**Rules Comparison**

Service and Assistance Animals – Federal Laws and State Laws for KS

Federal Laws:  [**Americans with Disabilities Act**](http://nwadacenter.org/factsheet/service-animals-comparison-sheet#American with Disabilties Act)  [**Fair Housing Act**](http://nwadacenter.org/factsheet/service-animals-comparison-sheet#Fair Housing Act)  [**Air Carrier Access Act**](http://nwadacenter.org/factsheet/service-animals-comparison-sheet#Air Carrier Access Act)

State Laws: [**Kansas**](http://66.6.121.128/li/b2017_18/statute/039_000_0000_chapter/039_011_0000_article/039_011_0001_section/039_011_0001_k/)

Veteran’s Administration Directive 2011- 013 and [PL112-154§109](https://www.gpo.gov/fdsys/pkg/PLAW-112publ154/pdf/PLAW-112publ154.pdf)

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Statue | Training | Certification | Medical Documentation | Comfort/Emotional Support Animals | Service Animals-in-Training | Enforcement Entities |
| [Americans](http://nwadacenter.org/factsheet/service-animals-comparison-sheet#American with Disabilties Act)  [with](http://nwadacenter.org/factsheet/service-animals-comparison-sheet#American with Disabilties Act)  [Disabilities](http://nwadacenter.org/factsheet/service-animals-comparison-sheet#American with Disabilties Act)  [Act](http://nwadacenter.org/factsheet/service-animals-comparison-sheet#American with Disabilties Act)            [(ADA)](http://nwadacenter.org/factsheet/service-animals-comparison-sheet#American with Disabilties Act) | **Yes**. Under the ADA, a  service animal must be a  dog that is individually  trained to do work or  perform tasks for the benefit of an individual with a disability. Service animals can be  professionally trained or trained by the handler themselves. | **No**. Under Title II  (State and Local  Government)  and Title III  (Public  Accommoda-  tions, meaning  private  businesses), a  service animal  handler does not need to provide  certification for  his or her service animal. | **Yes.** Title I of the ADA,  regarding employment,  does not specifically  address service animals in  the workplace. Under Title  I, a service animal may be a reasonable  accommodation. As such, medical documentation  may be requested by an employer. | **No**. A comfort or  emotional support  animal is NOT  trained. Comfort  animals do not have rights under the ADA.  For example,  businesses do not  have the legal  obligation to admit a comfort animal if  there is a “no pets” policy, as under the ADA these animals are in essence “pets.” | **No**. The ADA does not address service animals‐  in‐training, but rather gives each independent  state the right to make its own laws regarding the rights of serviceanimals‐  in‐training. | U.S. Dept. of  Justice  [Federal ‐  Titles II&III]  Equal  [Employment](http://www.eeoc.gov/laws/types/disability.cfm)  [Opportunity](http://www.eeoc.gov/laws/types/disability.cfm)  [Commission](http://www.eeoc.gov/laws/types/disability.cfm)  Federal -Title I  State Legislation  [Local] |
| [Fair Housing Act](http://nwadacenter.org/factsheet/service-animals-comparison-sheet#Fair Housing Act)      [(FHA)](http://nwadacenter.org/factsheet/service-animals-comparison-sheet" \l "Fair Housing Act) | **No**, not necessarily.    Under the FHA, the  person with a disability who is requesting the assistance animal must demonstrate a  disability-related need  for the animal, but there is no  requirement that the animal be trained." | **No**. Even if the  assistance  animal is a  reasonable  accommodation,  the housing  entity may not  require  certification  to verify the  assistance  animal’s status  as such. | **Sometimes**. A landlord may  request medical  documentation that a tenant has a qualifying  disability under the Fair Housing Act. In addition, the medical professional should indicate the benefit  that the assistance animal provides. This documentation cannot be requested when the disability and need for the  assistance animal is readily apparent. | **Yes**. Under the FHA,    housing entities must  admit any type of  “assistance animal,”  a term which  includes service  animals as well as  comfort animals or  emotional support  animals. In other  words, training is not a requirement for an assistance animal. | **Yes**. The Fair Housing Act  (FHA) does not require an  animal to be trained, or  be in training, to serve as  an assistance animal for a  person with a disability  living in housing covered  by the FHA. As such,  service animals‐in‐training could be allowed  as a reasonable  accommodation under the FHA. | [Department of](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/disabilities/inhousing)  [Housing and](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/disabilities/inhousing)  [Urban](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/disabilities/inhousing)  [Development](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/disabilities/inhousing)  [(HUD): Disability](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/disabilities/inhousing)  [Rights in Housing](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/disabilities/inhousing)    800‐669‐9777 (V)  800‐927‐9275  (TTY) |
