

HOUSE BILL No. 2421

By Representative Williams

10-31

1 AN ACT concerning persons with disabilities; relating to the right to
2 accommodation for individuals who raise assistance dogs; the
3 procedure for verification of a person's right to be accompanied by an
4 assistance dog or professional therapy dog; accredited training
5 facilities; amending K.S.A. 2019 Supp. 39-1109, 39-1111 and 39-1113
6 and repealing the existing sections.
7

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

9 Section 1. K.S.A. 2019 Supp. 39-1109 is hereby amended to read as
10 follows: 39-1109. Any ~~professional trainer, from a recognized training~~
11 ~~center~~, of an assistance dog, while engaged in the training of such dog,
12 shall have the right to be accompanied by such dog in or upon any of the
13 places listed in K.S.A. 39-1101, and amendments thereto, without being
14 required to pay an extra charge for such dog. Such trainer shall be liable
15 for any damage done to the premises of facilities by such dog.

16 Sec. 2. K.S.A. 2019 Supp. 39-1111 is hereby amended to read as
17 follows: 39-1111. (a) If a question arises as to whether an assistance dog
18 qualifies under this act to accompany a person with a disability in or upon
19 any place set forth in K.S.A. 39-1101, and amendments thereto, the person
20 with a disability may produce for the employee or person responsible for
21 such place ~~an identification card or letter credentials~~ conforming to the
22 requirements of this subsection. Upon production of such ~~identification~~
23 ~~card or letter credentials~~, the assistance dog shall be allowed to accompany
24 the person with a disability in or upon such place.

25 (1) If the assistance dog has been trained by ~~a training facility, school~~
26 ~~or trainer~~ *an accredited training facility*, the ~~identification card or letter~~
27 ~~credentials~~ shall be provided by the *accredited* training facility, ~~school or~~
28 ~~trainer~~ that trained the dog and shall contain the following information:

29 (A) The legal name of the dog's user;

30 (B) the name, address and telephone number of the *accredited*
31 *training facility*, ~~school or trainer who~~ *that* trained the dog;

32 (C) whether the dog is designated as a guide, hearing assistance or
33 service dog; and

34 (D) a picture or digital photographic likeness of the dog user and the
35 dog. ~~If a card is used, the picture or digital photographic likeness shall be~~
36 ~~on the card. If a letter is used, the picture or digital photographic likeness~~

1 ~~shall either be printed as a part of the letter or be affixed to the letter.~~

2 (2) If the assistance dog has been trained by the person using the dog,
3 ~~the identification card or letter~~ *credentials* shall contain the following
4 information:

5 (A) The legal name of the dog's user;

6 (B) the dog user's address;

7 (C) a statement that the dog has been trained to mitigate the dog
8 user's disability; and

9 (D) a picture or digital photographic likeness of the dog user and the
10 dog. ~~If a card is used, the picture or digital photographic likeness shall be~~
11 ~~on the card. If a letter is used, the picture or digital photographic likeness~~
12 ~~shall either be printed as a part of the letter or be affixed to the letter.~~

13 (b) If a question arises as to whether a dog handler is qualified, or
14 whether the dog accompanying the handler is qualified as a professional
15 therapy dog, to enter in or upon ~~the places~~ *any place* set forth in K.S.A.
16 2019 Supp. 39-1110, and amendments thereto, an employee or person
17 responsible for such ~~places~~ *place* may request, and the qualified handler
18 shall produce, ~~an identification card or letter,~~ *credentials* provided by ~~the~~
19 ~~an unaccredited or accredited~~ training facility, school or trainer who
20 trained the dog. Such ~~card or letter~~ *credentials* shall contain the following
21 information:

22 (1) The legal name of the qualified dog handler;

23 (2) the name, address and telephone number of the facility, school or
24 trainer who trained the dog;

25 (3) information documenting that the dog is trained to provide
26 therapeutic supports; and

