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safety provisions. The result is a hodge-podge of administrative decisions which give the epileptic no real assurance of what standards he must meet to drive. This may encourage evasion by those who should not drive and work a hardship on those who are capable of driving without risk to themselves or others but are barred from doing so by unrealistic interpretation of the law.

Statutes of only five states set definite licensing standards that must be met by persons with epilepsy. These are Illinois, Montana, Ohio, Wisconsin, and Utah.

*This pamphlet highlights The Legal Rights of Persons with Epilepsy, 1965 edition, which covers each subject in detail, citing relevant state laws and administrative policies. Because of its detailed legal form, it is not recommended for the casual reader. Copies are available, however, to persons who would find it a useful working tool.*

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A Charitable, Non-Profit Organization

# EPILEPSY

## A Survey of State Laws

(1965 Revision)

In many states, law or administrative policy restricts the rights of persons with epilepsy to drive, to marry and to have children. Workmen's Compensation Laws often fail to encourage employers to hire epileptics as they do persons with other handicaps.

To determine the nature of all state laws related to epilepsy, The Epilepsy Foundation sponsors a continuing study of statutes and administrative practices. Results are reported in full in *The Legal Rights of Persons with Epilepsy*, 1965 edition. This leaflet is a brief summary of the contents of that document.

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## **Sterilization**

Sterilization laws of 14 states apply to people with epilepsy. In Arizona, Delaware, Indiana, Iowa, Kansas, Mississippi, Montana, New Hampshire, North Carolina, Oklahoma, South Carolina, Utah, Virginia and West Virginia, administrators of state institutions may legally sterilize epileptic inmates. North Carolina and Utah also permit sterilization of non-institutionalized epileptics under certain con-

ditions. Iowa allows sterilization of persons who would be likely to produce children having an inherited tendency to epilepsy, but that provision has never been enforced.

## **Marriage**

Three states have laws dealing with marriage of people with epilepsy. West Virginia prohibits epileptics from marrying under any conditions. North Carolina requires that epileptics be sterilized before they may be issued a marriage license.

Virginia prohibits marriage of institutionalized or adjudged epileptics. It also bars licensing of "hereditary" epileptic women under age 45 and "hereditary" epileptic men of any age, unless their marriage partner is over 45 years old.

## **Workmen's Compensation**

Many persons with epilepsy must face the dreary prospect of chronic unemployment—not because they are inefficient, but because of employers' unfounded fear they will be accident prone, thus causing in-

creases in the insurance premiums for workmen's compensation.

Workmen's Compensation Laws which do not specifically mention epilepsy are at the heart of this difficulty.

Ordinarily, if a handicapped worker is hired and suffers a disabling accident, his injury is considered a "second" disability, compensated for from special funds. His employer is not assigned a higher insurance rate because of such an accident.

"Second Injury Fund" laws exist in 46 states and the District of Columbia to encourage hiring the handicapped, but persons who suffer from epilepsy are specifically covered under these laws in only Kansas and Ohio, although they may be covered by interpretation in other states.

## **Driver Licensing**

Driver licensing standards for persons with epilepsy are set by motor vehicle administrators in most states, under laws covering general