

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

751T0142

SENATE BILL NO. 131

Introduced by: Senator Lederman and Representative Miller

1 FOR AN ACT ENTITLED, An Act to expand the definition of a developmental disability.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 27B-1-18 be amended to read as follows:

4 27B-1-18. A developmental disability is any severe, chronic disability of a person that:

5 (1) Is attributable to a mental or physical impairment or combination of mental and
6 physical impairments;

7 (2) Is manifested before the person attains age twenty-two;

8 (3) Is likely to continue indefinitely;

9 (4) Results in substantial functional limitations in three or more of the following areas
10 of major life activity: self-care, receptive and expressive language, learning, mobility,
11 self-direction, capacity for independent living, and economic self-sufficiency or,
12 results in one or more functional limitations so substantial that, without assistance,
13 the person would be unable to care for oneself on a daily basis, would pose a danger
14 to others, or would pose a danger to self; and

15 (5) Reflects the person's need for an array of generic services, met through a system of



1 individualized planning and supports over an extended time, including those of a
2 life-long duration.

3 Section 2. That § 27B-2-23 be amended to read as follows:

4 27B-2-23. Any person with a developmental disability or any other interested person may
5 make application for department services by contacting in person or in writing any official state
6 or field office of the Department of Human Services and participating in an evaluation which
7 may include mental, physical, ~~and~~ or educational assessments so that the department may
8 determine if services are needed. The department shall consider an applicant's overall ability to
9 care for oneself without assistance when determining if services are needed.