| [Air Carrier Access Act](http://nwadacenter.org/factsheet/service-animals-comparison-sheet#Air Carrier Access Act)      [(ACAA)](http://nwadacenter.org/factsheet/service-animals-comparison-sheet" \l "Air Carrier Access Act) | **Yes**. The ACAA defines a service animal as “any guide dog, signal dog, or other animal individually trained to  provide assistance to  an individual with a  disability.” U.S. air  carriers and their  foreign partners must  recognize service  animals and consider  their presence in the  cabin to be a  reasonable  modification of policy. | **No**. The ACAA  says that air  carriers must  accept service  animals based  on any type of  identification or  “the credible  verbal assurances of a qualified  individual with a  disability using  the animal. | **No**, not usually. Under the  ACAA, air carriers are to  obtain credible verbal  assurances from passengers  who have service animals  that the animal is indeed a  trained service animal. If  the verbal assurance does  not seem credible, the carrier may  ask for medical  documentation. While the  ACAA does allow carriers to  ask for medical  documentation if an individual  wants to have his  or her service animal in the  cabin, the Dept. of  Transportation (DOT) says that it urges carriers not to  have such a requirement. | **Yes**. Under theACAA,  U.S. air carriers and  their foreign partners  may request current  documentation by a  physician on  letterhead from  individuals who  would like to bring their emotional  support animals  (which do not need  to have had specific  training) into the  cabin. | **No**. The ACAA does not  address service animals‐  in‐training and is not  required to carry them as  they do not meet the  requirements of a  “service animal”  according to this statute.  However, carriers are free to make their own  individual policies with  regards to carrying any  pets, including service  animals‐in‐training,  provided they comply  with the Animal Welfare  Act and are consistent  with health and safety  codes. | [Aviation](http://www.dot.gov/airconsumer)  [Consumer](http://www.dot.gov/airconsumer)  [Protection](http://www.dot.gov/airconsumer)  [Division;](http://www.dot.gov/airconsumer)  [Dept. of](http://www.dot.gov/airconsumer)  [Transportation](http://www.dot.gov/airconsumer)  [(DOT)](http://www.dot.gov/airconsumer) |
| [Veteran’s Administration Directive 2011-013 (1188)](file:///C:\Users\mgabehart\Downloads\1188_D_2015-08-26.pdf)  And  [Public Law 112-154§109](https://www.gpo.gov/fdsys/pkg/PLAW-112publ154/html/PLAW-112publ154.htm) | **Yes,** under PL 112-154§109, service dogs must be trained by an accredited entity.  **Yes,** under directive 1188 service dogs must be trained as in the ADA above. Only the two questions allowed under the ADA may be asked of a veteran at a Veteran’s Health Administration (VHA) if it is unclear if the dog is a service dog. | **Yes,** the law requires the dog be evaluated and accredited.  **No**, the directive does not require the dog be certified. It mirrors the ADA. | **No,** neither the Public Law nor the directive requires the individual to prove they have a disability that requires the use of a service dog in order to access a VHA. | **No,** the Public Law is silent about comfort/emotional support dogs so they are not allowed in VHA.  **No**, in the directive  the definition of Service Dog specifically states that it does not include emotional support or comfort or companion animals.  Only service dogs, animals for law enforcement purposes, animals under the control of VHA Research and Development, animals in their Animal Assisted Therapy program and animals for Animal Assisted Activity are allowed in VA hospitals.  **Yes,** animals may reside in VHA Community Living Center or VHA Residential Rehabilitation Treatment Program to create a more home like environment and provide a sense of familiarity and belonging. These animals must be up to date with all core vaccinations and documentation must be maintained in the location of the residential area. | **No,** the directive’s definition of Service Animal specifically excludes service dogs in training. Also, it states a service dog in training is not a service animal and must be denied access to VHA property unless they are being used in VHA Research and Development, the Animal Assisted Therapy program or the Animal Assisted Activity programs. | Dept. of Veterans Affairs, Veterans Health Administration |
