

## Oregon

**House Business & Labor Committee**  
**February 6, 2013**

### **NFIB Testimony House Bill 2111**

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#### **NFIB opposes HB 2111**

HB 2111 appears to lower the standard for defining who is considered 'disabled' for purposes of Oregon's disability discrimination law. It does so by changing the definition of "substantially limited in a major life activity" to an impairment that "restricts", instead of "materially restricts", a major life activity.

The changes proposed in HB 2111 substantially exceed the federal ADA Amendments Act (ADAAA). If the statute is changed to say that the impairment only needs to "restrict" a major life activity the standard would be extraordinarily low. The potential to create excessive financial and regulatory burden upon small businesses cannot be understated.

Currently Oregon exceeds the federal law with qualifying conditions for disability such as : socializing, ambulation, transportation and employment. Additionally, Oregon disability law applies to the majority of Oregon small businesses (6 or more employees) while the federal law applies to companies with 15 or more employees.

The lower disability standard presented in this bill could literally apply to almost every person employed in the state of Oregon. The implications are extraordinary in the potential legal and financial burden upon small businesses.

Small businesses are already challenged with the burden of complying with 11,000 pages of rules sourced from 180 state agencies. Our unemployment rate has been above the national average since 1997. In a recent Forbes poll, 55% of businesses said they would not start a business today and 69% reported over-regulation has harmed their business.

NFIB supports aligning with federal disability.

This bill is harmful to small businesses and detrimental to employment with an overall negative impact for Oregon.