

HOUSE BILL No. 2211

By Committee on Health and Human Services

1-30

AN ACT regarding disabled persons; relating to guide dogs and assistance dogs; establishing an accreditation board; amending K.S.A. 39-1101, 39-1102, 39-1103, 39-1105, 39-1108 and 39-1109 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) There is hereby established a board of accreditation within the department of health and environment which shall consist of three members appointed by the secretary of health and environment.

(b) The members shall consist of at least one representative from a guide dog school (initially Kansas specialty dog service), one representative from an assistance dog school (initially C.A.R.E.S.) and one representative of the professional therapy dog field.

(c) The members of the board shall serve for a term of four years. Members are eligible for reappointment.

(d) A chairperson shall be designated annually by the secretary of health and environment.

(e) Final decisions of the board shall be by a majority vote of the members.

(f) Any vacancy occurring in the membership of the board shall be appointed by the secretary from the same class as the original appointment.

(g) The board shall meet at least quarterly.

New Sec. 2. The board of accreditation shall:

(a) Establish training criteria for the training of guide dogs and other assistance dogs;

(b) adopt process, procedures and other criteria for establishing new guide dog and other assistance dogs;

(c) establish criteria which a guide dog or assistance dog shall meet to enter the training school and criteria such dog shall meet to graduate as a guide dog or other assistance dog; and

(d) report the completion of all duties performed under this section to the secretary of health and environment.

New Sec. 3. Members of the accreditation board attending meetings

1 of such board shall be paid compensation; subsistence allowances, mile-
2 age and other expenses as provided in K.S.A. 75-3223, and amendments
3 thereto.

4 New Sec. 4. The secretary of health and environment shall adopt
5 rules and regulations to implement the provisions of sections 1 through
6 8, and amendments thereto, and the access provisions of K.S.A. 39-1101
7 through 39-1109, and amendments thereto. Access shall be implemented
8 by means of proper identification carried by the disabled person or trainer
9 or attached to the collar or harness of a trained guide or assistance dog.
10 Proper identification will be defined by the board of accreditation. Such
11 identification shall identify the dog as a guide or assistance dog allowing
12 the disabled individual and dog's trainer and dog access provided under
13 K.S.A. 39-1101 through 39-1109, and amendments thereto.

14 New Sec. 5. As used in this act, unless the context clearly shows
15 otherwise:

16 (a) "Disability" or "disabled" means any physical, mental, emotional or
17 other hidden condition which substantially limits a major life activity such
18 as caring for one's self, performing manual tasks, walking, seeing, hearing,
19 speaking, breathing, learning, working or sensing oncoming seizures.

20 (b) "Guide dog or assistance dog" means any dog individually trained
21 to do work, perform tasks or provide therapy for the benefit of a person
22 with a disability. This can include, but is not limited to, guiding a person
23 with impaired vision; alerting a person with impaired hearing to the pres-
24 ence of people or sounds; pulling a wheelchair, retrieving dropped items
25 and providing therapy as a professional therapy dog.

26 (c) "Professional therapy dog" means any dog specially selected and
27 trained to work on a one-on-one basis within the scope of an individual's
28 professional job, related to their student's or client's emotional or physical
29 needs.

30 New Sec. 6. Guide dogs or assistance dogs can, but are not limited
31 to, performing the following tasks:

32 (a) Lead persons who have visual impairments;

33 (b) alert people who have hearing impairments to the presence of
34 people or specific sounds;

35 (c) sense their owners oncoming seizures and warn them so the per-
36 son has time to sit or lie down before the seizure begins; and

37 (d) help the physically and, or, emotionally disabled by picking up
38 items, providing support, carrying items in backpacks, opening doors,
39 helping the person walk and, or, reassurance, comfort and emotional
40 support.

41 New Sec. 7. A person who unlawfully uses a white cane or guide dog
42 to gain an advantage, as if such person was blind, but is not blind, or who
43 imitates a physical or emotional disability to gain an advantage shall be

1 guilty of a misdemeanor.

2 New Sec. 8. A person who is the operator of a motor vehicle or other
3 conveyance who observes a blind person with a white cane or guide dog,
4 or both, and fails to stop and remain stopped when approaching such
5 blind person until such time as the blind person has reached a place of
6 safety well out of the flow of traffic, shall be guilty of a misdemeanor.

7 New Sec. 9. (a) Inflicting harm, disability or death to a guide or as-
8 sistance dog is knowingly and intentionally, and without lawful cause or
9 justification, poisoning, inflicting great bodily harm, permanent disability
10 or death, upon a guide or assistance dog.

