Proposed changes to service dog statutes.

Because the other statutes in this section do not pertain to service animals, I’m only suggesting the following changes to the statutes that do mention service animals. Words that have been stricken out would be removed and those in italics would be added.

39-1107. ~~Same; use of hearing assistance dog by person with hearing impairment. Every hearing impaired person has the right to be accompanied by a hearing assistance dog, specially selected, trained and tested for the purpose of hearing assistance, in or upon any of the places listed in K.S.A. 39-1101, and amendments thereto, in the acquisition and use of rental, residential housing and in the purchase and use of residential housing without being required to pay an extra charge for the hearing assistance dog. The hearing impaired person shall be liable for any damage done to the premises or facilities by such dog.~~

***Service animals*** *(a) General. Generally, a government entity or business open to the public shall modify its policies, practices, or procedures to permit the use of a service animal by an individual with a disability.*

*(b) Exceptions. A government entity or business open to the public may ask an individual with a disability to remove a service animal from the premises if—*

*(1) The animal is out of control and the animal's handler does not take effective action to control it, (e.g. the animal eats food off of a table); or*

*(2) The animal is not housebroken.*

*(c) If an animal is properly excluded. If a government entity or business open to the public properly excludes a service animal under (b) above, it shall give the individual with a disability the opportunity to participate in the service, program, or activity without having the service animal on the premises.*

*(d) Animal under handler's control. A service animal shall be under the control of its handler. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).*

*(e) Care or supervision. A government or business open to the public is not responsible for the care or supervision of a service animal.*

*(f) Inquiries. A government entity or business open to the public shall not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal qualifies as a service animal. A government entity or business open to the public may ask if the animal is required because of a disability and what work or task the animal has been trained to perform. A public entity shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. Generally, a government entity or business open to the public may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).*

*(g) Access to areas of a government entity or business open to the public. Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of a government entity's or business open to the public facilities where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go.*

*(h) Surcharges. A government entity or business open to the public shall not ask or require an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets. If a government entity or business open to the public normally charges individuals for the damage they cause, an individual with a disability may be charged for damage caused by his or her service animal.*

*(i) Miniature horses.*

*(1) Reasonable modifications. A government entity or business open to the public shall make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.*

*(2) Assessment factors. In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, a government entity or business open to the public shall consider—*

*(i) The type, size, and weight of the miniature horse and whether the facility can accommodate these features;*

*(ii) Whether the handler has sufficient control of the miniature horse;*

*(iii) Whether the miniature horse is housebroken; and*

*(iv) Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.*

*(3) Other requirements. Paragraphs (a) through (h) of this section, which apply to service animals, shall also apply to miniature horses.*

History: L. 1982, ch. 184, § 1; L. 2003, ch. 64, § 5; July 1.

~~39-1108. Same; use of service dog by person with disability. Every person with a disability shall have the right to be accompanied by a service dog, specially selected, trained and tested for the purpose which shall include, but not be limited to, pulling a wheelchair, opening doors and picking up objects, in or upon any of the places listed in K.S.A. 39-1101, and amendments thereto, in the acquisition and use of rental, residential housing and in the purchase and use of residential housing without being required to pay an extra charge for the service dog. Such person shall be liable for any damage done to the premises by such dog.~~

History: L. 1989, ch. 127, § 1; L. 1992, ch. 205, § 14; L. 2003, ch. 64, § 6; July 1.

**39-1109.** **Use of ~~assistance~~ service ~~dog~~ *animal* while training.** Any professional trainer, from a recognized training center, of a~~n assistance dog~~ *service animal*, while engaged in the training of such ~~dog~~ *animal*, shall have the right to be accompanied by such ~~dog~~ *animal* in or upon any of the places listed in K.S.A. 39-1101, and amendments thereto, without being required to pay an extra charge for such ~~dog~~ *animal*. Such trainer shall be liable for any damage done to the premises of facilities by such ~~dog~~ *animal*.

