



Vote YES for people with disabilities By voting no to HB 1308

HB 1308 is attempting to get at a real problem but in the wrong way. The laws regarding service and assistance animals in various settings is undoubtedly confusing. But criminalizing the situation, without first providing education and warnings, is the wrong answer. What's more, current law already provides sufficient guidance and remedies – the current law just needs to be enforced.

Current Federal & State Law

Allows business owners

- To ask (if not obvious):
 - Is the animal required because of a disability?; and
 - What tasks does it perform?
- To ask a person to remove an alleged “service dog” if:
 - The person cannot adequately answer the above questions;
 - The dog is acting aggressive;
 - The dog is a nuisance;
 - The dog has destroyed property;

HB 1308

- Criminalizes people with disabilities who have assistance or companion animals and misunderstand the law. This puts people's jobs, housing and government benefits in jeopardy;
- Requires – without funding – law enforcement and business owners to understand various definitions and nuances in the ADA, FHA, CADA and state criminal laws;
- Requires – without funding – law enforcement and business owners to learn the laws regarding effective communication with people with disabilities to ensure they get accurate information.

- The burdens of HB 1308 will fall *disproportionately on*
 - **People with Disabilities** – who have a difficult time explaining the purpose of their animal because they are either nonverbal or have a communication disability.
 - **Law Enforcement** – who must be trained on various laws and definitions, including appropriate ways to communicate with people with communication disabilities;
 - **Business Owners** – who must train their entire staff on all of the laws regarding animals, including the ADA, FHA, CADA and state criminal laws and ways to effectively communicate with people with communication disabilities. Business owners will also face increased exposure to expensive and time-consuming discrimination complaints and civil rights law suits if they ask too many questions, don't ask the right questions, or don't treat every single patron the same and risk “targeting” people in protected classes.

SOLUTION?

Representative Kagan, House Sponsor of HB 1308, has acknowledged that this is a misunderstood area of the law and that there could not be successful prosecution under this law unless there was *proof* that a person had knowledge of the law or a prior warning. Thus, we urge you to consider voting no or – at a minimum – amending the bill to include education and a provision that a violation can only be proven with proof that the person had prior knowledge of or a specific warning about this law.