

HOUSE BILL No. 2715

By Committee on Health and Human Services

1-28

AN ACT concerning disabled persons, relating to assistance dogs and other assistance animals; amending K.S.A. 39-1102, 39-1103, 39-1107, 39-1108 and 39-1109 and repealing the existing sections.

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

New Section 1. As used in this act and in K.S.A. 39-1101 to 39-1109, inclusive, and amendments thereto:

(a) "Guide dog" means a dog which has been specially trained and tested for the purpose of guiding a person who is totally or legally blind, or visually impaired.

(b) "Service dog" means a dog which has been specially trained and tested to perform a variety of physical 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.

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

(d) "Therapeutic support dog" means a dog which is specifically selected, trained and tested to provide service and support for persons who are diagnosed with a mental or emotional disability so that such individuals may engage in normal daily activities.

(e) "Assistance animal" includes dogs defined in paragraphs (a), (b), (c) and (d) of this section, and may include other animals specially trained and tested to perform physical tasks to mitigate an individual's disability.

(f) "Professional therapy dog" means a dog which is 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.

New Sec. 2. The presence of an animal for comfort, protection or personal defense does not qualify an animal as being trained to mitigate an individual's disability and therefor does not qualify the animal as an

1 assistance animal or dog covered under the provisions of this act.

2 Sec. 3. K.S.A. 39-1102 is hereby amended to read as follows: 39-
3 1102. Every totally or ~~partially~~ *legally* blind person, or *visually handi-*
4 *capped person*, shall have the right to be accompanied by a guide dog,
5 ~~especially trained for the purpose~~, in or upon any of the places listed in
6 K.S.A. 39-1101 and amendments thereto, in the acquisition and use of
7 rental, residential housing and in the purchase and use of residential hous-
8 ing without being required to pay an extra charge for the guide dog,
9 except that such person shall be liable for any damage done to the prem-
10 ises or facilities by such dog.

11 Sec. 4. K.S.A. 39-1103 is hereby amended to read as follows: 39-
12 1103. (a) Any person, firm, corporation, or the agent of any person, firm
13 or corporation, who denies or interferes with admittance to or enjoyment
14 of the public facilities enumerated in K.S.A. 39-1101 and 39-1102, and
15 amendments thereto, or otherwise interferes with the rights of a totally
16 or ~~partially~~ *legally* blind person, *visually impaired, a deaf or hearing im-*
17 *paired person*, otherwise disabled person or trainer of ~~a guide dog an~~ *an*
18 *assistance animal* under K.S.A. 39-1101, 39-1102, 39-1107, 39-1108 ~~and~~,
19 39-1110 *or section 2*, and amendments thereto, shall be guilty of a
20 misdemeanor.

21 (b) (1) *Any person who has received notice that such person's be-*
22 *havior is interfering with the use of a guide dog, hearing assistance dog,*
23 *service dog or therapeutic support dog and who continues with reckless*
24 *disregard to interfere with the use of such dog by obstructing, intimidating*
25 *or otherwise jeopardizing the safety of such dog, or the person with a*
26 *disability who is using such dog, is guilty of a misdemeanor, except that*
27 *for a second or subsequent offense such person is guilty of a severity level*
28 *10, nonperson felony.*

29 (2) *Any person who, with reckless disregard, allows such person's dog*
30 *to interfere with the use of a guide dog, hearing assistance dog, service*
31 *dog or therapeutic support dog, by obstructing, intimidating or otherwise*
32 *jeopardizing the safety of the guide dog, hearing assistance dog, service*
33 *dog or therapeutic support dog user, or such person's dog is guilty of a*
34 *misdemeanor, except that for a second or subsequent offense, such person*
35 *is guilty of a severity level 10, nonperson felony.*

36 (3) *Any person who, with reckless disregard, injures, disables or*
37 *causes the death of a guide dog, hearing assistance dog, service dog or*
38 *therapeutic support dog is guilty of a severity level 10, nonperson felony.*

39 (4) *Any person who, with reckless disregard, allows such person's dog*
40 *to injure, disable or cause the death of a guide dog, hearing assistance*
41 *dog, service dog or therapeutic support dog is guilty of a severity level*
42 *10, nonperson felony.*

43 (5) *Any person who intentionally injures, disables or causes the death*

1 of a dog, guide dog, hearing assistance dog, service dog or therapeutic
2 support dog is guilty of a severity level 10, nonperson felony.

