

SESSION OF 2003

**SUPPLEMENTAL NOTE ON
SUBSTITUTE FOR HOUSE BILL NO. 2197**

As Amended by House Committee of the Whole

Brief*

Sub. for HB 2197 amends four different Kansas acts that concern the use of guide dogs by the blind and visually impaired, the use of hearing assistance dogs by the hearing impaired, the use of service dogs by the physically handicapped, and the trainers of such guide, assistance, and service dogs. The bill creates a definition of assistance dog that encompasses all three types of dogs.

In general, Sub. for HB 2197 creates a new statute that defines terms applicable to all of the acts; makes the three acts that concern the use of dogs by disabled persons uniform in authorizing the admittance of assistance dogs in places of public accommodation as set out in KSA 39-1101, modes of public transportation, and rental and residential housing; extends the statement of public policy now applicable to the blind and visually impaired and physically disabled to all disabled persons; further delineates the type of dog qualified as an assistance dog; and amends existing law to specify that anyone who interferes with or denies the rights set out in specific statutes is guilty of an unspecified misdemeanor.

A new law arising from Sub. for HB 2197 would apply to qualified handlers of professional therapy dogs.

New provisions of law would authorize a disabled individual who uses an assistance dog, whenever a dispute as to whether the dog qualifies to accompany the user arises, to present an identification card or letter that meets the requirements set out in the bill. Upon presentation of such identification, the assistance dog shall accompany the disabled person. While presentation of identification would be optional for the user of an assistance dog, qualified handlers of professional

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org/klrld>

therapy dogs or professional trainers shall present identification meeting the statutory requirements in the event of a dispute.

The crimes of (1) representing oneself as a person who has a right to be accompanied by an assistance dog in any of the places or facilities set out in KSA 39-1101 or to be accompanied by a professional therapy dog in the places and facilities listed in the bill unless such person has a right under the law; and (2) representing that one has a disability for the purpose of acquiring an assistance dog are created by Sub. for HB 2197. The penalty is a class A nonperson misdemeanor. KSA 2000 Supp. 21-4318 is also amended to add assistance dogs, as that term is defined in Sub. for HB 2197, resulting in making inflicting harm, disability, or death to an assistance dog as those terms are defined in the statute, a class A nonperson misdemeanor.

Background

Sub. for HB 2197 represents the work product of a coalition of disabled persons who use assistance dogs, trainers of assistance dogs, and others. The bill in its original form was supported during committee hearings by representatives of CARES, Kansas Relay Service, Inc., Kansas Association for the Blind and Visually Impaired, Guide Dog Users of Kansas, Guide Dog Foundation, Kansas Council on Developmental Disabilities, and the Kansas Commission on Disability Concerns. One individual opposed the original bill and written testimony in opposition was received from one individual. A subcommittee of the House Committee held additional hearings and deliberations on the bill and brought the substitute to the Committee.

The House Committee of the Whole amendments delete some of the new crimes that would have been created by the substitute bill, including interference with the use of an assistance dog and wrongfully obtaining or exerting control over an assistance dog with the intent of depriving the owner of the use of the dog. All provisions relating to restitution to the owner of an assistance dog for damages on conviction of the crimes that would have been created by the bill were also deleted in the House amendments.

The fiscal note on HB 2197, as introduced, indicated the Judicial Administrator stated it is not known how many cases would be brought under the provisions of the bill, and the Kansas Sentencing Commission notes modification of the database and projection model to account for new felony offenses would be needed. It is assumed there

would be no direct affect on prison admissions. Several of these comments would not apply to the substitute bill as amended.