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disability civil rights
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DISABILITY RIGHTS EDUCATION & DEFENSE FUND

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Legislative Update

DREDF eNews

Dear Friends,

Moving forward a disability rights legislative agenda in Washington has been challenging this year, but advocates have done just that and have much to celebrate including the ADA Amendments Act of 2008, the Paul Wellstone Mental Health and Addiction Equity Act, and the Genetic Information Nondiscrimination Act.

In California, however, the governor vetoed over 300 bills passed with bipartisan support by the state legislature including a bill drafted by DREDF, S.B. 1198 - Durable Medical Equipment. S.B. 1198 would have required private insurers to remove benefit limits on durable medical equipment. The governor did sign two bills of interest to the disability community: A.B. 2747 - End-of-Life Care and S.B. 1608 - Disabled Persons Equal Access Rights. A.B. 2747, a bill opposed by many in the disability community, reflects a strategy change for assisted suicide proponents and paves the way for their future efforts. S.B. 1608 is designed to reduce litigation and increase compliance with state and federal civil rights laws providing for equal access for individuals with disabilities in public accommodations.

2008 Federal Legislation

- ADA Amendments Act of 2008

The ADA Amendments Act of 2008 restores civil rights protections to many people with disabilities in the workplace. The legislation overturned four Supreme Court decisions that have inappropriately narrowed the protections of the ADA. The organizations listed under **Resources** to the right worked diligently to restore the ADA. Find out more about the ADA Amendments Act by visiting the [DREDF Public Policy and Legislation web pages](#).

- Paul Wellstone Mental Health and Addiction Equity Act

For over a decade, mental health advocacy groups fought to increase health care coverage for treatment of mental health disabilities. Finally, this year Congress enacted the Mental Health and Addiction Equity Act, which requires most group health plans to provide coverage for treatment of mental health disabilities that is comparable to coverage for other illnesses and conditions. [The New York Times](#) provides a good overview of the bill.

- Genetic Information Nondiscrimination Act

The Genetic Information Nondiscrimination Act (GINA) will protect Americans against discrimination by health insurers and employers based on genetic information. The new law allows people to benefit from the developing field of personalized medicine without fearing reprisals. The new law had been under consideration by Congress for the past 13 years. For more information visit the [National Human Genome Research Institute](#).

Resources

ADA Amendments Act of 2008:

[American Association of People with Disabilities](#)

[American Diabetes Association](#)

[Epilepsy Foundation](#)

[Georgetown Law ArchiveADA: The Path to Equality](#)

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Combined Federal Campaign
#11944

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2008 California Legislation

- S.B. 1198 - Durable Medical Equipment

S.B. 1198 would have required private insurers in California to remove benefit limits on durable medical equipment. The average benefit limit on DME in California is around \$2,000, much too little to purchase a motorized wheelchair, certain assistive breathing devices and numerous other adaptive aids people with disabilities require to live safe, healthy, independent lives. Governor Schwarzenegger vetoed this bill, which the state legislature passed with bipartisan support. For more information on S.B. 1198 visit [DREDF's Access to Healthcare webpage](#).

- A.B. 2747 - End-of-Life Care

This new California law represents a strategy change for assisted suicide proponents and paves the way for their future efforts. As part of a coordinated national campaign promoting the culture and legalization of assisted suicide, the pro-assisted suicide group Compassion and Choices (C&C) is also supporting similar legislation, H. 804 which was introduced earlier this year in the Vermont legislature. Not only are these bills meant to make future assisted suicide legalization easier, they complicate and endanger the sensitive relationship between doctors and their patients facing serious illness. [Californians Against Assisted Suicide's Fact Sheet](#) has more information.

- S.B. 1608 - Disabled Persons Equal Access Rights

This California bill is the outcome of two years of negotiations to balance the interests of the business community and the civil rights of people with disabilities. S.B. 1608, among other things, creates the California Commission on Disability Access to consider access policies, imposes continuing education requirements on building officials, requires architects to complete courses on access requirements in order to renew their license, and promotes business compliance with accessibility standards by adding the opportunity for qualified businesses to ask for a limited stay to allow for an early resolution in the event they are sued for violating access laws. [Read S.B. 1608](#).

What to watch for in 2009

Federal legislation introduced this year that will be on the agenda of the 111th Congress includes H.R. 6320 - Twenty-first Century Communications and Video Accessibility Act of 2008 and S. 3517 - Prosthetics Parity Act.

- H.R. 6320 - Twenty-first Century Communications and Video Accessibility Act

The Twenty-first Century Communications and Video Accessibility Act H.R.6320 was introduced June 19, 2008, by Reps. Edward J. Markey (D-MA-7) and Heather Wilson (R-NM-1) to ensure that individuals with disabilities have access to emerging Internet Protocol-based communication and video programming technologies in the 21st Century. The [Coalition of Organizations for Accessible Technology](#) (COAT) is tracking H.R. 6320.

- S. 3517 - Prosthetics Parity Act

Supported by the Amputee Coalition of America (ACA), S. 3517, the Prosthetics Parity Act, introduced in September in the U.S. Senate, would require health insurance companies to provide coverage for prosthetic care. The bipartisan bill is designed to ensure that amputees covered by employer-paid health insurance can access the prosthetic care they need to lead full and independent lives. The bill was introduced in

the Senate on September 18, 2008. [Track S. 3517 on the ACA's website.](#)

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