**2008 Amendments to the ADA**

The 2008 amendments to the ADA inserted §12102(4)(A), which provides “The definition of disability in this Act shall be construed in favor of broad coverage of individuals under this Act, to the maximum extent permitted by the terms of this Act.” The 2008 amendments also included a note that states the purpose of the amendments are to reject the interpretation of the ADA by the Supreme Court in its decisions of Sutton v. United Air Lines, Inc., 527 U.S. 471, 119 S. Ct. 2139 (1999) and Toyota Motor Manufacturing, Kentucky, Inc. v. Williams, 534 U.S. 184 (2002).

In Toyota Motor Mfg., Kentucky, Inc. v. Williams, the Supreme Court had held that individuals claiming that their disability impairs the life activity of working must demonstrate that the condition precludes them from performing a class or a broad range of jobs, rather than simply disqualifying them from a particular job. However, the 2008 amendments to the ADA specifically rejected the narrow approach to determining whether a impairment substantially limits a major life activity taken by Toyota Motor Mfg., Kentucky, Inc. v. Williams.

The amended ADA provides “An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.”42 U.S.C.A. §12102(4)(C).

An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. 42 U.S.C.A. § 12102(4)(D).

The determination of whether an impairment substantially limits a major life activity is to be made without regard to the ameliorative effects of mitigating measures or assistive devices, other than ordinary eyeglasses or contact lenses; the court is to consider the ameliorating effects of ordinary eyeglasses or contact lenses. That provision specifically overturns the Supreme Court decision in Sutton v. United Air Lines, Inc., 527 U.S. 471, 119 S. Ct. 2139 (1999).