

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON HEALTH AND HUMAN SERVICES
SUBCOMMITTEE**

**Seventy-Third Session
May 5, 2005**

The Committee on Health and Human Services subcommittee was called to order at 4:11 p.m., on Thursday, May 5, 2005. Chairwoman Susan Gerhardt presided in Room 3138 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

SUBCOMMITTEE MEMBERS PRESENT:

Ms. Susan Gerhardt, Chairwoman
Mr. William Horne
Ms. Valerie Weber

GUEST LEGISLATORS PRESENT:

Senator Dina Titus, Senatorial District No. 7, Clark County

STAFF MEMBERS PRESENT:

Barbara Dimmitt, Committee Analyst
James Cassimus, Committee Attaché

OTHERS PRESENT:

Robert Desruisseaux, Legislative Advocate, representing Northern Nevada
Center for Independent Living, Sparks, Nevada
Terry Johnson, Director, State of Nevada Department of Employment,
Training, and Rehabilitation
Jim Nadeau, Legislative Advocate, representing Nevada Association of
Realtors, Reno, Nevada

Senate Bill 36 (1st Reprint): Makes various changes concerning animals trained to assist or accommodate persons with disabilities. (BDR 38-694)

Chairwoman Gerhardt:

[Meeting called to order.] One of the things I was concerned about in Section 1 is that if we are going to provide sanctions for fraudulently representing a service animal, are they going to be enforced, and what kind of cost is this going to incur? If we're going to do that, we're going to have to have a means of identifying exactly what a service animal is.

Assemblyman Horne:

In Section 1, my largest concern is the penalty portion of it. The most problematic is "category E felony." I'll be up front and say that's a non-starter for me. I don't think it's good public policy. While the conduct may be wrong—someone passing off their pet as a service animal—I don't think we want to make felons out of these people.

Assemblywoman Weber:

Maybe Mr. Horne knows if other cases of fraud across the board are considered E-Class felonies.

Assemblyman Horne:

Yes, there are crimes of fraud that provide felony penalties. However, those types of fraud generally have a harm that is more tangible, such as defrauding someone out of their life savings or fraudulently getting them to convey property. The type of fraud here creates an inconvenience—albeit a large inconvenience—to people who have service animals. I don't think we want to make someone a felon for causing that type of inconvenience. That's why it's a non-starter for me.

Assemblywoman Weber:

I believe the first offense is a gross misdemeanor. Would that be more in line with what you're saying?

Assemblyman Horne:

I may be able to accept that if I swallow hard. For example, someone tried to pass her dog off as a service animal to come on a plane and you're only allowed to have two service animals. That's a federal area where we have no jurisdiction. Gross misdemeanor sometimes carries with it jail time. When you incarcerate someone, you're taking their liberty away for a finite amount of time. You can be incarcerated for up to a year. Whether or not a prosecutor would seek that amount of time, you're still talking about a matter of confinement. Subsequent violations can bump you up to a felony because you tried to pass your pet off as a service animal. It's hard for me to get there.

Chairwoman Gerhardt:

One of the things I'm concerned about is how you would prove that crime. In Section 12 on page 7, they're talking about one case of proof that a landlord may require. In that case, they're asking for an identification card that is normally presented to a person with a disability upon his graduation from a school for guide dogs. That's pretty clear cut. However, when we get to another instance on page 11, they're talking about places of public accommodation. For proof in this case they're asking that a person actually question the disabled individual and ask them what tasks the animal is trained to perform. I'm concerned on a couple of levels. I think that violates someone's right to privacy. In the first case, I'm concerned about providing an identification card. That leaves out that group of people we heard during testimony who train their own animals as opposed to going to a school. We've got multiple levels of proof here which complicates it even further.

Assemblyman Horne:

That's the crux of the problem, too. You're going to have this problem if you have multiple standards. You say you want service animals to be recognized because they allow a quality of life that others enjoy that you wouldn't be able to enjoy but for these animals. You would like the state of Nevada to recognize the importance of these animals. On the other hand, you say, "but don't make us provide proof that it's a service animal." That's what you're saying when you say you don't want to have to send them to a school or have some specific certification. You're basically saying, take the owner's word for it. Unless we bring them together, I don't see how you solve that problem. How could people who trained their own animals apply for certification that they could present to the landlord to show that it's a service animal?

