

Bill No. SB 434

Barcode 524016

CHAMBER ACTION

Senate

House

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The Committee on Governmental Oversight and Productivity
(Sebesta) recommended the following amendment:

Senate Amendment

On page 2, line 25, through
page 4, line 14, delete those lines

and insert:

(a) Direct threat" means a significant risk to the health and safety of others which cannot be eliminated or reduced to an acceptable level. A direct threat cannot be based on generalizations or stereotypes about the effects of a particular disability; it must be based on an individual assessment that considers the particular activity and the actual abilities and disabilities of the individual. The assessment of a direct threat must be based on reasonable judgment that relies on current medical evidence, or on the best available objective evidence, to determine the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures will

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1 mitigate or eliminate the risk.

2 (b) "Housing accommodation" means any real property or
3 portion thereof which is used or occupied, or intended,
4 arranged, or designed to be used or occupied, as a home,
5 residence, or sleeping place of one or more human beings. The
6 term does not include a single-family residence if the
7 occupants rent or lease to others for compensation not more
8 than one room in the residence.

9 (c) "Individual with a disability" means a person who
10 has a physical or mental impairment that substantially limits
11 one or more of his or her major life activities, has a record
12 of such an impairment, or is regarded as having such an
13 impairment. The term does not include an individual who has
14 any of the following conditions: homosexuality, bisexuality,
15 transvestism, transsexualism, pedophilia, exhibitionism,
16 voyeurism, a gender-identity disorder not resulting from
17 physical impairments, any other sexual-behavior disorder,
18 compulsive gambling, kleptomania, pyromania, or a psychoactive
19 substance abuse disorder resulting from the current illegal
20 use of drugs, or an individual who currently engages in the
21 use of illegal drugs.

22 (d) "Major life activities" means activities that an
23 average person can perform with little or no difficulty,
24 including, but not limited to, walking, speaking, breathing,
25 performing manual tasks, seeing, hearing, learning, caring for
26 oneself, working, standing, lifting, and reading.

27 (e) "Mental impairment" means any mental or
28 psychological disorder, such as mental retardation, organic
29 brain syndrome, emotional or mental illness, and specific
30 learning disabilities.

31 (f) "Physical impairment" means a physiological

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1 disorder or condition, cosmetic disfigurement, or anatomical
2 loss affecting one or more of the following body systems:
3 neurological; musculoskeletal; sensory organs; respiratory,
4 including speech organs; cardiovascular; reproductive;
5 digestive; genitourinary; hemic and lymphatic; skin; and
6 endocrine.

7 (g) "Place of public accommodation" means a facility,
8 operated by a private person, whose operations affect commerce
9 and fall within at least one of the following categories:

10 1. An inn, hotel, motel, or other place of lodging,
11 except for an establishment located within a building that
12 contains not more than five rooms for rent or hire and that is
13 actually occupied by the proprietor of the establishment as
14 the residence of the proprietor;

15 2. A restaurant, bar, or other establishment serving
16 food or drink;

17 3. A motion picture house, theater, concert hall,
18 stadium, or other place of gathering;

19 4. An auditorium, convention center, lecture hall, or
20 other place of exhibition or entertainment;

21 5. A bakery, grocery store, clothing store, hardware
22 store, shopping center, or other sales or rental
23 establishment;

24 6. A laundromat, dry cleaner, bank, barber shop,
25 beauty shop, travel service, shoe repair service, funeral
26 parlor, gas station, office of a health care provider,
27 hospital, or other service establishment;

28 7. A terminal, depot, or other station used for
29 specified public transportation;

30 8. A museum, library, gallery, or other place of
31 public display or collection;

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1 9. A park, zoo, amusement park, or other place of
2 recreation;

3 10. A day care center, senior citizen center, homeless
4 shelter, food bank, adoption agency, or other social services
5 establishment; and

6 11. A gymnasium, health spa, bowling alley, golf
7 course, or other place of exercise or recreation.

8 (h) "Service animal" means an animal that is trained
9 to perform tasks for an individual with a disability. The
10 tasks may include, but are not limited to, guiding a person
11 who is visually impaired or blind, alerting a person who is
12 deaf or hard of hearing, pulling a wheelchair, assisting with
13 mobility or balance, alerting and protecting a person who is
14 having a seizure, retrieving objects, or performing other
15 special tasks. A service animal is not a pet.

16 (i) "Substantially limits" means renders the
17 individual unable to perform an activity compared to an
18 average person in the general population. Factors to consider
19 in determining whether an impairment substantially limits a
20 major life activity include the nature and severity of the
21 impairment, how long it will last or is expected to last, and
22 its permanent or long-term impact or expected impact.

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