

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES.

The meeting was called to order by Chairperson Garry Boston at 1:30 p.m. on February 11, 2002 in Room 210 Memorial Hall

Committee staff present: Dr. Bill Wolff, Kansas Legislative Research Department
Norman Furse, Revisor of Statute's Office
Renea Jefferies, Revisor of Statute's Office
June Evans, Secretary

Conferees appearing before the committee: Representative Joann Freeborn
Michael Byington, Guide Dog Users of Kansas
Lois Young, Osawatomie
Sara Holbert, Cares, Inc.
Sharon Huffman, Kansas Commission on
Disability Concerns

Others attending: See Attached Sheet

Vice-Chairman Jim Morrison presented the Sub-Committee on Credentialing Report on **HB 2315 - an act concerning occupational therapists, licensure thereof** stating the recommendations were: (1) That the subcommittee amendments be adopted and (2) **HB 2315** be passed as amended (Attachment 1).

The Chairperson stated the recommendations were accepted and would try to work the bill tomorrow (2-12-02).

The Chairman opened the hearing on **HB 2715 - Assistance Animals for Handicapped and Disabled Persons.**

Norm Furse, Revisor of Statute's Office, gave a briefing on **HB 2715**, stating there were a number of changes to the current law and some new laws.

The Chairman stated there was no fiscal note on the bill.

Representative Joann Freeborn, a proponent for **HB 2715** stated she brought this bill forth last year but there was difficulty obtaining consensus on language. It is important to have the correct language as to strengthen the rights of disabled persons, and at the same time make it more difficult for those rights to be abused. This bill has been created with the mutual agreement of the disabled community and those organizations involved (Attachment 2).

The Chairman asked if animals other than dogs were covered in this bill?

Representative Freeborn stated she thought legislation would only cover dogs.

Michael Byington, Kansas Telecommunications Access Program, testified as a proponent to **HB 2715**. When the statutes were amended in the late 1980s it was believed every type of assistance dog possible, and every possible situation where a person who has a disability might need to use such a dog was covered. Expansion and advances in both dog training and in the numbers of people who have severe disabilities but who choose to live in their home communities instead of in institutions, however, have created the need for greater specificity in the law.

The adoption of the Americans with Disabilities Act (ADA) at the federal level has probably complicated assistance dog access more than it has improved the situation. At the same time, users of trained and qualified assistance dogs are concerned about abuses because of the general nature of the ADA provisions about assistance animals (Attachment 3).

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES, Room 210, Memorial Hall at 1:30 p.m. on February 11, 2002.

Mr. Byington also provided testimony by his wife, Ann Byington, President, Guide Dog Users of Kansas, supporting **HB 2715** (Attachment 4).

Lois Young, Osawatomie, testified stating for **HB 2715** to be effective there needs to be a clear definition of what constitutes a "specially trained and tested" dog or animal. An accreditation bureau needs to be formed to perform testing and registration of each dog or animal. That the owner of assistance animals have a current doctor's prescription stating the need for an assistance animal. That the bill be very clear on who can be a trainer, 16 states have such requirements for trainers. Some form of identification be issued by the accreditation board and be on the animal or with the handler at all times, 27 states require that animals wear a special collar, harness or leash issued by a department of certification, or they require that the animal wear an ID tag or the owner carry credentials showing the animal has been tested and certified (Attachment 5).

Sara Holbert, CEO, CARES, Inc., Concordia, Kansas, testified in support of **HB 2715**, stating they have placed over 260 assistance dogs in 23 different states, one in Puerto Rico and two in Peru. 141 of these placements were service dogs and hearing dogs and 57% of our placements work here in the state of Kansas. While we are not the largest training facility, we have placed a large number of dogs in specific areas of disabilities that are not being addressed by other schools in the United States.

Public access, protection under the law, as well as the ability to punish violators, will give Kansas citizens working with assistance dogs the assurance that the partnerships they have with their dogs will have been given every consideration by the people chosen to represent them in Topeka.

We would like to ask you to amend the wording of the current bill to include the word "selected" in the following places: New Section 1, (a) "Guide dog" means a dog which has been specially **selected**, trained...(b) "Service dog" means a dog which has been specially **selected**, trained...(c) "Hearing Assistance dog means a dog which is specially **selected**, trained...(d) "Therapeutic Support dog" means a dog which is specially **selected**, trained...(e) "assistance animal" includes dogs...other animals specially **selected**, trained and tested...(Attachment 6).

Sharon Huffman, Legislative Liaison, Kansas Commission on Disability Concerns, Kansas Department of Human Resources, testified as a proponent to **HB 2715**, stating they provide information and education to the legislature and governor on issues of importance to Kansans with disabilities. **HB 2715** is designed to help clarify some of the definitions of various animals used by people with disabilities for support and/or therapy. The bill extends the current protection from discrimination under Kansas Law for persons with disabilities who use such animals to include acquisition and use of rental, residential housing and in the purchase and use of residential housing (Attachment 7).

The Chairman closed the hearing on **HB 2715**.

The Chairman announced the Sub-committee on Credentialing would meet Tuesday and Thursday if time permits.

The meeting adjourned at 3:10 p.m. and the next meeting will be February 12, 2002