Chairwoman Gerhardt:

In preparation for this, I looked up a few definitions. When you look at the definitions for guide dog, hearing dog, and helping dog, those things are pretty clearly defined. When you get to the definition of a service animal, it means that "an animal has been trained to assist or accommodate a person with a disability." That's really vague, and I think the intent was to keep it vague so that it would capture a variety of animals. But it makes it very difficult when you have such a vague definition to then have sanctions for someone who is fraudulently claiming that the animal accompanying them is a service animal. We are looking for guidance from our interested parties.

Robert Desruisseaux, Legislative Advocate, representing Northern Nevada Center for Independent Living, Sparks, Nevada:

I think it's important to understand that there is a definite distinction between public accommodations and housing, which is referred to in Section 12. There

are two federal laws we're trying to address here. The ADA [Americans with Disabilities Act] is the law which addresses service animals in public accommodations, and it uses the definition which you gave earlier that this dog was specifically trained to meet the needs of the individual with the disability. The standards of proof that a public accommodation or a landlord can ask for are different under each law as well. Under the ADA, they can ask if it is a service animal. They cannot necessarily inquire about the person's disability, but they can ask for a demonstration of what that animal performs. The ADA doesn't go into that much further as far as determining whether or not what has been demonstrated is a viable task. There is a reason for that. It is because the types of things service animals provide vary depending on the disability. Disability is so diverse. A woman I used to work with suffered a back injury as a nurse. Because of that, she had difficulty with her balance. Occasionally she would just topple over. She had a service animal whose only job was to be an anchor. When she started falling one direction, he would pull in the other. He was an incredible service animal, but that was something you couldn't necessarily see. If someone was to demonstrate that, it would be difficult to identify. There is some real difficulty in identifying and defining what a service animal is.

Chairwoman Gerhardt:

What bothers me about that is we're now allowing lay people—the landlord, in the instance you're talking about—to make that determination.

Robert Desruisseaux:

Terry Johnson has some proposed amendments ([Exhibit B](#)) which might, as far as Section 12, clarify this quite well. With regard to public accommodations, though, the federal law is very broad and open to interpretation. In order to tighten the reigns on that, we would end up more stringent than the federal law, and therefore federal law would supersede. What we're trying to do is make sure we're consistent with federal law. There was a lot of concern in the testimony in the subcommittee over the interim that there were mixed messages being sent to the business community because Nevada law at the time said you had to present a certificate from a licensed school; whereas, federal law does not require that. Individuals who did not have that documentation were being turned away.

Assemblyman Horne, the term you used was "inconvenience." It's more than an inconvenience when an individual does not have the options that we all have to shop or to access entertainment or other goods and services simply because of that service animal. It tears at all the threads of an individual's self-worth and independence. This is why we wanted to have some sort of accountability for individuals. In Section 1, that is what we were trying to address. We have had

some discussions with regard to Section 1, and we're okay with lowering the threshold penalty, as long as there is something so that individuals who are misrepresenting their pets as service animals have some sort of ramifications.

As a person who provides technical assistance on ADA on a daily basis, I get at least one or two calls a week from individuals seeking information on how to get a service animal certified. My answer to that is, you don't have to get it certified, but you do have certain responsibilities.

Chairwoman Gerhardt:

Each service animal is individual and the standard is so vague that any animal, arguably, could provide assistance to someone. So I'm wondering how we would enforce the sanctions in Section 1. You're deliberately leaving it vague, and I appreciate why, but as someone who worked in law enforcement, I'm not sure how an officer would give a ticket. Every person could make some kind of argument that their animal provided emotional assistance. You see where our problem is. It's not that we aren't trying to help. We're just trying to figure out exactly how we're going to make this work.

Robert Desruisseaux:

I understand the difficulty with it. To be perfectly honest, I don't think it could be enforced. I don't believe any law enforcement agency would be willing to make such a determination to issue that citation. I agree with you. We need to find a way, even using a policy statement, to recognize the damage this does to individuals with disabilities who have legitimate service animals. It is a way of recognizing that severe damage is being done.

Chairwoman Gerhardt:

I think everyone could get on board with doing a policy statement.

Assemblyman Horne:

I don't have a problem with a stiff fine. The incarceration part bothered me. My grandfather was injured after the war, but that's the limit of my experience. When I speak of inconveniences, I speak of them as being more temporary than the other fraudulent cases I mentioned before. For instance, if someone killed a seeing-eye dog, I don't have a problem with calling that a felony. That's like re-blinding the person. Those types of things are more permanent. That's different than somebody who has inconvenienced your plans of going into a restaurant or getting a hotel room.

