THINGS TO KNOW ABOUT ADA & ADAA

- An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such impairment, or a person who is perceived by others as having such impairment.

- The ADAAA became effective on January 1, 2009.

- Are the ADAAA changes major?
  The ADAAA retains the basic definition of "disability" as an impairment that substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment. However, the ADAAA:
  - broadens the definition of "disability" by modifying key terms of that definition by:
    - expanding the definition of "major life activities";
    - redefining who is "regarded as" having a disability;
    - modifying the regulatory definition of "substantially limits";
    - specifying that "disability" includes any impairment that is episodic or in remission if it would substantially limit a major life activity when active; and
    - prohibiting consideration of the ameliorative effects of "mitigating measures" when assessing whether an impairment substantially limits a person's major life activities, with one exception.

- What is the expanded definition of "major life activities" under the ADAAA?
  Under the ADAAA, "major life activities" is expanded to include "major bodily functions." The statute contains a non-exhaustive list of "major life activities" that adds additional activities to those currently listed in the ADA and Section 503 regulations, and a non-exhaustive list of "major bodily functions." Specifically, the ADAAA provides that:
  - Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

  - Major Bodily Functions include, but are not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

How does the ADAAA define 'regarded as' having a disability?
The ADAAA redefines and dramatically expands the scope of coverage under the "regarded as" prong of the definition of "disability." To satisfy the "regarded as" standard an individual need only show that he or she has been subjected to an action prohi69f-7.7 (c) (n)0.5 (p)reMeeting the "regarded as" standard does not mean that

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