

Summary of Key Changes  
**Americans with Disabilities Act (ADA), as amended, 2008**

<u>Provision</u>	<u>Original</u>	<u>Addition effective January 1, 2009</u>
<b>Substantially Limits</b> 42 HSCA §12101(4)(B)	Term disability means a physical or mental impairment that substantially limits one or more major life activity.	"substantially limits" to be interpreted consistently with findings and purposes of ADA Amendments of 2008
<b>Major Life Activities</b> 12102(2)(A)	None	Major life activities include, and 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.
<b>Major Bodily Functions</b> 12102(2)(B)	None	Major life activity also includes the operation of a major bodily function, including and not limited to functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive.
<b>Episodic or in Remission</b> 12102(4)(D)	None	Impairments that are episodic or in remission are to be considered disabilities if they would substantially limit an individual in a major life activity when active.
<b>Mitigating Measures</b> 12102 (3)	None	Determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies; use of assistive technology; reasonable accommodation or auxiliary aids or services; or learned behavioral or adaptive neurological modifications.
<b>Regarded as</b> 12102 (3)	Term "disability" includes being regarded as having an impairment that substantially limits one or more major life activities.	An individual meets the requirement of being regarded as having a disability because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. An individual cannot be regarded as having a disability if the impairment is transitory and minor. A transitory impairment is an impairment with an actual or expected duration of six months or less. Individuals only regarded as disabled are not entitled to reasonable accommodations.

**Fundamental  
Alteration**  
12201 (f)

Discrimination includes a failure to make reasonable modifications in policies, practices or procedures when such modifications are necessary to afford such goods, services, facilities, privileges, advantages or accommodations to individuals with disabilities unless the entity can demonstrate that making such modifications would fundamentally alter the nature of such goods, services, facilities, privileges advantages or accommodations. 302(b)(2)(A)(II)

Reasonable modifications in policies, practices or procedures shall be required, unless an entity can demonstrate that making such modifications in policies, practices or procedures, including academic requirements in postsecondary education, would fundamentally alter the nature of the goods, services, facilities, privileges, advantages or accommodations involved.

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