Robert Desruisseaux:

I do understand the difference. The damage done is a little more indirect in the example you had given. I think what is important is that the damage is still done

and we need to find a way to discourage individuals from doing this. My experience has been that there is a great number of individuals with disabilities who are aware of what their rights are under ADA but very often forget what their responsibilities are. I work on a daily basis to educate these individuals and implant that in them, but I think it would go a lot further if I could remind these individuals that not only are they doing damage to others, but there is going to be a direct result in their misrepresentation of service animals. There needs to be some sort of deterrent for individuals who are doing this.

Assemblywoman Weber:

Based on what statute currently has as a definition of a service animal, do we want to step back and take a look at the federal definition under ADA? According to the research, several states have adopted that particular definition. Before we go to a penalty phase, we should step back and take a look at a definition that may remove some of that vagueness—maybe it won't—and then take a look at the public accommodation side versus the housing side. We should take a look at how you identify a service animal and then lastly look at the penalties after we decide that. Just a suggestion.

Terry Johnson, Director, State of Nevada Department of Employment, Training, and Rehabilitation:

Our interest in this initially was the housing component, but there was a request from the Committee Chair to examine whether there are some administrative sanctions that could be provided as a remedy for persons who effect those misrepresentations you have been discussing. Our department consists of, amongst other entities, the Equal Rights commission and the Rehabilitation Division. We didn't see where, within our Department, we could provide a recommendation that would provide for an administrative sanction. Should you elect to go forward to determine that misrepresenting an animal as a service animal is punishable, there may be some guidance in the remaining part of the statute, and in this bill, where there are other actions that are punishable by, for example, a misdemeanor. Even though a large part of it is being amended out, Section 2 says that failure to follow certain provisions is punishable by a misdemeanor. You have other examples, for instance Section 10, where you have certain acts that are unlawful and punishable by a misdemeanor and a fine of not more than \$500. Those are some options that are available to you.

There are other provisions in existing statutes, again, as referenced in Section 13 of the bill, that make certain acts punishable by a misdemeanor. In Section 14, you have a fine that looks like a period of imprisonment consistent with conviction of a misdemeanor. Lastly, there is a section of this statute that deals with penalties for various acts: In NRS 426.790 [*Nevada Revised Statutes*] there are various acts that are punishable by, in some cases, a Category E felony, Category D felony, or a gross misdemeanor. There is one that is probably going to come as close as possible to what you're talking about here, and that's "fraudulent acts" in NRS 426.800. It provides for punishment

of gross misdemeanor for certain misrepresentations. It's not 100 percent on point, but it may provide the committee with guidance for purposes of consistency with the remainder of the chapter.

[Referred to NRS 426.800.] That language would have to be tweaked, but I think it could work. I don't believe that paragraph 2 is relevant. The first paragraph would add language that addresses the issue of service animals. I'll read it out loud. "A person who knowingly obtains or attempts to obtain, or aids or abets any person to obtain by means of a willfully false statement or misrepresentation by impersonation, or the fraudulent device, services to which he is not entitled, or service greater than those to which he is entitled, with the intent to defeat the purpose of this chapter, is guilty of a gross misdemeanor." The language would have to be changed to encompass everything.

There are other examples. NRS 426.510 is one of the first sections I looked at in terms of punitive provisions. You have provisions where someone other than a blind person does various acts such as fail to heed the approach or use a guide dog contrary to the provisions of that section. Those acts are punishable by a misdemeanor as well. It doesn't mention the fine specifically, but it does equate those various acts with misdemeanor conviction as a possibility. I mention that to show you there are some other examples throughout the chapter, though not 100 percent similar, they are reasonably comparable to the infraction of misrepresenting a service animal.

Chairwoman Gerhardt:

Go ahead with the rest of the amendments.

Terry Johnson:

As I mentioned, we're particularly interested in the housing amendment, so the amendment before you ([Exhibit B](#)) proposes to amend Chapter 118 of NRS dealing with housing. There have been some discussions as to what could be done to this section that would address our interests in the case of our Equal Rights Commission to enforce those housing components, and the community's interest in not being too restrictive. The amendment before you does that by eliminating references in this instance of Chapter 118 to a service animal and merely referencing an animal that provides assistance, support, or service to the person with the disability. Subsection 2 makes it less restrictive for a landlord to require proof that an animal assists, supports, or provides service. I think reasonable minds should be able to determine whether or not an animal assists, supports, or provides service to a disabled person versus whatever criteria are going to be established for a service animal. This does remove certain provisions that are in the first reprint of Section 12 that, as you may recall from my testimony in the full Committee, may have been reinserted as the result of a drafting error. This amendment removes what we believe was intended for removal at the outset. I believe Mr. Desruisseaux is in support of this amendment and the language that was agreed upon.

