

SUBJECT: Penalties for discrimination against use of support dogs

COMMITTEE: Human Services — committee substitute recommended

VOTE: 8 ayes — Hilderbran, Naishtat, Denny, J. Jones, Krusee, Maxey, Park, Wohlgemuth

0 nays

1 absent — Davila

WITNESSES: For — Sheri Henderson, Austin; Jeanne M. Ruder, Austin; Karen Mappin, Austin; Audley Blackburn, Austin; George Brenner, Houston

Against — None

On — Pat Westbrook, Texas Commission for the Blind

DIGEST: CSHB 238 would prohibit a variety of conduct discriminating against handicapped and blind persons who use assistance dogs and raise the possible fine for this type of prohibited conduct. References to "support dogs" in current law would be changed to "assistance dogs." References to handicapped persons would be changed to "blind and handicapped persons" and certain references to the blind in provisions related to support dogs would be changed to include the disabled.

Employers could not deny employment to a blind or handicapped person because they used an assistance dog, white cane, wheelchair, crutches or other assistance devices. Employers could not restrict or interfere with a blind or handicapped person's use of an assistance dog or refuse to allow a blind or handicapped person to keep an assistance dog with the person at the place of employment.

Individuals would be prohibited from assaulting, harassing, injuring or attempting to assault, harass or injure an assistance dog.

Misdemeanor fines for prohibited conduct, now set at \$100 to \$300, would be raised to \$300 to \$1,000.

"Employer" would be defined to include a person, firm, organization or corporation, state agency, commission, department, institution, a political subdivision of the state or a school district, a business supported by public funds employing one or more people on a full or part-time, permanent or temporary basis.

"Harass" would include conduct directed at an assistance dog that impeded or interfered or was intended to impede or interfere with the dog's performance of its duties or that placed a blind or handicapped person using the dog, or a trainer training the dog, in danger of injury.

The bill would take effect September 1, 1995.

**SUPPORTERS
SAY:**

CSHB 238 would provide uniformity and clarity in the Human Resources Code as it pertains to assistance dogs used by handicapped and blind persons. Individuals who are blind are often not thought of as handicapped, and sometimes denied the same legal protections as other physically handicapped people. CSHB 238 would help eliminate ambiguity in the law.

Current penalties for ignoring the protections afforded in the law for handicapped persons provide little incentive to uphold the law. Some public facilities would rather deny access to assistance dogs and pay the accompanying fine than allow these dogs into their establishments.

CSHB 238 would clarify that all assistance dogs — whether assisting the blind, other handicapped persons or accompanied by a trainer — cannot be denied access to a public facility. In some instances employers have attempted to prevent these specially trained dogs from accompanying their masters to work. The bill would establish that this type of behavior is not acceptable and constitutes a misdemeanor carrying a substantial fine.

**OPPONENTS
SAY:**

No apparent opposition

NOTES: HB 238 as originally filed would have allowed support dogs in training (rather than dog guides in training) and changed a reference to rehabilitation of the blind to "persons with disabilities."