

1 **SB 5474** - H COMM AMD **ADOPTED 4-17-93**

2 By Committee on Judiciary

3 On page 6, after line 15, insert the following new section:

4 "NEW SECTION. **Sec. 5.** A new section is added to chapter
5 49.60 RCW to read as follows:

6 (1) For purposes of the term "disability" as used in this
7 chapter, homosexuality and bisexuality are not impairments and as
8 such are not disabilities under this act. Under this chapter, the
9 term "disability" shall not include:

10 (a) Transvestism, transsexualism, pedophilia, exhibitionism,
11 voyeurism, gender identity disorders not resulting from physical
12 impairments, or other sexual behavior disorders;

13 (b) Compulsive gambling, kleptomania, or pyromania; or

14 (c) Psychoactive substance use disorders resulting from
15 current illegal use of drugs.

16 (2)(a) For purposes of this chapter, a person who is currently
17 engaging in the illegal use of drugs, when the covered entity acts
18 on the basis of such use, shall not be considered to have a
19 disability.

20 (b) Nothing in (a) of this subsection may be construed to
21 exclude as an individual with a disability an individual who:

22 (i) Has successfully completed a supervised drug
23 rehabilitation program and is no longer engaging in the illegal use
24 of drugs, or has otherwise been rehabilitated successfully and is
25 no longer engaging in such use;

26 (ii) Is participating in a supervised rehabilitation program
27 and is no longer engaging in such use; or

28 (iii) Is erroneously regarded as engaging in such use, but is
29 not engaging in such use;

1 except that it shall not be a violation of this chapter for a
2 covered entity to adopt or administer reasonable policies or
3 procedures, including but not limited to drug testing, designed to
4 ensure that an individual described in (b) (i) or (ii) of this
5 subsection is no longer engaging in the illegal use of drugs;
6 however, nothing in this section may be construed to encourage,
7 prohibit, restrict, or authorize the conducting of testing for the
8 illegal use of drugs."

EFFECT: Certain conditions are explicitly excluded from the meaning of the phrase, "sensory, mental, or physical disability." Those exclusions match the exclusions from the scope of the term "disability" in the federal Americans with Disabilities Act. The amendment is identical to an amendment the Judiciary committee adopted when considering HB 1300.