| Kansas            [White Cane](http://apps.leg.wa.gov/RCW/default.aspx?cite=70.84&full=true#70.84.021)  [Law](http://apps.leg.wa.gov/RCW/default.aspx?cite=70.84&full=true#70.84.021)   K.S.A. 39-1101 et seq. | **Yes.** K.S.A. 39-1113 defines an assistance dog as “any guide dog. Hearing assistance dog, or service dog,” and then defines each of these types of dogs. “Guide dog means a dog which has been specially selected, trained, and tested for the purpose of guiding a person who is legally blind. Hearing assistance dog means a dog which has been specially selected, trained, and tested to alert or warn individuals who are deaf or hard of hearing to specific sounds. Service dog means a dog which has been specially selected, trained, and tested to perform a variety of tasks for persons with disabilities. These tasks include, but are not limited to: pulling wheelchairs, lending balance support, picking up dropped objects or providing assistance in, or to avoid, a medical crisis, or to otherwise mitigate the effects of a disability. | **No.** The Kansas White Cane Law, however, states that, if a question arises as to whether an assistance dog qualifies under the Act to accompany a person with a disability in or upon a number of places set forth in the Act, the person with a disability MAY produce an identification card or letter conforming to a number of requirements. Such identification card or letter may be provided by the trainer or school who trained the dog. This may include the person with a disability if they trained the dog themselves. The identification card or letter, however, must contain: the legal name of the dog’s user, contact information for the dog’s user, and a picture or digital photographic likeness of the user and dog. The presentation of the identification card or letter is intended to resolve any questions concerning the dog’s right to accompany the user in the places covered under the law. These include: all common carriers, airplanes, motor vehicles, railroad trains, motor buses, street cars, boats, or any other public conveyances or modes of transportation; hotels, lodging places or places of public accommodation, amusement or resort, including food service establishments or establishments for the sale of food; and other places to which the general public is invited. | **No.** No medical documentation is required. | **No, with an exemption for a specific type of comfort/emotional support animal.** The Kansas White Cane Law defines a professional therapy dog as “a dog which is selected. Trained, and tested to provide specific physical or therapeutic functions under the direction and control of a qualified handler who works with the dog as a team, and as a part of the handler’s occupation or profession. Such dogs, with their handlers, perform such functions in institutional settings, community based group settings, or when providing services to specific persons who have disabilities. The Kansas White Cane Law states any qualified handler of a professional therapy dog, when accompanied by such dog, and when using any conveyance of public transportation available to all members of the general public, and when when renting and using accommodation in motels, hotels, and other temporary lodging places, shall have the right to be accompanied by such dog in such places. Any owner or employee of a business or retail establishment to which the public is invited, including establishments which serve or sell food, shall admit a professional therapy dog accompanied by its qualified handler, to the business. The voluntary identification provisions are similar to those provided for access to assistance dogs. | **Yes.** The Kansas White Cane Law states that any professional trainer, from a recognized training Center, of an assistance dog, while in training, while engaged in the training of such dog, shall have the right to be accompanied by such dog in the places listed as qualifying for access of assistance dogs. | They attorney general of the State of Kansas or any City or County attorney may bring actions under the Kansas White Cane Law. Additionally, Nothing in the law prevents private legal action from being taken. The law does provide that all users, handlers, and/or trainers of all classifications addressed by the law are liable and responsible for any damage done by any classification of dog addressed by the law. |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |