

MODERNIZING REFERENCES TO THE DEAF, DEAFBLIND, AND HARD OF HEARING COMMUNITY

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Analysis available at
<http://www.legislature.mi.gov>

Senate Bill 690, passed by the Senate as S-1
Sponsor: Sen. Dave Robertson

Senate Bill 691 as passed by the Senate
Sponsor: Sen. Marty Knollenberg

Senate Bill 693 as passed by the Senate
Sponsor: Sen. Margaret E. O'Brien

Senate Bill 692 as passed by the Senate
Sponsor: Sen. Dale W. Zorn

Senate Bill 694, passed by the Senate as S-1
Sponsor: Sen. Rebekah Warren

House Committee: Health Policy
Senate Committee: Health Policy
Complete to 5-23-16

SUMMARY:

Senate Bills 690 to 694 would update references to what was formerly called the "deaf and dumb" or "hearing impaired" community to refer instead to the "deaf, deafblind, and hard of hearing" community in various sections of Michigan law. Along with House Bills 5182-5188 (described in *Background* below), this bill package represents efforts and recommendations of a bipartisan, bicameral legislative caucus on deaf, deafblind, and hard of hearing issues, established in Michigan in 2015.

Senate Bill 690 would amend the Michigan Telecommunications Act, which requires providers of basic local exchange service (BLES) to provide a text telephone-telecommunications device to people certified as deaf, hard of hearing, or speech impaired, at cost, and to public safety answering points. (BLES is the simplest form of landline phone service available). The bill would add *deafblind* people to the list of those who can receive this service, and update language which allows the Michigan public service commission to waive costs for the service. MCL 484.2315

Senate Bill 691 would amend the Public Health Code's definition of "practice of speech-language pathology" to include providing speech therapy to *deaf, deafblind, and hard of hearing persons and their families* rather than hearing impaired individuals and their families. MCL 333.17601

Senate Bill 692 would amend the Mental Health Code to use the terms *deaf, deafblind, and hard of hearing* persons when describing the individuals intended to be helped by the state's mental health advisory council on deafness. MCL 330.1939

Senate Bill 693 and Senate Bill 694 would change the name of the Division on Deafness Act to the *Division on Deaf, Deafblind, and Hard of Hearing Act*, and update terminology within the act. They would amend the definition for "deaf person," replace the definition

for "hearing impaired person" with "hard of hearing person," and update the terminology, and add a definition for "deafblind person." The new and amended definitions follow. MCL 408.201 and MCL 408.202.

Deaf person: a person who is not able to process information aurally, with or without amplification, and whose primary means of communication is visual or by receiving spoken language through other sensory input, including, but not limited to, lip reading, sign language, finger spelling, or reading.

Deafblind person: a person who has a combination of hearing loss and vision loss, and that combination necessitates specialized interpretation of spoken and written information in a manner appropriate to each person's dual sensory loss.

Hard of hearing person: a person who has hearing loss that ranges from mild to profound. A hard of hearing person uses his or her residual hearing, a hearing aid, a cochlear implant, hearing assistive technology, communication access real time translation (CART), speech reading, or other communication strategies and remains in the hearing world.

The bills would take effect 90 days after enactment.

BACKGROUND:

House Bills 5182 to 5188, reported from the House Health Policy Committee on March 1, 2016, comprise the remainder of the bill package updating references to "deaf and hard of hearing" individuals throughout Michigan law to refer to *deaf*, *deafblind*, and *hard of hearing* individuals instead. That bill package was passed by the full House on March 9, 2016, and by the Senate on May 18, 2016, and awaits the governor's signature.

House Bill 5182 would amend Public Act 116 of 1893 to clarify that the Michigan School for the Deaf in Flint is an institution for educating the deaf, and not the "deaf and dumb." MCL 393.51

House Bills 5183, 5184, and 5188 would amend sections of the Division on Deafness Act to replace references to "deaf and dumb" and "hearing impaired" with "Deaf, DeafBlind, and Hard of Hearing." Those sections apply to the necessary qualifications for the director and advisory counsel for the Division on Deaf, DeafBlind, and Hard of Hearing (DODDBHH) within the Michigan Department of Labor, and the responsibilities of the Division. MCL 408.203, 408.205, and 408.204, respectively

House Bill 5185 would amend the section of the Michigan Penal Code which makes it a misdemeanor to falsely represent oneself as disabled, or unable or less able to see or hear for the purpose of obtaining money or anything of value. The bill would change the current language to prohibit falsely representing oneself as "blind, deaf-blind, deaf, or hard of hearing or as a person who has a disability." The bill would also retain the classification of

this behavior as a misdemeanor, but add the penalty, which would be imprisonment for not more than 90 days or a fine of not more than \$500, or both. MCL 750.221

House Bill 5186 would amend the Revised School Code to change the language regarding a deaf, deafblind, or hard of hearing person's ability to receive a teaching certificate to teach members of that community, by replacing references to "hearing impaired" students with students who are "deaf, deafblind, and hard of hearing." MCL 380.1534

House Bill 5187 would amend Public Act 44 of 1899, which applies to laws, documents, and reports. Currently, certain people, officers, and municipalities must deliver documents distributed by the Michigan Secretary of State to their successors in office. The bill would retain that requirement, as well as the penalty of up to 90 days imprisonment or a fine of up to \$50, or both, for the misdemeanor of failing to deliver those documents to a successor. However, it would remove the language stating that "township and county officers receiving the abstract of reports of county superintendents of the poor, of sheriffs, or of the insane, deaf, dumb and blind, shall not be required to pass them over to their successors." MCL 24.34

FISCAL IMPACT:

Senate Bills 690 to 694 would have no fiscal impact on state or local units of government.

Legislative Analyst: Jennifer McInerney
Fiscal Analyst: Bethany Wicksall
Samuel Christensen
Perry Zielak
Kevin Koorstra
Susan Frey
Paul B.A. Holland

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.