read as follows:

(4)~~(A)~~ "Individual with intellectual and developmental disabilities" means:

~~(i) A person with a mental deficit requiring him or her to have special evaluation, treatment, care, education, training, supervision, or control in his or her home or community, or in a state institution for persons with intellectual disabilities; or~~

~~(ii) A person with intellectual and developmental disabilities who may not exhibit an intellectual deficit on standard psychological tests but who, because of other handicaps, functions as a person with intellectual disabilities.~~

~~(B) "Individual with intellectual and developmental disabilities" does not include a person whose primary condition is caused by mental illness, emotional disturbance, physical handicap, or sensory defect a person with an intellectual and developmental disability;~~

(5) "Intellectual and developmental disability" means the same as defined in § ~~20-48-603~~ 20-48-101;

SECTION 3. Arkansas Code § 20-48-603(2), concerning the definition of "intellectual and developmental disability", is amended to read as follows:

(2)~~(A)~~ "Intellectual and developmental disability" means a ~~disability of a person that:~~

~~(i) Is attributable to an impairment of general intellectual functioning or adaptive behavior, including cerebral palsy, spina bifida, Down syndrome, epilepsy, or autism;~~

~~(ii) Is attributable to any other condition of a person found to be closely related to intellectual and developmental disability because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of individuals with intellectual and developmental disabilities or requires treatment and services similar to those required for the persons;~~

~~(iii) Is attributable to dyslexia resulting from~~

~~intellectual and developmental disability, cerebral palsy, epilepsy, or autism; and~~

~~(iv) Has continued or can be expected to continue indefinitely.~~

~~(B) “Intellectual and developmental disability” does not refer to other forms of mental disease or defect not defined in this section the same as defined in § 20-48-101;~~

/s/ Irvin

APPROVED: 3/6/23