Assemblywoman Weber:

I have a question regarding the choice of words in Section 12, subsection 1, where it says the animal assists, supports, or provides service. I'm stuck on the federal definition where it says that the animal is individually trained to do work or perform tasks for the benefit of the individual. I would suggest we say "the animal is trained to assist, support..."

Robert Desruisseaux:

The definition you're referring to is the ADA's definition of a service animal. Housing does not recognize this. You can go through the whole Fair Housing Act and you won't find any reference to a service animal. What they're focusing on in housing is an individual's ability to benefit and enjoy fully his housing. Section 2 of Mr. Johnson's proposed amendment says that the animal performs a function which ameliorates the effects of the owner's disability. This could include things like a therapy animal or a companion animal. With individuals with certain types of mental illness who have difficulty functioning because they have difficulty keeping their world together, the animal anchors them. It keeps them grounded. Basically all the animal is doing is being an animal; a pet. It hasn't specifically been trained to perform any type of function for the individual, yet the animal's existence does have a positive benefit for the individual with a mental illness. There's a definite distinction between the requirements under housing and the requirements under public accommodations.

Assemblywoman Weber:

You are defining another area: the companion animal, or one giving emotional support. Do we need to include that in some sort of definition?

Chairwoman Gerhardt:

Under the definition you just described, how are we going to penalize the person who wants to take their therapy dog with them into a restaurant or on to a plane?

Robert Desruisseaux:

The person who brings a therapy dog into a restaurant is not covered under the ADA. That animal, in a public accommodation under the ADA, is not seen as a service animal because that animal has not been specifically trained to perform a function. So there is a definite distinction.

Chairwoman Gerhardt:

We're not making that distinction in Section 1. We need to change how Section 1 is written, to say specifically if we're talking about public accommodations, if we're talking about housing, and keep apples with apples and oranges with oranges.

Terry Johnson:

Section 1 does amend NRS Chapter 118, which would be limited to

discrimination in housing.

Assemblyman Horne:

Section 1 deals with Chapter 426 and Section 12 deals with Chapter 118.

Chairwoman Gerhardt:

So these penalties would only apply to public accommodations.

Assemblywoman Weber:

I do understand the distinction. We have two different sections of the law and we're attempting to blend them as one. I'm still trying to understand how we accommodate for those companion dogs that aren't defined in statute. How do we get the landlord to recognize that? I'm trying to determine by the definitions that we've been given if that works.

Assemblyman Horne:

This amendment that's been proposed deals with housing. In order for the landlord to recognize that companion dog, this amendment says the individual must provide documentation from a health care provider. So if I have a note from my doctor saying I need this pet for my emotional stability, that should be sufficient for the landlord to provide me housing.

Chairwoman Gerhardt:

But it says "may." It doesn't say "must."

Assemblyman Horne:

Yes. "May include documentation." The landlord doesn't have to require that proof, but if the landlord asks, that should be sufficient. But with the ADA stuff, this animal providing emotional stability will not fall into this category. I am not able to bring my emotional companion pet into the restaurant with me.

Chairwoman Gerhardt:

If we put "must include documentation" then the landlord could easily know what his requirements are and what he must accept and what he must not accept. I'm trying to envision an apartment complex that doesn't allow any dogs or cats and you have someone who has the need for an animal. The landlord has to have some means of determining what is legitimate and what isn't. Does the word "must" cause a problem?

Robert Desruisseaux:

I think it does, because it narrows the flexibility of the Fair Housing Law. Fair Housing, in case law, currently does provide that some documentation could satisfy the need for this reasonable accommodation. Words like "may" are much better because they leave it open for other types of documentation to be that sort of proof. By having the word "may" in there, it gives an individual who trained his own dog, who does not have a certificate from a licensed school, another option to satisfy the needs of the landlord and the need for this

accommodation. If you had the word "must" in there, even the individual who had this certificate from an established school would still need to go back to his doctor and get proof in addition to that certificate. The certificate should be, in any reasonable mind, enough proof to satisfy the need for that accommodation. If you use the word "must," you're adding another layer to that.

