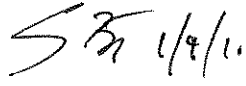


Georgia General Assembly

# Senate Transcript

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Study Cmte on Service Animals....

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## Senate Study Committee on Service Animals for Physically or Mentally Impaired Persons

December 19, 2018

Senator Unterman: Senate Study Committee on Service Animals for Physically or Mentally Impaired Persons, which was Senate Resolution 467. Let the record reflect that it's about 10 o'clock, and we have a quorum. Our members consist of myself as chairman, Senator Gloria Butler, Senator Greg Kirk, Senator Kay Kirkpatrick, and Senator Nan Orrock. And I'd like to first of all thank everyone who has participated in this committee. We've had just unbelievable expert witnesses and submissions to the committee about analysis of what needs to be done in the state of Georgia to be able to help folks who need the most help. So, with that, on the telephone I believe we have Senator Kirkpatrick and Senator Butler, and Senator Orrock is supposed to call in in just a few minutes. So just to update the committee, I did have some late submissions last night of some folks who did extensive background research, and I'm going to enter those into the record. And the folks who worked on this are all experts in either developmental disabilities or animal law, and they are Claudine Wilkins, William Goren, Dawn Alford, and Jennifer Arnold, who submitted what they feel like are their assessments. They attended the hearings, and I'll be sending this back out today to the committee members. I read it last night. I have not had time to study it. And also, with the study committee's recommendation, we had a conference call yesterday with Legislative Counsel and Senate Research, and analyzing what their work had been done. If you recall, the last committee meeting we had charged them with looking at revisions to the Georgia Code and what needs to be done to consolidate it or to change the terminology to match state law with federal law. So they did extensive research. It took a long time because, as you know, this issue goes into many different agencies, so in the Georgia Code it's reflected in all the different sections. It goes all the way from DHS to Public Health to Agriculture to the ADA with the Department of Community Affairs, so it's extensive work and I appreciate Legislative Counsel doing that. Jeff, y'all do a good job and it's very much appreciated. So with that, Senate Research has composed a preliminary draft. As you know, our drafts from our study committees, our final synopsis, has to be turned in. But just because it's turned in to meet a deadline does not mean it cannot be revised. We can add more product into it. So we are going to talk today about the final recommendations. Is that Senator Orrock that just joined us? We're going to go over some of our findings and what our intentions are, but I do believe that this is kind of evolving because it is so complicated. This is one of the most complicated issues I've ever worked on, and I've worked on a lot of different issues. So it is going to be evolving. I had the press call me this morning already asking me exactly what's going to be done, and, you know, I can't tell you exactly what's going to be done because it is still evolving, and it does take a lot of time. We've worked on it for about six months now, and you'd think after six months we'd know exactly, but there's so many moving parts on this, there's so many industries affected that we want to do it correctly and the most important thing that came up yesterday when I was talking to Legislative Counsel is not to unfortunately have unintended consequences. And above everything else we do, I wake up every morning asking what can I do for disabled people and I know everyone on this committee feels the same way, that there is absolutely nothing we would do anything with unintended consequences, and if there's the least hint of it, that we would run as far as we could away from it. And that's my biggest fear; if you go and start doing all these Code revisions, that something inadvertently may be left out or there may be reference to something else, or it doesn't match the federal code, and that's why we're being so diligent in making sure that every word is going to be correct. So with that, I wanted to go

over, and I appreciate the folks that are here right before Christmas. I know a lot of people came before the holidays. I appreciate y'all coming. I appreciate everyone watching on the Internet. I know I had a lot of people call me and say they're going to be on the Internet. So, merry Christmas to everyone, and have a safe and happy holiday. So with that I want to go over this list that I generated of working with the committee members and who wants to do what. One of the most important bills, I think, that's going to be generated by Senator Kirkpatrick, who is very much wanting to copy and has the same effect as the bill that we wrote that became law about infants in hot cars. And teaching people that it's not only bad to leave a person in a car, but it's also bad to leave an animal in a hot car, especially living here in the south. And Senator Kirkpatrick, can you tell us where you are with that particular bill? I've got it written down, liability for a good Samaritan when saving an animal from a hot car. Could you just go over that real quickly, about where you are with that?