27 (4) a picture or digital photographic likeness of the qualified handler
28 and the dog. ~~If a card is used, the picture or digital photographic likeness~~
29 ~~shall be on the card. If a letter is used, the picture or digital photographic~~
30 ~~likeness shall either be printed as a part of the letter or be affixed to the~~
31 ~~letter.~~

32 (c) If a question arises as to whether an individual accompanied by a
33 dog is a ~~professional trainer, from a recognized training center,~~ of an
34 assistance dog, in order to enter in or upon a *any* place set forth in K.S.A.
35 39-1101, and amendments thereto, an employee or person responsible for
36 such place may request, and the trainer shall produce, ~~an identification~~
37 ~~card~~ *credentials* provided by ~~the recognized~~ *an accredited* training ~~center~~
38 ~~facility~~ containing the following information:

39 (1) The legal name of the trainer;

40 (2) the name, *address and telephone number* of the *accredited*
41 training ~~center~~ *facility*;

42 (3) ~~the address and telephone number of the training center;~~

43 (4) ~~the types of functions for which dogs are trained by the center~~

1 *accredited training facility; and*

2 ~~(5)~~(4) a picture or digital photographic likeness of the trainer.

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

7 Sec. 3. K.S.A. 2019 Supp. 39-1113 is hereby amended to read as
8 follows: 39-1113. As used in ~~this act and in~~ K.S.A. 39-1101 ~~through 39-~~
9 ~~1109~~ *et seq.*, and amendments thereto:

10 (a) *"Accredited training facility" means an assistance dog training*
11 *organization that is accredited by assistance dogs international or a*
12 *similar internationally recognized institution whose main purpose is to*
13 *grant accreditation to assistance dog organizations based on standards of*
14 *excellence in all areas of assistance dog acquisition, training and*
15 *placement.*

16 (b) *"Assistance dog" means any guide dog, hearing assistance dog or*
17 *service dog. The presence of a dog for comfort, protection or personal*
18 *defense does not qualify a dog as being trained to mitigate an individual's*
19 *disability and therefor does not qualify the dog as an assistance dog*
20 *covered under the provisions of this act.*

21 ~~(b)~~(c) *"Guide dog" means a dog which that is being prepared to be or*
22 *has been specially selected, trained and tested by an accredited training*
23 *facility for the purpose of guiding a person who is legally blind.*

24 ~~(c)~~(d) *"Hearing assistance dog" means a dog which that is being*
25 *prepared to be or has been specially selected, trained and tested by an*
26 *accredited training facility to alert or warn individuals who are deaf or*
27 *hard of hearing to specific sounds.*

28 ~~(d)~~(e) *"Professional therapy dog" means a dog which that is selected,*
29 *trained and tested by an unaccredited or accredited training facility,*
30 *school or trainer to provide specific physical or therapeutic functions,*
31 *under the direction and control of a qualified handler who works with the*
32 *dog as a team, and as a part of the handler's occupation or profession. Such*
33 *dogs, with their handlers, perform such functions in institutional settings,*
34 *community based group settings, or when providing services to specific*
35 *persons who have disabilities. "Professional therapy dog" does not include*
36 *dogs, certified or not, which that are used by volunteers for pet visitation*
37 *therapy.*

38 ~~(e)~~(f) *"Service dog" means a dog which that is being prepared to be*
39 *or has been specially selected, trained and tested by an accredited training*
40 *facility to perform a variety of tasks for persons with disabilities. These*
41 *tasks include, but are not limited to: Pulling wheelchairs; lending balance*
42 *support; picking up dropped objects; or providing assistance in, or to*
43 *avoid, a medical crisis; or to otherwise mitigate the effects of a disability.*

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

5 (g) *"Trainer" means an employee or volunteer of an accredited*
6 *training facility who trains or raises assistance dogs.*

7 Sec. 4. K.S.A. 2019 Supp. 39-1109, 39-1111 and 39-1113 are hereby
8 repealed.

9 Sec. 5. This act shall take effect and be in force from and after its
10 publication in the statute book.