Chairwoman Gerhardt:

I'm trying to figure out how a landlord is going to determine that. If you have someone in a wheelchair with an assist animal, it's very apparent. But if we're going to put this umbrella out there to cover people with disabilities that are not so apparent, we don't want to ask personal questions and violate their right to privacy. There needs to be some way for a landlord to know whether this person is doing this fraudulently or not.

Assemblyman Horne:

That's what this language does. You're the landlord, I come to you and I have this service animal. You can take my word for it and rent to me, or you can say, "William, you don't look like you need a service animal." It says the landlord may require proof. That proof may include documentation. You want to say it "must" include documentation. Let's say the only documentation I have is a certification from a legitimate school. If you put "must" in here with that, I will have to go to the doctor and get that. This allows the landlord to take your word for it, or if he chooses not to take your word for it, it provides that flexibility for you to provide something else. Here it says it may be a note from a medical doctor.

Chairwoman Gerhardt:

So the landlord can require this.

Assemblyman Horne:

Yes. "The landlord may require proof that an animal assists, supports, or provides services to a disabled person."

Robert Desruisseaux:

I think the key there is that the documentation being provided by the health care provider specifically expresses that that animal ameliorates the effects of the disability, so that language does require that the animal have an actual effect and does benefit the person directly. That language does prevent people from misrepresenting an animal.

Terry Johnson:

I would express some concern with the narrowing by the use of the word "must." Keep in mind our original interest in this bill is to enable Nevada's housing laws to be substantially equivalent to federal housing laws. I wouldn't want us to risk having a more narrow application than what is in existence at the federal level which could jeopardize our ability to enforce these housing provisions at all.

Jim Nadeau, Legislative Advocate, representing Nevada Association of Realtors, Reno, Nevada:

At first blush, I think we're comfortable with this language. I think the "may" is important because it allows a variety of options for the landlord to be convinced. They don't necessarily have to have a certificate or a doctor's note; they can take it on face value. This language meets our concerns, particularly as far as the landlord having the ability to require some sort of documentation. It's certainly better than the original language.

Assemblyman Horne:

There are many statutes on the books that are not enforced for one reason or another. If we were to put some type of penalty on this, the odds of the District Attorney's office enforcing it may be slim to none, but there may be that one instance where it's more than appropriate. But if you don't have it there at all, they can't choose to use it. I'm comfortable with a misdemeanor and a fine. I like the \$500 fine. I think it sends a message, and I think that's important. A felony is going too far, and even a gross misdemeanor makes me gulp.

Jim Nadeau:

That would be fine. All we were seeking here was some sort of deterrent. Any law, or any penalty, is intended to be a deterrent to a crime, not necessarily a means of getting somebody and locking them up. We were looking for some kind of deterrent in Section 1 recognizing the amount of damage it does to the disabled community.

Chairwoman Gerhardt:

What about the proof issue in Section 18? I know there was some concern in the community that people are going to be questioned. Now that we have a penalty, we're going to have an officer trying to determine that. Are we going to be infringing on somebody's rights with these questions? We received an email from an individual who said to question someone with disabilities is a violation of privacy. Does this cause anybody any concern?

Robert Desruisseaux:

Actually that is not accurate. The technical assistance manual for the ADA, which covers public accommodations and service animals, does give some examples of the types of proof that can be provided. It specifically outlines that you can ask for a demonstration of what task that animal performs. A public accommodation cannot delve into the individual's disability. That would be considered a privacy violation. However, questions specific to the service animal and what the service animal can do, are allowable.

Chairwoman Gerhardt:

So you guys are comfortable with this burden of proof?

Jim Nadeau:

Yes.

Assemblyman Horne:

I have point of clarification in Section 1. Misdemeanors by statute call for up to \$1,000. If we drafted the misdemeanor penalty as \$500, it would be inconsistent, so we need to have it say "not more than \$1,000." Currently in NRS 426.810 it calls for a misdemeanor penalty to be not more than \$500. Legal will flesh that out.

Assemblywoman Weber:

There are so many international symbols we have for roadways. Even if I went to Taiwan I could still find my way around by the little figures. Is there an international symbol, ID, tag, or color for service animals that we might want to take a look at?

Robert Desruisseaux:

Not really. There are some older ones for different types of service animals. For instance, if you look in the existing law there is reference to blaze orange leashes and things of that nature. Those are antiquated. It used to just be seeing-eye dogs and the harness was the identifying marker. As technology, needs, and recognition of how animals can benefit individuals have evolved, that kind of thing has gone by the wayside. There isn't any specific international symbol to recognize a service animal.

