



**Senate Fiscal Agency**  
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**BILL ANALYSIS**



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Senate Bill 690 through 694 (as enacted)  
House Bill 5182 through 5188 (as enacted)  
Sponsor: Senator Dave Robertson (S.B. 690)  
Senator Mary Knollenberg (S.B. 691)  
Senator Dale W. Zorn (S.B. 692)  
Senator Margaret E. O'Brien (S.B. 693)  
Senator Rebekah Warren (S.B. 694)  
Representative Martin Howrylak (H.B. 5182)  
Representative John Bizon, M.D. (H.B. 5183)  
Representative Jim Runestad (H.B. 5184)  
Representative Amanda Price (H.B. 5185)  
Representative Winnie Brinks (H.B. 5186)  
Representative George Darany (H.B. 5187)  
Representative Phil Phelps (H.B. 5188)

Senate Committee: Health Policy  
House Committee: Health Policy

Date Completed: 7-20-16

**PUBLIC ACTS 237-241 of 2016**  
**PUBLIC ACTS 129-135 of 2016**

### **RATIONALE**

Over time, the terminology used to refer to people with varying degrees of hearing capacity has changed. Today, a number of historically common terms, such as "hearing impaired" and "dumb", are widely considered outdated or offensive. Thus, it was suggested that these phrases be removed from Michigan statutes in favor of other terms that are preferred presently: "deaf", "deafblind", and "hard of hearing".

### **CONTENT**

**Senate Bills 690 through 694 and House Bills 5182 through 5188 amend various statutes to refer to "deaf", "deafblind", and "hard of hearing", rather than "deafness" and "hearing impaired".**

Senate Bills 690 through 694 will take effect on September 22, 2016. House Bills 5182 through 5188 will take effect on August 24, 2016.

Senate Bill 690 amends the Michigan Telecommunications Act to do the following:

- Require a provider of basic local exchange service to provide a text telephone-communications device, at cost, to a deafblind person (in addition to a deaf, hard of hearing, or speech-impaired person, as required currently).
- Refer to individuals who are deaf, deafblind, hard of hearing, or speech-impaired in a provision allowing the Public Service Commission to waive the cost of the device to individuals who are deaf or severely hearing-impaired or speech-impaired.

Senate Bill 691 amends the Public Health Code to refer to deaf, deafblind, and hard of hearing people, rather than hearing-impaired individuals, in the definition of "practice of speech-language pathology".

Senate Bill 692 amends the Mental Health Code to refer to deaf, deafblind, and hard of hearing people, rather than deaf and hearing-impaired people, in provisions establishing the responsibilities of the State Mental Health Advisory Council on Deafness.

Senate Bill 693 changes the name of the Division on Deafness Act to the "Division on Deaf, DeafBlind, and Hard of Hearing Act".

Senate Bill 694 revises definitions of several terms used in the Division on Deafness Act. Specifically, the bill does the following:

- Refers to the Division on Deaf, DeafBlind, and Hard of Hearing, rather than the Division on Deafness.
- Refers to the Advisory Council on Deaf, DeafBlind, and Hard of Hearing, rather than the Advisory Council on Deafness.
- Revises the definition of "deaf person".
- Defines "deafblind person" as a person who has a combination of hearing and vision loss that necessitates specialized interpretation of spoken and written information in a manner appropriate to each person's dual sensory loss.
- Deletes the term "hearing-impaired person" and instead defines "hard of hearing person".

Currently, "deaf person" means a person whose hearing is totally impaired or, with or without amplification, is so seriously impaired that the primary means of receiving spoken language is through other sensory input. Under the bill, "deaf person" means 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.

The Act defines "hearing-impaired person" as a person who has hearing loss that ranges from mild to profound. Under the bill, this definition applies to the term "hard of hearing person". The bill specifies that a hard of hearing person uses his or her residual hearing, a hearing aid, cochlear implant, hearing assistive technology, communication access realtime translation (CART), speech reading, or other communication strategies and remains in the hearing world.

House Bill 5182 amends Public Act 116 of 1983, which governs the Michigan School for the Deaf, to require the State to maintain the School for the purpose of educating the deaf, rather than the deaf and dumb as currently required.

