Whereas, Recently introduced proposed legislation, H.R. 620: The ADA Education and Reform Act of 2017, would amend the Americans with Disabilities Act of 1990 to promote compliance through education, to clarify the requirements for demand letters, and to provide for a notice and cure period before the commencement of a private civil action; and

Whereas, H.R. 620 provides for the Disability Rights Section of the Department of Justice to develop a program to educate state and local governments and property owners on strategies for promoting access for persons with a disability; and

Whereas, The most concerning portion of this proposed legislation, the “notice and cure” period, would essentially require a person with a disability to send a letter of notification to a business or other public facility that it was out of compliance with the law, and allows a grace period before one could file suit. This provision allows for the business or other public facility to report on how the situation will be fixed within 60 days, and allows another 120 days for the business to fix or make substantial progress toward rectification; and

Whereas, This provision would remove the incentive for businesses and other public facilities to voluntarily comply with the ADA’s accessibility requirements; and

Whereas, This bill was designed to prevent non-meritorious lawsuits based on noncompliance with Title III of the ADA; however, the courts already have tools to address fraudulent or unscrupulous claims; and

Whereas, It would become the responsibility of the persons with a disability to act to address the barriers to access with the business owner, placing the heaviest burden of responsibility on individuals with disabilities, who the law was intended to protect; and

Whereas, Similar legislation has been recently introduced, such as H.R. 1493: ADA Law Suit Clarification Act of 2017, and H.R. 3571: The Reasonable ADA Compliance Act of 2017; therefore be it

RESOLVED, That our American Medical Association support legislative changes to the Americans with Disabilities Act of 1990, to educate state and local government officials and property owners on strategies for promoting access to persons with a disability (New HOD Policy); and be it further
RESOLVED, That our AMA oppose legislation amending the Americans with Disabilities Act of 1990, that would increase barriers for disabled persons attempting to file suit to challenge a violation of their civil rights. (New HOD Policy)

Fiscal Note: Not yet determined

Received: 10/10/17

References
H.R. 620: The ADA Education and Reform Act of 2017

RELEVANT AMA POLICY

Threats Against Physicians Based on Americans With Disabilities Act D-90.994
Our AMA encourages AMA members who are threatened with non-meritorious lawsuits, supposedly founded on the Americans with Disabilities Act, to contact the AMA's Private Sector Advocacy Group for assistance. The AMA will post a notice on its web site, informing physicians how to report such incidents.
Citation: BOT Rep. 6, I-05; Reaffirmed: BOT Rep. 10, A-15

Enhancing Accommodations for People with Disabilities H-90.971
Our AMA encourages physicians to make their offices accessible to patients with disabilities, consistent with the Americans with Disabilities Act (ADA) guidelines.
Citation: Res. 705, A-13