

Stricken language would be deleted from and underlined language would be added to present law.

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

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

# 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.  
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19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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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 a  
18 full-scale standard intelligence score of seventy (70) or below, measured by  
19 a standard test designed for individual administration that is administered  
20 by a qualified professional; or

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

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

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

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

31 (i) Daily living and social activities;

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

34 (iii) Job training; and sheltered employment or job  
35 training

36 (iv) Employment;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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*/s/ Irvin*

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