

**SENATE BILL No. 375**

By Committee on Corrections and Juvenile Justice

1-27

1 AN ACT concerning intellectual disability; relating to the definition of  
2 significantly subaverage general intellectual functioning; amending  
3 K.S.A. 2015 Supp. 76-12b01 and repealing the existing section.  
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2015 Supp. 76-12b01 is hereby amended to read as  
7 follows: 76-12b01. When used in this act:

8 (a) "Adaptive behavior" means the effectiveness or degree with which  
9 an individual meets the standards of personal independence and social  
10 responsibility expected of that person's age, cultural group and community.

11 (b) "Care" means supportive services, including, but not limited to,  
12 provision of room and board, supervision, protection, assistance in  
13 bathing, dressing, grooming, eating and other activities of daily living.

14 (c) "Institution" means a state institution for people with intellectual  
15 disability including the following institutions: Kansas neurological  
16 institute and Parsons state hospital.

17 (d) "Intellectual disability" means significantly subaverage general  
18 intellectual functioning existing concurrently with deficits in adaptive  
19 behavior ~~and manifested during the period from birth to age 18.~~

20 (e) "Respite care" means temporary, short-term care not exceeding 90  
21 days per calendar year to provide relief from the daily pressures involved  
22 in caring for a person with intellectual disability.

23 (f) "Restraint" means the use of a totally enclosed crib or any material  
24 to restrict or inhibit the free movement of one or more limbs of a person  
25 except medical devices which limit movement for examination, treatment  
26 or to insure the healing process.

27 (g) "Seclusion" means being placed alone in a locked room where the  
28 individual's freedom to leave is thereby restricted and where such  
29 placement is not under continuous observation.

30 (h) "Secretary" means the secretary for aging and disability services  
31 or the designee of the secretary.

32 (i) "Significantly subaverage general intellectual functioning" ~~means~~  
33 *may be established by* performance which is two or more standard  
34 deviations from the mean score on a standardized intelligence test  
35 specified by the secretary. *Such standardized intelligence test shall take*  
36 *into account the standard error of measurement, and ~~such test shall not be~~*

1 ~~solely determinative of significantly subaverage general intellectual-~~  
2 ~~functioning subaverage general intellectual functioning may be~~  
3 ~~established by means in addition to standardized intellectual testing. The~~  
4 ~~amendments made to this subsection by this act shall be construed and~~  
5 ~~applied retroactively.~~

6 (j) "Superintendent" means the chief administrative officer of the  
7 institution or the designee of the chief administrative officer.

8 (k) "Training" means the provision of specific environmental,  
9 physical, mental, social and educational interventions and therapies for the  
10 purpose of halting, controlling or reversing processes that cause, aggravate  
11 or complicate malfunctions or dysfunctions of development.

12 Sec. 2. K.S.A. 2015 Supp. 76-12b01 is hereby repealed.

13 Sec. 3. This act shall take effect and be in force from and after its  
14 publication in the statute book.