House Bill 5183 amends the Division on Deafness Act to do the following:

- Refer to the Division on Deaf, DeafBlind, and Hard of Hearing, rather than the Division on Deafness, in a provision establishing the Division within the Department of Civil Rights.
- Refer to deaf, deafblind, and hard of hearing people, rather than hearing-impaired people, in a provision specifying the population the Department is to protect and assist.

House Bill 5184 amends the Division on Deafness Act to do the following:

- Refer to the Advisory Council on Deaf, DeafBlind, and Hard of Hearing, rather than the Advisory Council on Deafness, in a provision establishing the Advisory Council within the Department of Civil Rights.
- Refer to deaf, deafblind, and hard of hearing people, rather than hearing-impaired people, in a provision specifying the matters on which the Advisory Council is to advise the Division.

House Bill 5185 amends the Michigan Penal Code to refer to a person who falsely represents himself or herself as blind, deaf, deafblind, or hard of hearing or as a person who has a disability, in a provision making it a misdemeanor to falsely represent oneself as blind, deaf, dumb, crippled, or physically defective for the purpose of obtaining money or anything of value.

House Bill 5186 amends the Revised School Code to refer to deaf, deafblind, or hard of hearing people, rather than hearing-impaired people, in a provision pertaining to issuance of a limited

teaching certificate to an individual who has successfully completed student teaching experience in a program serving hearing-impaired students.

House Bill 5187 amends Public Act 44 of 1899 (which governs the publication and distribution of State laws, documents, and reports) to delete language exempting a township or county officer receiving the abstracts of reports of county superintendents of the poor, of sheriffs, or of the insane, deaf, dumb, and blind, from a requirement that public officers deliver certain documents to their successors in office.

(The Act requires the Secretary of State to distribute certain State publications to various public officials. A person or officer who receives any of the books distributed by the Secretary of State that the Act requires him or her to retain, and each city, village, township, and county officer, must deliver them to his or her successor in office. A person who does not do so is liable to the successor for the cost of replacing the books and the cost of any action brought by the county prosecutor. A person who knowingly and willfully retains the books or refuses to deliver them to the successor officer is guilty of a misdemeanor punishable by imprisonment for up to 90 days and/or a maximum fine of \$50.)

House Bill 5188 amends the Division on Deafness Act to do the following:

- Refer to deaf, deafblind, and hard of hearing people, rather than hearing-impaired people, in provisions establishing the Division's duties.
- Require the Division to coordinate with State agencies, the Legislature, and the Governor on requests for direct interpreter service, rather than provide the services to those entities.

MCL 484.2315 (S.B. 690)  
333.17601 (S.B. 691)  
330.1939 (S.B. 692)  
408.201 (S.B. 693)  
408.202 (S.B. 694)  
393.51 (H.B. 5182)  
408.203 (H.B. 5183)  
408.205 (H.B. 5184)  
750.221 (H.B. 5185)  
380.1584 (H.B. 5186)  
24.34 (H.B. 5187)  
408.204 (H.B. 5188)

## **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

### **Supporting Argument**

A number of the terms used currently in Michigan law marginalize deaf, deafblind, and hard of hearing people, and fail to distinguish between these different groups and their varied backgrounds, needs, and perspectives. For example, many people reject the term "hearing impaired" because they feel that it defines them by what they are not able to do and implies that they are inferior to hearing people. Likewise, the term "dumb" historically has been employed to indicate that deaf, deafblind, and hard of hearing people lack intelligence and are incapable of communicating, learning, and engaging in reasoned thinking. Rather than reflecting the undesired and offensive labels imposed on deaf, deafblind, and hard of hearing people, State law should employ the current terminology by which these individuals have chosen to identify themselves. Although these changes in language will not directly resolve the significant challenges deaf, deafblind, and hard of hearing individuals face, such as barriers to education and health care access, they are an important step toward ensuring that all people, regardless of hearing status, are treated with the respect they deserve as human beings.

Legislative Analyst: Julie Cassidy

## **FISCAL IMPACT**

### **Senate Bills 690 to 694, House Bills 5182 to 5186, and House Bill 5188**

The bills will have no fiscal impact on State or local government.

### **House Bill 5187**

The bill may result in minimal savings to the Department of State if fewer books or manuals have to be replaced due to the bill.

Fiscal Analyst: Ellyn Ackerman  
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.