COMMITTEE REPORT

May 24, 2012

**H. 5131**

Introduced by Reps. Clemmons, Bowen, Taylor, J.R. Smith, Sandifer and Vick

S. Printed 5/24/12--S. [SEC 5/25/12 2:31 PM]

Read the first time April 18, 2012.

**THE COMMITTEE ON MEDICAL AFFAIRS**

To whom was referred a Concurrent Resolution (H. 5131) memorializing the United States Justice Department to revise its regulations for the Americans with Disabilities Act of 1990 pertaining to places of public accommodation, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

HARVEY S.PEELER, JR. for Committee.

**A** **CONCURRENT RESOLUTION**

MEMORIALIZING THE UNITED STATES JUSTICE DEPARTMENT TO REVISE ITS REGULATIONS FOR THE AMERICANS WITH DISABILITIES ACT OF 1990 PERTAINING TO PLACES OF PUBLIC ACCOMMODATION PROVIDING INDIVIDUALS WITH DISABILITIES ACCESS TO AMENITIES, INCLUDING ACCESS TO POOLS, SO AS TO REQUIRE THAT THIS ACCESS MAY BE PROVIDED BY USE OF A PORTABLE CHAIRLIFT, RATHER THAN A PERMANENT CHAIRLIFT.

Whereas, one of the purposes of the Americans with Disabilities Act of 1990 (ADA) is to “provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities”; and

Whereas, the Department of Justice’s revised regulations for Title II and III of the Americans with Disabilities Act of 1990 recognize that places of public accommodation should provide access to their amenities to individuals with disabilities, including access to pools; and

Whereas, places of public accommodation should provide access to pools, but regulations that unnecessarily over burden places of public accommodation by failing to consider legitimate concerns, such as the feasibility and expense, exceed the requirements of the ADA; and

Whereas, Justice Department ADA regulations that require places of public accommodation to use permanent, rather than portable, chairlifts place additional purchase, installation, and maintenance expenses and safety concerns on places of public accommodation when portable chairlifts would satisfy the requirements, as well as the spirit, of the law by ensuring equality of opportunity and full participation for individuals with disabilities; and

Whereas, in these difficult economic times, businesses are struggling, and none more so than small businesses. The Department of Justice must take these difficulties into consideration in establishing requirements for which more feasible and less expensive alternatives would satisfy the law. Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

That the members of the South Carolina General Assembly, by this resolution, memorialize the United States Justice Department to revise its regulations for the Americans with Disabilities Act of 1990 pertaining to places of public accommodation providing individuals with disabilities access to amenities, including access to pools, so as to require that this access may be provided by use of portable chairlifts, rather than permanent chairlifts.

Be it further resolved that a copy of this resolution be forwarded to Eric H. Holder, United States Attorney General, and to each member of the South Carolina Congressional delegation.

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