



# National Network

Information, Guidance and  
Training on the Americans with  
Disabilities Act

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## How is Disability Defined in the Americans With Disabilities Act?

In the United States, there are different ways of defining disability, both culturally and in our laws. Many organizations and government agencies have different definitions of disability that people must meet before receiving services, financial assistance, or disability benefits. The Americans with Disabilities Act (ADA) is a federal law that protects the civil rights of people with disabilities. The ADA does not provide benefits or services. Instead, the ADA protects people with disabilities in the United States from discrimination. To be protected under the ADA, a person (including children) must meet its legal definition of disability and be “qualified”. Many state laws provide additional rights beyond the ADA.

**The ADA has a specific definition of the term “disability” that establishes the requirements a person must meet to be considered “an individual with a disability under the ADA.” Determining whether you are a person with a disability under the ADA is not always simple.** This article explains in detail how the ADA defines “disability” to help you understand how an individual may be protected from discrimination under the law.

### What is a Disability Under the ADA?

The ADA defines a person with a disability as someone who:

- Has a physical or mental impairment that substantially limits one or more major life activities, or
- Has a history or *record* of an impairment (such as cancer that is in remission), or
- Is *regarded as* having such an impairment by others even if the individual does not actually have a disability (such as a person who has scars from a severe burn that does not limit any major life activity).

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This is a legal definition—not a medical or social justice-related definition. In addition, there is not a registry or a list of medical conditions or disabilities that are protected by the ADA. The intent of the United States Congress was to establish broad protection from discrimination against individuals who may have any medical condition or disability that substantially limits one or more major life activities. Thus, if your condition meets the criteria stated in the ADA definition, your civil rights are generally protected by the ADA.

To know if you are considered a person with a disability under the ADA, you need to understand what is meant by “a physical or mental impairment,” “substantially limits,” and “major life activities.” In the following sections, we discuss the meaning of these key terms so you can consider whether they apply to you.

### **What is a Physical or Mental Impairment Under the ADA?**

The ADA defines a physical or mental impairment this way:

- Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; or
- Any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability.

The ADA regulations give examples of impairments that are considered disabilities, but it is very clear that “the definition of ‘disability’ shall be construed broadly in favor of expansive coverage.” This means that the examples do not include all possible disabilities. You should always evaluate whether a condition or impairment fits under the ADA definition.

### **What is a Major Life Activity?**

Under the ADA, the definition of a disability requires that impairments substantially limit the ability to perform major life activities. **Major life activities are basic activities that most people can perform with little or no difficulty.** Some examples of major life activities include:

- Actions like eating, sleeping, speaking, and breathing.

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- Movements like walking, standing, lifting, and bending.
- Cognitive functions like thinking and concentrating.
- Sensory functions like seeing and hearing.
- Tasks like working, reading, learning, and communicating.
- The operation of major bodily functions like circulation and reproduction.
- The function of individual organs like the heart, lungs, or pancreas.

### **What Does it Mean to Substantially Limit Major Life Activities?**

Once you decide that a person's impairment affects major life activities, the next step is to assess how much it affects those major life activities. The ADA regulations include rules to help you identify whether there is a substantial limitation of a major life activity. These rules include the following:

- An impairment does not have to limit a major life activity completely or severely for it to be considered substantially limiting. In other words, the limitation can be less than complete or severe.
- Congress intended that the words "substantially limit" be interpreted broadly to result in expansive coverage of people with disabilities under the law.
- Determining whether an impairment substantially limits a major life activity requires an individualized assessment. What may not be substantially limiting for one person in one situation may be substantially limiting for another person in another context.

Deciding whether a disability substantially limits a major life activity does not have to be complicated or involve a lot of documentation. A common-sense assessment comparing a person's ability to complete specific major life activities to the ability of most people is all that is required. For example, most people can walk short distances without assistance or can hear without the use of hearing aids. An impairment that limited either of these abilities beyond what most people can do would be considered "substantial."

#### **Example: Two People with Low Vision**

Tamra is in his thirties. He has difficulty seeing without glasses and must wear them to see clearly and complete daily tasks. Since wearing glasses

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or contacts to correct vision impairments is common in the general adult population, Tamra is not considered a person with a disability.

Jean is also in her thirties and has low vision. She wears glasses, but still cannot see clearly and requires assistive technology to use the computer and her smart phone. Jean's amount of visual difficulty is not typical for her age group. She is considered a person with a disability under the ADA.

### **How Do You Assess the Impact of an Impairment on Major Life Activities?**

People with disabilities often take action to eliminate or reduce the effects of their disabilities. These actions are called “mitigating measures.” Mitigating measures include medications, treatments, assistive technology, hearing aids, wheelchairs, therapies, and much more. A person's impairment should be assessed on how it impacts major life activities and body systems without using mitigating measures. (There are a few exceptions, such as eyeglasses and contact lenses.)