Assemblywoman Weber:

You were talking about the technical manual where it talks about questions that could be asked. Is that something we could look at as far as the proof part of it? I'm trying to determine the scope of what we can do. I'm trying to find a method of proof other than asking to see the dog perform.

Robert Desruisseaux:

I'd be happy to provide you with the technical assistance manual on that portion of the ADA. It's Title 3. It only gives examples. It doesn't give you a whole lot of additional information as far as definitions, but it does give you some examples; it's not an exhaustive list.

Senator Dina Titus, Senatorial District No. 7, Clark County:

Thank you all for working so hard to fix this for us. We worked during the interim and we had interim subcommittees. This seems like it should be straightforward, but it's very complex. I'm here to ask if you would consider using this bill as a vehicle for another provision that was introduced in a couple of measures that, just because we ran out of time, didn't get on. They have to do with vicious dogs and dog fighting. This was brought by a constituent of mine, a constituent of Ms. Weber, and a constituent of [U.S. Representative] Shelley Berkley. Nevada, like all 50 states, outlaws dog fighting, but there are 48 states that also disallow the possession of vicious dogs that are used for fighting. That's a loophole in Nevada law, and since the proposed statute before you today includes a provision about vicious dogs that attack service animals, legal says there is a nexus there and you could use it to amend.

Chairwoman Gerhardt:

I spoke to the chairman of Judiciary about this issue. They have some concerns that maybe this should be handled there as opposed to under the Health and Human Services Committee.

Senator Titus:

I think one of his concerns was that if you held the hearing there, you would have turned this into a whole day event where a lot of people against dog fighting would come, and that was not something he was wishing to entertain. Perhaps he is just opposed to it altogether, but that wasn't my impression.

Assemblyman Horne:

The loophole is "possession of dogs for fighting." How are we defining "dogs for fighting?" Is there a specific statute that defines that? I have a pit-bull, boxer mix that I adopted from the shelter. Immediately when people see the dog they think he's a fighter because he's got that look.

Senator Titus:

I think you can pretty clearly distinguish those that are for fighting and a breed that could fight. I was under the impression that was made pretty clear in statute under "vicious dogs." If the committee doesn't want to do it, that's fine. I just thought it would be another vehicle. I'll keep trying when it comes to conference. Forty-eight states have already done it and we already have the statute there. You would just have to extend the statute from making it illegal to have dog fighting to making it illegal to have a dog for fighting. It seemed like a pretty easy way to go.

Assemblyman Horne:

I get the impression that if we were to amend this into the bill that it would get snatched by Judiciary.

Chairwoman Gerhardt:

I got the direct impression that it would be snatched by Judiciary.

Assemblywoman Weber:

I have worked with Senator Titus on this. I understand the concern was the committee hearing format more than the content of the law.

Chairwoman Gerhardt:

We have reached a consensus. We're going to put in the amendment that was put forth by Mr. Johnson and we're going to change the penalties in Section 1.

Assemblywoman Weber:

I wanted to find out if there is appetite to take a look at our definition in statute of a service animal compared to what is currently in the ADA in the U.S. Codes under CFR Title 28. I'm proposing that we make our language reflective of the federal language as opposed to what's currently in NRS 426.097. The statute

states, "A service animal is an animal that has been trained to assist or accommodate a person with a disability."

Assemblyman Horne:

Our definition is broader than the federal definition and I think broader is better.

Robert Desruisseaux:

That is correct. Broader is better.

Barbara Dimmitt, Committee Analyst:

The amendment that was submitted from the Department of Employment, Training, and Rehabilitation amends the first reprint of Senate Bill 36. It amends Section 12 basically to delete the existing section and replace it with the language that you have before you. The testimony was that this is more along the lines of what was intended to be done the first time around and didn't quite come in this form. The second amendment would be to Section 1 of the bill, which would eliminate the two-tiered penalty and replace that with a penalty for the same infraction, but to be punishable as a misdemeanor with a fine of no more than \$500.

Chairwoman Gerhardt:

We are adjourned [at 5:21 p.m.]

RESPECTFULLY SUBMITTED:

Angela Flores
Transcribing Secretary

APPROVED BY:

Assemblywoman Susan Gerhardt, Chairwoman

DATE: _____

EXHIBITS

Committee Name: Committee on Health and Human Services

Date: May 5, 2005

Time of Meeting: 4:00 p.m.

Bill	Exhibit	Witness / Agency	Description
	A	Agenda	
S.B. 36	B	Terry Johnson, Department of Employment, Training, and Rehabilitation	Proposed amendment.