AN ACT concerning physically disabled persons; relating to assistance
animals; procedures for assistance animal accommodations in housing;
amending K.S.A. 2018 Supp. 39-1103 and repealing the existing
section.

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

New Section 1. (a) A person with a disability may submit a request
for a reasonable accommodation to maintain an assistance animal on the
landlord's property pursuant to the fair housing act, as amended, 42 U.S.C.
§ 3601 et seq., the Americans with disabilities act of 1990, 42 U.S.C. §
12101 et seq., and section 504 of the rehabilitation act of 1973, as
amended, 29 U.S.C. § 701, or any other federal, state or local law. If the
person making the request has a disability or disability-related need for an
assistance animal that is not readily apparent or known to the landlord, the
landlord may require the person to produce documentation of the disability
and disability-related need for the assistance animal.

(b) A person making a request for a reasonable accommodation shall
produce documentation requested under subsection (b) that meets the
following requirements:

(1) Verify that the person seeking the accommodation meets the
definition of disability;
(2) describe the person's disability-related need for the assistance
animal; and
(3) be provided by a physician or counselor who has met with the
patient in person and is sufficiently familiar with the patient's disability.

(c) If a request for a reasonable accommodation is granted, the
landlord may require the person making the request for a reasonable
accommodation to produce documentation, pursuant to subsection (c), of
the disability and disability-related need for the assistance animal on an
annual basis if the person making the request has a disability or disability-
related need for an assistance animal that is not readily apparent or known
to the landlord.

(d) A landlord shall not be liable for damages or injuries caused by a
person's assistance animal that is permitted on the landlord's property as a
reasonable accommodation to assist such person with a disability pursuant
to this section and applicable federal law.
(e) If a person obtains a reasonable accommodation under this section through misrepresentation of a disability or disability-related need for an assistance animal, or misrepresentation of an animal as an assistance animal, the landlord may deem this act a material noncompliance by the tenant with the rental agreement and proceed with actions allowed under K.S.A. 58-2564 and 58-25,120, and amendments thereto.

(f) As used in this section:

(1) "Assistance animal" means an animal that qualifies as a reasonable accommodation under section 504 of the rehabilitation act of 1973, as amended, 29 U.S.C. § 701, or any other federal, state or local law, including an emotional support animal when such animal qualifies as a reasonable accommodation.

(2) "Counselor" means a person who is currently licensed to practice in Kansas as a licensed psychologist, licensed masters level psychologist, licensed clinical psychologist, licensed clinical psychotherapist, licensed clinical professional counselor or licensed master social worker.

(3) "Disability" means, with respect to a person:

(A) A physical or mental impairment that substantially limits one or more of such person's major life activities;

(B) a record of having such impairment; or

(C) being regarded as having such an impairment. "Disability" does not include current, illegal use of or addiction to a controlled substance, as defined in section 102 of the controlled substance act, 21 U.S.C. § 802.

(4) "Physician" means a person who is licensed to practice medicine and surgery in this state.

(g) This section shall be a part of and supplemental to article 11 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 2. K.S.A. 2018 Supp. 39-1103 is hereby amended to read as follows: 39-1103. Any person, firm, corporation, or the agent of any person, firm or corporation, who denies or interferes with the exercise of the rights recognized in K.S.A. 39-1101, 39-1102, 39-1107, 39-1108 or 39-1109, and amendments thereto, or section 2, and amendments thereto, is guilty of a misdemeanor.

Sec. 3. K.S.A. 2018 Supp. 39-1103 is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.