3 (6) Any person who wrongfully obtains or exerts unauthorized control
4 over a guide dog, hearing assistance dog, service dog or therapeutic sup-
5 port dog, with the intent to deprive the guide dog, hearing assistance dog,
6 service dog or therapeutic support dog user of such user's dog is guilty of
7 theft and shall be subject to the felony penalties established for theft under
8 K.S.A. 21-3701 and amendments thereto.

9 (c) (1) In any case in which a person is convicted of a violation of
10 this section, such person shall also be ordered to make full restitution for
11 all damages, including incidental and consequential expenses incurred by
12 the guide dog, hearing assistance dog, service dog or therapeutic support
13 dog user, which arise out of, or are related to, the criminal offense.

14 (2) Restitution for a conviction under this section shall include, but
15 is not limited to:

16 (A) The value of the replacement of an incapacitated or deceased
17 guide dog, hearing assistance dog, service dog or therapeutic support dog,
18 the training of a replacement guide dog, hearing assistance dog, service
19 dog or therapeutic support dog or retraining of the affected guide dog,
20 hearing assistance dog, service dog or therapeutic support dog and all
21 related veterinary and care expenses; and

22 (B) medical expenses of the guide dog, hearing assistance dog, service
23 dog or therapeutic support dog user, training of the guide dog, hearing
24 assistance dog, service dog or therapeutic support dog user, and compen-
25 sation for wages or earned income lost by the guide dog, hearing assistance
26 dog, service dog or therapeutic support dog user.

27 Sec. 5. K.S.A. 39-1107 is hereby amended to read as follows: 39-
28 1107. Every hearing impaired person has the right to be accompanied by
29 a hearing assistance dog, ~~especially trained for the purpose of hearing~~
30 ~~assistance, in all hotels, motels and other places of lodging and housing~~
31 ~~in or upon any of the places listed in K.S.A. 39-1101, and amendments~~
32 ~~thereto, in the acquisition and use of rental, residential housing and in~~
33 ~~the purchase and use of residential housing~~ without being required to pay
34 an extra charge for the hearing assistance dog. The hearing impaired
35 person shall be liable for any damage done to the premises or facilities
36 by such dog.

37 Sec. 6. K.S.A. 39-1108 is hereby amended to read as follows: 39-
38 1108. Every person with a physical disability shall have the right to be
39 accompanied by a service dog, ~~especially trained and certified for the~~
40 ~~purpose which shall include, but not be limited to, pulling a wheelchair,~~
41 ~~opening doors and picking up objects,~~ in or upon any of the places listed
42 in K.S.A. 39-1101, and amendments thereto, *in the acquisition and use*
43 *of rental, residential housing and in the purchase and use of residential*

1 *housing* without being required to pay an extra charge for the service dog.
2 Such person shall be liable for any damage done to the premises by such
3 dog.

4 Sec. 7. K.S.A. 39-1109 is hereby amended to read as follows: 39-
5 1109. Any trainer, from a recognized training center, of a guide dog,
6 hearing assistance dog ~~or~~, service dog *or therapeutic support dog*, while
7 engaged in the training of such dog, shall have the right to be accompa-
8 nied by such dog in or upon any of the places listed in K.S.A. 39-1101,
9 and amendments thereto, without being required to pay an extra charge
10 for such dog. Such trainer shall be liable for any damage done to the
11 premises of facilities by such dog.

12 New Sec. 8. Persons who are diagnosed with a mental or emotional
13 disability, but are also determined as having the skills and capabilities to
14 care for a therapeutic support dog, have the right to be accompanied by
15 an individual therapy dog in or upon any of the places listed in K.S.A. 39-
16 1101, and amendments thereto, in the acquisition of rental, residential
17 housing and in the purchase and use of residential housing without having
18 to pay an extra charge for the dog, except that such person shall be liable
19 for any damage done to the premises or facilities by such dog.

20 New Sec. 9. Any qualified handler of a professional therapy dog
21 when accompanied by such dog and when using any conveyance of public
22 transportation available to all members of the general public, and when
23 renting and using accommodations in motels, hotels and other temporary
24 lodging places shall have a right to be accompanied by such dog in such
25 places. Any owner or employee of a business or retail establishment to
26 which the public is invited, including establishments which serve or sell
27 food, shall admit a professional therapy dog, accompanied by its qualified
28 handler, to the business, provided that, if such dog is admitted, the qual-
29 ified handler is liable for any damage done by the dog.

30 Sec. 10. K.S.A. 39-1102, 39-1103, 39-1107, 39-1108 and 39-1109 are
31 hereby repealed.

32 Sec. 11. This act shall take effect and be in force from and after its
33 publication in the statute book.

34
35
36
37
38
39
40
41
42
43