

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

SENATE BILL 189

5 By: Senator Irvin  
6 By: Representative L. Johnson  
7

## For An Act To Be Entitled

9 AN ACT TO CLARIFY THE DEFINITION OF "INTELLECTUAL AND  
10 DEVELOPMENTAL DISABILITY" IN THE ARKANSAS CODE; AND  
11 FOR OTHER PURPOSES.  
12  
13

## Subtitle

15 TO CLARIFY THE DEFINITION OF  
16 "INTELLECTUAL AND DEVELOPMENTAL  
17 DISABILITY" IN THE ARKANSAS CODE.  
18  
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

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

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

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

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

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



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

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

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

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

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

15 (v) Autism spectrum disorder, as established under §  
16 20-77-124; or

17 (vi) Intellectual disability, as established by:

18 (a) Deficits in adaptive behavior; and

19 (b) For individuals:

20 (1) From birth to five (5) years of age,  
21 a score on an age-appropriate standardized assessment administered within the  
22 past twelve (12) months that indicates a developmental delay of twenty-five  
23 percent (25%) of the child's chronological age or greater in two (2) or more  
24 of the following developmental domains:

25 (A) Cognitive;

26 (B) Communication;

27 (C) Adaptive;

28 (D) Social or emotional; or

29 (E) Physical; or

30 (2) Five (5) years of age and older, a  
31 full-scale standard intelligence score of seventy (70) or below as measured  
32 by a standard test designed for individual administration;

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

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

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

4 (i) Daily living and social activities;

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

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

9 (iv) Employment;

10  
11 SECTION 2. Arkansas Code § 20-48-202(4) and (5), concerning the  
12 definitions of "individual with developmental and intellectual disability"  
13 and "intellectual and developmental disability", are amended to read as  
14 follows:

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

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

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

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

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

31  
32 SECTION 3. Arkansas Code § 20-48-603(2), concerning the definition of  
33 "intellectual and developmental disability", is amended to read as follows:

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

36 ~~(i) Is attributable to an impairment of general~~

1 ~~intellectual functioning or adaptive behavior, including cerebral palsy,~~  
2 ~~spina bifida, Down syndrome, epilepsy, or autism;~~

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

9 ~~(iii) Is attributable to dyslexia resulting from~~  
10 ~~intellectual and developmental disability, cerebral palsy, epilepsy, or~~  
11 ~~autism; and~~

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

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

17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36