Sterilization of the Mentally Ill and the Mentally Retarded.
National Association of State Mental Health Program Directors, Washington, D. C.
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5p.

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*Exceptional Child Services; *Medical Treatment;
*Mentally Handicapped; *National Surveys; *Sex Education

Reported were the results of a survey on the sterilization of the mentally ill and the mentally retarded. Thirty-three states responded to the survey. It was found that 17 states have a sterilization statute, but the existence of the statute was explained not to mean that the procedure was used. Sixteen states responded that they did not have a sterilization statute. Of those states replying to the survey, none reported strong pressures either for or against sterilization statutes. (CB)
Sterilization of the Mentally Ill and the Mentally Retarded

33 states responded to this survey:

- 17 States replied that they have a sterilization statute. The existence of the statute does not mean that the procedure is used, however.
- 16 States do not have a sterilization statute.
- Of those states that responded to this survey, none reported strong pressures either for or against sterilization statutes.

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Office of Education

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## Part 1

### The Following States Have A Sterilization Statute

<table>
<thead>
<tr>
<th>State</th>
<th>Extent To Which The Statute Has Been Used</th>
</tr>
</thead>
</table>
| Alabama     |Partlow State School & Hospital - none since 1934  
Bryce State Hospital - none in recent history  
Searcy State Hospital - none in recent history |
| Alaska      |Alaska has accomplished some sterilization procedures  
on the mentally retarded but, so far, there is no  
pressure to do anything on the statutes concerning  
mental illness or mental retardation this year. |
| Arizona     |Arizona has a long-standing statute providing for  
sterilization. There have been no sterilizations  
for the last few years. |
| Arkansas    |(No additional comments) |
| California  |For both mentally ill and mentally retarded patients,  
authorizations for sterilizations were obtained for:  
19 patients in 1966  
9 patients in 1967  
15 patients in 1968  
4 patients in 1969  
7 patients in 1970 |
| Delaware    |(No additional comments) |
| Georgia     |A few sterilizations  
No pressure has developed either for or against  
sterilizations |
| Michigan    |Occasionally - no central recording of sterilizations  
No pressure has developed over sterilizations |
| New Hampshire|None in the past 10 years  
No pressure has developed either for or against  
sterilization |
| North Carolina|North Carolina still has its Eugenics Board where  
cases regarding sterilization of both mentally ill  
and mentally retarded persons are reviewed  
Between 1964 and 1970 1531 petitions for operations  
were presented and 1220 operations were authorized  
/includes MR, MI and epilepsy; in 1967 epilepsy was  
removed). Sterilization is almost always voluntary  
with consent given either by the patient, the  
next of kin or both. |
| North Dakota|A new sterilization code was enacted by the 1967  
Legislative Assembly (an earlier statute was re-  
pealed by the 1965 Legislative Assembly). |
<table>
<thead>
<tr>
<th>STATE</th>
<th>EXTENT TO WHICH THE STATUTE HAS BEEN USED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oklahoma</td>
<td>Oklahoma has statutes on sterilization; however, this procedure is not used.</td>
</tr>
<tr>
<td>Oregon</td>
<td>60 from 1962 - 1965(MR); Very few for MI No pressure has developed over sterilization</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Sterilization of the MI and MR in S.C. is covered in the S.C. Code of Laws, Article 7, Section 32-671 - 32-678 31 sterilizations performed July 25, 1966 - May 31, 1971 (19 were MR cases from State's Training School; 12 were patients from two state hospitals)</td>
</tr>
<tr>
<td>West Virginia</td>
<td>(There is a statute on the sterilization of defectives) Three new bills regarding sterilization were introduced in the 1971 session of the West Virginia Legislature, but none of the bills passed. All of the bills introduced on this subject were referred to a joint committee composed of members of the House and Senate for further study.</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>16 MR from 1961-1964; none since A bill is now pending in the legislature which would repeal sterilization law.</td>
</tr>
</tbody>
</table>
## THE FOLLOWING STATES DO NOT HAVE A STERILIZATION STATUTE

<table>
<thead>
<tr>
<th>STATE</th>
<th>COMMENTS</th>
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</thead>
<tbody>
<tr>
<td>Colorado</td>
<td>Colorado has no laws which specifically pertain to sterilization of the mentally ill or retarded. A few such people in recent years have been sterilized, some at their own request and a few others, especially in the case of the mentally retarded, were sterilized after parental permission had been obtained. There has been no pressure by any group for or against sterilization.</td>
</tr>
<tr>
<td>D.C.</td>
<td>No pressures for the District of Columbia at this time</td>
</tr>
<tr>
<td>Florida</td>
<td>(No additional comments)</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Some interest in family planning</td>
</tr>
<tr>
<td>Kansas</td>
<td>Until 1965 there was a statute covering sterilization. Now sterilization procedures for MI or MR patients are the same as for any citizen in the state.</td>
</tr>
<tr>
<td>Louisiana</td>
<td>No pressure has developed either for or against sterilization</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Massachusetts has no sterilization statute. This procedure is handled as any other operative procedure, that is, it requires consent of the person or his parent or guardian. If there is assent from the person if competent, and his parents or legal guardian if not competent, the operation may be done if it is therapeutically indicated. The D.M.H. is not aware of any organized pressure on the sterilization issue.</td>
</tr>
<tr>
<td>Missouri</td>
<td>(No additional comments)</td>
</tr>
<tr>
<td>New Jersey</td>
<td>New Jersey Statutes Title 30:11-9: &quot;Practices Contrary to Beliefs of Religious Denominations; Facilities Available in Vicinity; Healing by Prayer; in which it is expressly forbidden to the licensing agency to have the power or authority to require any hospital to practice or permit sterilization, euthanasia, birth control or any other similar practice contrary to the dogmatic or moral beliefs of any well established religious body or denomination, etc. It is also a crime to sterilize a mental defective for that reason.&quot;</td>
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<tr>
<td>New York</td>
<td>No pressure either for or against sterilization</td>
</tr>
<tr>
<td>Ohio</td>
<td>No pressure has developed either for or against sterilization</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>No pressure either for or against sterilization has occurred</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>(No additional comments)</td>
</tr>
<tr>
<td>Texas</td>
<td>No pressure being exerted for a statute</td>
</tr>
<tr>
<td>Wyoming</td>
<td>No pressure has developed</td>
</tr>
</tbody>
</table>

### STATE RESPONSE NOT AS YET RECEIVED:

- Connecticut
- Guam
- Idaho
- Illinois
- Indiana
- Iowa
- Kentucky
- Maine
- Maryland
- Minnesota
- Mississippi
- Montana
- Nevada
- New Mexico
- Puerto Rico
- South Dakota
- Tennessee
- Utah
- Vermont
- Virgin Islands
- Washington

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