11 (b) As used in this section, "guide or assistance dog" means any dog
12 individually trained to do work or perform tasks for the benefit of a person
13 with a disability.

14 (c) Inflicting harm, disability or death to a guide or assistance dog is
15 a class A nonperson misdemeanor.

16 (d) This section shall be part of and supplemental to the Kansas crim-
17 inal code.

18 Sec. 10. K.S.A. 39-1101 is hereby amended to read as follows: 39-
19 1101. It is hereby declared to be the policy of this state to encourage and
20 enable the blind, the visually handicapped ~~and~~ persons who are otherwise
21 physically *or emotionally* disabled *and persons with otherwise hidden dis-*
22 *abilities* to participate fully in the social and economic life of the state
23 and to engage in remunerative employment. Said persons shall have the
24 same right as the able-bodied to the full and free use of the streets,
25 highways, sidewalks, walkways, public buildings, public facilities and other
26 public places; and said persons are entitled to full and equal accommo-
27 dations, advantages, facilities and privileges of: (a) All common carriers,
28 airplanes, motor vehicles, railroad trains, motor buses, street cars, boats
29 or any other public conveyances or modes of transportation; (b) hotels,
30 lodging places and places of public accommodation, amusement or resort,
31 including food service establishments and establishments for sale of food;
32 and (c) other places to which the general public is invited, subject only
33 to the conditions and limitations established by law and applicable alike
34 to all persons.

35 Sec. 11. K.S.A. 39-1102 is hereby amended to read as follows: 39-
36 1102. Every totally or partially blind person *or otherwise disabled person*
37 shall have the right to be accompanied by a guide dog *or assistance dog*,
38 especially trained for the purpose, in or upon any of the places listed in
39 K.S.A. 39-1101 and amendments thereto, in the acquisition and use of
40 rental, residential housing and in the purchase and use of residential hous-
41 ing without being required to pay an extra charge for the guide dog *or*
42 *assistance dog*, except that such person shall be liable for any damage
43 done to the premises or facilities by such dog.

1 Sec. 12. K.S.A. 39-1103 is hereby amended to read as follows: 39-
2 1103. Any person, firm, corporation, or ~~the~~ agent of any person, firm or
3 corporation, who denies or interferes with admittance to or enjoyment of
4 the public facilities enumerated in K.S.A. 39-1101 and 39-1102, and
5 amendments thereto, or otherwise interferes with the rights of a totally
6 or partially blind person, otherwise disabled person or trainer of a guide
7 dog *or assistance dog* under K.S.A. 39-1101, 39-1102, 39-1108 and 39-
8 1110, and amendments thereto, shall be guilty of a misdemeanor.

9 Sec. 13. K.S.A. 39-1105 is hereby amended to read as follows: 39-
10 1105. It is the policy of this state that the blind, the visually handicapped
11 and persons who are otherwise physically *or emotionally* disabled shall be
12 employed in the service of the state, political subdivisions of the state,
13 the public schools and in all other employment supported in whole or in
14 part by public funds, on the same terms and conditions as the able-bodied,
15 unless it is shown that the particular disability prevents the performance
16 of the work involved.

17 Sec. 14. K.S.A. 39-1108 is hereby amended to read as follows: 39-
18 1108. Every person with a physical *or emotional* disability shall have the
19 right to be accompanied by a ~~service~~ *guide or assistance* dog, especially
20 trained and certified for the purpose which shall include, but not be
21 limited to, pulling a wheelchair, opening doors and picking up objects, in
22 or upon any of the places listed in K.S.A. 39-1101, and amendments
23 thereto, without being required to pay an extra charge for the ~~service~~
24 *guide or assistance* dog. Such person shall be liable for any damage done
25 to the premises by such dog.

26 Sec. 15. K.S.A. 39-1109 is hereby amended to read as follows: 39-
27 1109. Any trainer, from a recognized training center, of a guide dog,
28 ~~hearing assistance dog or service or assistance~~ dog, while engaged in the
29 training of such dog, shall have the right to be accompanied by such dog
30 in or upon any of the places listed in K.S.A. 39-1101, and amendments
31 thereto, without being required to pay an extra charge for such dog. Such
32 trainer shall be liable for any damage done to the premises of facilities
33 by such dog.

34 Sec. 16. K.S.A. 39-1101, 39-1102, 39-1103, 39-1105, 39-1108 and 39-
35 1109 are hereby repealed.

36 Sec. 17. This act shall take effect and be in force from and after its
37 publication in the statute book.

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