**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)

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| 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, aservice animal must be adog that is individuallytrained to do work orperform tasks for the benefit of an individual with a disability. Service animals can beprofessionally trained or trained by the handler themselves.      | **No**. Under Title II(State and LocalGovernment)and Title III(PublicAccommoda-tions, meaningprivatebusinesses), aservice animalhandler does not need to providecertification forhis or her service animal.        | **Yes.** Title I of the ADA,regarding employment,does not specificallyaddress service animals inthe workplace. Under TitleI, a service animal may be a reasonableaccommodation. As such, medical documentationmay be requested by an employer.       | **No**. A comfort oremotional supportanimal is NOTtrained. Comfortanimals do not have rights under the ADA.For example,businesses do nothave the legalobligation to admit a comfort animal ifthere 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 independentstate the right to make its own laws regarding the rights of serviceanimals‐in‐training.           | U.S. Dept. ofJustice[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 IState 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%22%20%5Cl%20%22Fair%20Housing%20Act)        | **No**, not necessarily. Under the FHA, the  person with a disability who is requesting the assistance animal must demonstrate adisability-related needfor the animal, but there is norequirement that the animal be trained."             | **No**. Even if theassistanceanimal is areasonableaccommodation,the housingentity may notrequirecertification to verify theassistanceanimal’s statusas such.                  | **Sometimes**. A landlord may  request medicaldocumentation that a tenant has a qualifyingdisability under the Fair Housing Act. In addition, the medical professional should indicate the benefitthat the assistance animal provides. This documentation cannot be requested when the disability and need for theassistance animal is readily apparent.         | **Yes**. Under the FHA, housing entities mustadmit any type of“assistance animal,”a term whichincludes serviceanimals as well ascomfort animals oremotional supportanimals. In otherwords, training is not a requirement for an assistance animal.             | **Yes**. The Fair Housing Act(FHA) does not require ananimal to be trained, orbe in training, to serve asan assistance animal for aperson with a disabilityliving in housing coveredby the FHA. As such,service animals‐in‐training could be allowedas a reasonableaccommodation 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%22%20%5Cl%20%22Air%20Carrier%20Access%20Act)        | **Yes**. The ACAA defines a service animal as “any guide dog, signal dog, or other animal individually trained toprovide assistance toan individual with adisability.” U.S. aircarriers and theirforeign partners mustrecognize serviceanimals and considertheir presence in thecabin to be areasonablemodification of policy.              | **No**. The ACAAsays that aircarriers mustaccept serviceanimals basedon any type ofidentification or“the credibleverbal assurances of a qualifiedindividual with adisability usingthe animal.                            | **No**, not usually. Under theACAA, air carriers are toobtain credible verbalassurances from passengerswho have service animalsthat the animal is indeed atrained service animal. Ifthe verbal assurance doesnot seem credible, the carrier mayask for medicaldocumentation. While theACAA does allow carriers toask for medicaldocumentation if an individual wants to have hisor her service animal in thecabin, the Dept. ofTransportation (DOT) says that it urges carriers not to have such a requirement.   | **Yes**. Under theACAA,U.S. air carriers andtheir foreign partnersmay request currentdocumentation by aphysician onletterhead fromindividuals whowould like to bring their emotionalsupport animals(which do not needto have had specifictraining) into thecabin.                   | **No**. The ACAA does notaddress service animals‐in‐training and is notrequired to carry them asthey do not meet therequirements of a“service animal”according to this statute.However, carriers are free to make their ownindividual policies withregards to carrying anypets, including serviceanimals‐in‐training,provided they complywith the Animal WelfareAct and are consistentwith health and safetycodes.      | [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%3A%5CUsers%5Cmgabehart%5CDownloads%5C1188_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.  |
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