#### **Example: Mitigating Measures**

Bill has diabetes and uses insulin to manage his condition. For Bill, insulin is a “mitigating measure.” Without insulin, Bill's diabetes would severely limit his major life activities and overall body functions. Bill is a person with a disability under the ADA.

Some impairments have symptoms that are not always present. These types of impairments are called episodic. Some impairments resolve permanently while others go into remission and may return. Whether or not you have a disability under the ADA, is based on the impact of an impairment on major life activities and body functions when symptoms are active. **Even if you do not have active symptoms, you are protected by the ADA if your symptoms meet the definition of disability.**

This applies to impairments that may go into remission, such as cancer. Other examples of impairments that may be episodic or have periods of remission include multiple sclerosis, mood disorders, asthma, seizure disorders, severe migraines, and autoimmune disorders.

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### **Examples: Episodic Conditions and Remission**

Marla has multiple sclerosis and uses both a wheelchair and a cane for mobility. Typically, she uses the wheelchair for long distances and the cane for short distances. But when her condition is in remission, she only uses the cane. Some of Marla's co-workers think she shouldn't receive accommodations because she doesn't always use a wheelchair. However, Marla does not have to use a wheelchair daily to be a person with a disability under the ADA and to receive accommodations related to using a wheelchair.

Linn has Seasonal Affective Disorder. His symptoms of depression only affect major life activities at certain times of the year. Because Linn's condition is long-term and impacts major life activities when present, it is considered a disability under the ADA, even though the condition is not always present.

### **What Does it Mean to Have a Record of an Impairment?**

Some impairments may resolve while others may go into remission. However, people may still experience discrimination because they had these impairments in the past. Sometimes they are not offered certain kinds of work because the employer is concerned that the condition may return. Other times, they are not hired or retained because employers are concerned that their healthcare costs will be too high or that they will have poor attendance in the future. **The ADA covers people who had an impairment in the past.**

#### **Example: Record of Impairment**

Tim has been cancer-free for five years and doctors believe he is in complete remission. His employer does not promote him as expected because the employer says the "cancer may come back." Under the ADA, Tim is protected from discrimination that is based on his history of having a disability.

### **What Does it Mean to be 'Regarded as' Having an Impairment?**

Sometimes people do not have a disability, but people believe that they do. If they are discriminated against based on that belief (for example, if they are

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not hired, or not allowed to participate in a program), they may be able to file a complaint under the ADA.

### **Example: Regarded As Having an Impairment**

Jenna has noticeable burn scars on her face. Her scars have no impact on major life activities. However, Jenna is turned away from a job interview because of her facial scars. The employer believes her “condition will make her unable to work with customers.” Under the ADA, Jenna would be protected from discrimination because her employer regarded her scars as a disabling condition.

Sarah asked to be reassigned to a different warehouse job because of shoulder pain. The company terminated her and told her there were no other jobs available, although one was posted soon after. Under the ADA, Sarah may have a legitimate complaint under the “regarded as” part of the disability definition.

### **What is Meant by “Qualified Person with a Disability?”**

The ADA requires that state governments, local governments, and private businesses ensure that people with disabilities can take part in their programs, services, and activities, if the person with a disability meets eligibility requirements. In other words, having a disability under the ADA does not guarantee protections in all situations. You must also be qualified for the job, activity, service, or program.

For example, employers are only required to provide reasonable accommodations to employees and job applicants who are qualified for the job. In this situation, qualified refers to necessary requirements such as degrees, certifications, skills, training, physical abilities, and experience. Qualified also includes the ability to perform the “essential” or main functions of a job, with or without accommodations. A job applicant who is Deaf may meet the qualifications for one job and request an interpreter during the interview. If the same applicant does not meet the basic education and experience requirements for a second job, the applicant is not able to request an interpreter.

## How is Disability Defined in the ADA?

### Do I Have a Disability as Defined by the ADA?

As you can see, determining whether you are a person with a disability under the ADA is not always simple. It can help if you ask yourself a few questions:

1. Do I have an impairment that limits a major life activity or body system functions, OR a record of having such an impairment, OR am I regarded as having an impairment?
2. If I have an impairment, does it cause a substantial impact on one or more major life activities or body system functions?
3. Am I qualified for the program, service, activity, or job?

If you have more questions after reading this article, you may want to reach out for information and guidance from the [ADA National Network](#).

You can call 1-800-949-4232 to talk with a specialist who can answer your questions or email: <https://adata.org/email>

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<http://www.gpadacenter.org>



ADA Knowledge Translation Center

<http://adakt.washington.edu>

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