

## ADA Amendments Act Expands Definition, Interpretation of Disability

President Bush has signed the ADA Amendments Act of 2008 (ADAAA) into law. It will expand interpretation of the ADA's coverage, reversing a trend toward narrow construction that began with a string of U.S. Supreme Court decisions starting in 1999.

Under the ADAAA, the term "disability" will be expanded by several new rules of construction, including:

- providing that the term must be construed in favor of broad coverage of individuals;
- clarifying that an impairment that substantially limits one major life activity need not limit other major life activities to be a disability;
- protecting individuals suffering from episodic impairments or impairments that are in remission, so long as the impairment would substantially limit a major life activity when active; and
- excluding consideration of the ameliorative effects of measures such as medication or treatment when determining whether an impairment substantially limits a major life activity.

The ADAAA also provides an extensive list of the tasks that constitute "major life activities," including physical tasks such as walking, standing, and lifting; mental tasks such as learning, reading, and thinking; and even the operation of major bodily functions, such as immune system functions, cell growth, and reproductive functions.

Finally, the ADAAA defines the requirements of being "regarded as having an impairment," specifying that individuals who are subjected to discrimination prohibited by the ADA, whether or not an actual or perceived impairment does limit the individual's major life activities, will still be regarded as having an impairment.

The amendments become effective January 1, 2009.