

**§4553-A. Physical or mental disability****1. Physical or mental disability, defined.** "Physical or mental disability" means:

## A. A physical or mental impairment that:

- (1) Substantially limits one or more of a person's major life activities;
- (2) Significantly impairs physical or mental health; or
- (3) Requires special education, vocational rehabilitation or related services; [PL 2007, c. 385, §3 (NEW).]

B. Without regard to severity unless otherwise indicated: absent, artificial or replacement limbs, hands, feet or vital organs; alcoholism; amyotrophic lateral sclerosis; bipolar disorder; blindness or abnormal vision loss; cancer; cerebral palsy; chronic obstructive pulmonary disease; Crohn's disease; cystic fibrosis; deafness or abnormal hearing loss; diabetes; substantial disfigurement; epilepsy; heart disease; HIV or AIDS; kidney or renal diseases; lupus; major depressive disorder; mastectomy; intellectual disability; multiple sclerosis; muscular dystrophy; paralysis; Parkinson's disease; pervasive developmental disorders; rheumatoid arthritis; schizophrenia; and acquired brain injury; [PL 2011, c. 542, Pt. A, §3 (AMD).]

C. With respect to an individual, having a record of any of the conditions in paragraph A or B; or [PL 2007, c. 385, §3 (NEW).]

D. With respect to an individual, being regarded as having or likely to develop any of the conditions in paragraph A or B. [PL 2007, c. 385, §3 (NEW).]

[PL 2011, c. 542, Pt. A, §3 (AMD).]

**2. Additional terms.** For purposes of this section:

A. The existence of a physical or mental disability is determined without regard to the ameliorative effects of mitigating measures such as medication, auxiliary aids or prosthetic devices; and [PL 2007, c. 385, §3 (NEW).]

B. "Significantly impairs physical or mental health" means having an actual or expected duration of more than 6 months and impairing health to a significant extent as compared to what is ordinarily experienced in the general population. [PL 2007, c. 385, §3 (NEW).]

[PL 2007, c. 385, §3 (NEW).]

**3. Exceptions.** "Physical or mental disability" does not include:

A. Pedophilia, exhibitionism, voyeurism, sexual behavior disorders, compulsive gambling, kleptomania, pyromania or tobacco smoking; [PL 2007, c. 385, §3 (NEW).]

B. Any condition covered under section 4553, subsection 9-C; or [PL 2007, c. 385, §3 (NEW).]

C. Psychoactive substance use disorders resulting from current illegal use of drugs, although this may not be construed to exclude an individual who:

- (1) Has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs or has otherwise been rehabilitated successfully and is no longer engaging in such use;
- (2) Is participating in a supervised rehabilitation program and is no longer engaging in such use;
- (3) Is erroneously regarded as engaging in such use, but is not engaging in such use; or
- (4) In the context of a reasonable accommodation in employment, is seeking treatment or has successfully completed treatment. [PL 2007, c. 385, §3 (NEW).]

[PL 2007, c. 385, §3 (NEW).]

## SECTION HISTORY

PL 2007, c. 385, §3 (NEW). PL 2011, c. 542, Pt. A, §3 (AMD).

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