**History:** L. 1992, ch. 205, § 12; L. 2003, ch. 64, § 7; July 1.

**~~39-1111.~~****~~Procedure for verification of person's right to be accompanied by assistance dog or professional therapy dog.~~**~~(a) If a question arises as to whether an assistance dog qualifies under this act to accompany a person with a disability in or upon any place set forth in K.S.A. 39-1101, and amendments thereto, the person with a disability may produce for the employee or person responsible for such place an identification card or letter conforming to the requirements of this subsection. Upon production of such identification card or letter, the assistance dog shall be allowed to accompany the person with a disability in or upon such place.~~

~~(1) If the assistance dog has been trained by a training facility, school or trainer, the identification card or letter shall be provided by the training facility, school or trainer that trained the dog and shall contain the following information: (A) The legal name of the dog's user; (B) the name, address and telephone number of the facility, school or trainer who trained the dog; (C) whether the dog is designated as a guide, hearing assistance or service dog; and (D) a picture or digital photographic likeness of the dog user and the dog. If a card is used, the picture or digital photographic likeness shall be on the card. If a letter is used, the picture or digital photographic likeness shall either be printed as a part of the letter or be affixed to the letter.~~

~~(2) If the assistance dog has been trained by the person using the dog, the identification card or letter shall contain the following information: (A) The legal name of the dog's user; (B) the dog user's address; (C) a statement that the dog has been trained to mitigate the dog user's disability; and (D) a picture or digital photographic likeness of the dog user and the dog. If a card is used, the picture or digital photographic likeness shall be on the card. If a letter is used, the picture or digital photographic likeness shall either be printed as a part of the letter or be affixed to the letter.~~

~~(b) If a question arises as to whether a dog handler is qualified, or whether the dog accompanying the handler is qualified as a professional therapy dog, to enter in or upon the places set forth in K.S.A. 2013 Supp. 39-1110, and amendments thereto, an employee or person responsible for such places may request, and the qualified handler shall~~

~~produce, an identification card or letter, provided by the training facility, school or trainer who trained the dog. Such card or letter shall contain the following information: (1) The legal name of the qualified dog handler; (2) the name, address and telephone number of the facility, school or trainer who trained the dog; (3) information documenting that the dog is trained to provide therapeutic supports; and (4) a picture or digital photographic likeness of the qualified handler and the dog. If a card is used, the picture or digital photographic likeness shall be on the card. If a letter is used, the picture or digital photographic likeness shall either be printed as a part of the letter or be affixed to the letter.~~

~~(c) If a question arises as to whether an individual accompanied by a dog is a professional trainer, from a recognized training center, of an assistance dog, in order to enter in or upon a place set forth in K.S.A. 39-1101, and amendments thereto, an employee or person responsible for such place may request, and the trainer shall produce, an identification card provided by the recognized training center containing the following information: (1) The legal name of the trainer; (2) the name of the training center; (3) the address and telephone number of the training center; (4) the types of functions for which dogs are trained by the center; and (5) a picture or digital photographic likeness of the trainer.~~

~~(d) An identification card or letter produced for inspection pursuant to this section shall be promptly returned to the person with a disability, the qualified handler or the professional trainer after inspection.~~

**History:** L. 2003, ch. 64, § 9; July 1.

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39-1113. ~~Assistance dogs and professional therapy dogs;~~ ~~d~~*D*efinitions. As used in this act and in K.S.A. 39-1101 through 39-1109, and amendments thereto:

(a) ~~"Assistance dog" means any guide dog, hearing assistance dog or service dog.~~

~~(b)~~ "Guide dog" means a dog which has been specially selected, trained and tested for the purpose of guiding a person who is legally blind.

~~(c) "Hearing assistance dog" means a dog which is specially selected, trained and tested to alert or warn individuals who are deaf or hard of hearing to specific sounds.~~

(~~d) "Professional therapy dog" means 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. "Professional therapy dog" does not include dogs, certified or not, which are used by volunteers for pet visitation therapy.~~

(~~e~~ *b*) "Service *animal* ~~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.~~ *means any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.*

~~(f) The presence of a dog for comfort, protection or personal defense does not qualify a dog as being trained to mitigate an individual's disability and therefor does not qualify the dog as an assistance dog covered under the provisions of this act.~~

History: L. 2003, ch. 64, § 1; July 1.