

HOUSE BILL No. 6278

November 5, 1998, Introduced by Rep. Varga and referred to the Committee on Regulatory Affairs.

A bill to amend 1976 PA 220, entitled
"Persons with disabilities civil rights act,"
by amending section 103 (MCL 37.1103), as amended by 1998 PA 20.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 103. As used in this act:

2 (a) "Alcoholic liquor" means that term as defined in section
3 ~~2~~ 105 of the Michigan liquor control ~~act, 1933 (Ex Sess) PA 8,~~
4 ~~MCL 436.2~~ CODE OF 1998, 1998 PA 58, MCL 436.1105.

5 (b) "Commission" means the civil rights commission estab-
6 lished by section 29 of article V of the state constitution of
7 1963.

8 (c) "Controlled substance" means that term as defined in
9 section 7104 of the public health code, 1978 PA 368, MCL
10 333.7104.

1 (d) Except as provided under subdivision (f), "disability"
2 means 1 or more of the following:

3 (i) A determinable physical or mental characteristic of an
4 individual, which may result from disease, injury, congenital
5 condition of birth, or functional disorder, if the
6 characteristic:

7 (A) For purposes of article 2, substantially limits 1 or
8 more of the major life activities of that individual and is unre-
9 lated to the individual's ability to perform the duties of a par-
10 ticular job or position or substantially limits 1 or more of the
11 major life activities of that individual and is unrelated to the
12 individual's qualifications for employment or promotion.

13 (B) For purposes of article 3, is unrelated to the
14 individual's ability to utilize and benefit from a place of
15 public accommodation or public service.

16 (C) For purposes of article 4, is unrelated to the
17 individual's ability to utilize and benefit from educational
18 opportunities, programs, and facilities at an educational
19 institution.

20 (D) For purposes of article 5, substantially limits 1 or
21 more of that individual's major life activities and is unrelated
22 to the individual's ability to acquire, rent, or maintain
23 property.

24 (ii) A history of a determinable physical or mental charac-
25 teristic described in subparagraph (i).

26 (iii) Being regarded as having a determinable physical or
27 mental characteristic described in subparagraph (i).

1 (e) "Drug" means that term as defined in section 7105 of the
2 public health code, 1978 PA 368, MCL 333.7105.

3 (f) For purposes of article 2, disability does not include
4 either of the following:

5 (i) A determinable physical or mental characteristic caused
6 by the current illegal use of a controlled substance by that
7 individual.

8 (ii) A determinable physical or mental characteristic caused
9 by the use of an alcoholic liquor by that individual, if that
10 physical or mental characteristic prevents that individual from
11 performing the duties of his or her job.

12 (g) "Person" includes an individual, agent, association,
13 corporation, joint apprenticeship committee, joint-stock company,
14 labor union, legal representative, mutual company, partnership,
15 receiver, trust, trustee in bankruptcy, unincorporated organiza-
16 tion, this state, or any other legal, commercial, or governmental
17 entity or agency.

18 (h) "Person with a disability" or "person with disabilities"
19 means an individual who has 1 or more disabilities.

20 (i) "Political subdivision" means a county, city, village,
21 township, school district, or special district or authority of
22 this state.

23 (j) "State average weekly wage" means the state average
24 weekly wage as determined by the Michigan employment security
25 commission under section 27 of the Michigan employment security
26 act, 1936 (Ex Sess) PA 1, MCL 421.27.

1 (k) "Temporary employee" means an employee hired for a
2 position that will not exceed 90 days in duration.

3 (l) "Unrelated to the individual's ability" means, with or
4 without accommodation, an individual's disability does not pre-
5 vent the individual from doing 1 or more of the following:

6 (i) For purposes of article 2, performing the duties of a
7 particular job or position.

8 (ii) For purposes of article 3, utilizing and benefiting
9 from a place of public accommodation or public service.

10 (iii) For purposes of article 4, utilizing and benefiting
11 from educational opportunities, programs, and facilities at an
12 educational institution.

13 (iv) For purposes of article 5, acquiring, renting, or main-
14 taining property.