Senator Kirkpatrick (via phone): (Inaudible)

Senator Unterman: Can you talk a little bit louder?

Senator Kirkpatrick: Yeah, I can try. The bill is going to be very simple, and it's along the same lines as what was passed a few years ago with the toddler hot car bill, and it really is to give immunity to people acting as a good Samaritan on behalf of an animal that they think is at risk of dying in a hot car, much like the hot car-toddler bill that passed.

Senator Unterman: Right.

Senator Kirkpatrick: So it's very straightforward.

Senator Unterman: And I know that vehicles and saving lives wasn't exactly in our charge for the study committee, but I think it's a good thing that this was generated. I know you were already interested in that, and I appreciate you doing that bill because I really feel like it will save a lot of people and it will help those good Samaritans that may break a window and they're not held accountable. So with that, the next one is also the one that, Senator Kirkpatrick, you had talked about is physician verification of an emotional support animal. Can you tell us what background and what you're trying to accomplish with that one?

Senator Kirkpatrick: Yes, and I'm not as far along with that bill because I'm still absorbing all the research-

Senator Unterman: Yeah

Senator Kirkpatrick: -that's been done already, and the question is going to be, or the purpose is really to try to get a better handle on people who are qualifying their animal through the Internet from another state perhaps. And so the question is whether verification that someone has a disability of any type that requires a service animal whether that verification should be done by someone within our state rather than off the Internet, and I do not have anything drawn up yet. I'm still working on it so, that as you said, is evolving, and so I haven't quite figured out the best way to do that.

Senator Unterman: Ok, and I think there's some background information that was submitted in this additional research that you might want to reference and maybe ask Ms. Wilkins.

Senator Kirkpatrick: (Inaudible).. other than the Internet. And I do not have anything drawn up yet. I'm still working on it. That is still evolving, and so I haven't quite figured out-

Senator Unterman: Senator Orrock, are you on the line?

Senator Orrock: Yes I am.

Senator Unterman: Good. Thank you for joining us. Merry Christmas. Can you mute your phone because we're getting feedback from it?

Senator Orrock: Yep

Senator Unterman: Ok. So, Senator Kirkpatrick, I had a question that got brought up to me yesterday. Is there going to be a penalty for people who do not register to be able to have an emotional support animal? Because this also reflects in what I think is going to be Senator Kirk's bill. And it's a key component in the landlord-tenant issue that if they are required to get a certificate or whatever, to register, to get authorization to have an emotional support animal, that's what he would be putting into his bill that you are required to take that when you go and, you know, want to rent an apartment or rent a house. You understand what I'm-

Senator Kirkpatrick: Well I think what we don't want is for our committee to have bills that potentially are going to impact each other-

Senator Underman: Right

Senator Kirkpatrick: -working together, so-

Senator Underman: Yep

Senator Kirkpatrick: I'm going to need to speak to Senator Kirk and find out what exactly he has in mind

Senator Underman: Ok, alright. That's what's I want to make sure that we coordinate that. Senator Kirk couldn't be with us. He had a very good reason that I won't say publicly, but he had a very good reason, and he is working on his bill, and will have his bill ready. So his bill is the next one, number four, that I have down is Reynold Housing Education and Guidance for Renters and Landlords, so Senator Kirk, wait, yeah, Senator Kirk- I've got too many senators here- is working on that bill. I believe he's working with the different industry associations and he'll be moving forward with that particular bill. And the main objective of that bill is- what people are doing now with skirting the law and skipping out on deposits, on damages, on basically using the emotional support animals as a mechanism to avoid payment and to not adhere to what everyone else has to adhere to. So we will be getting that information from him. The next one I have on the list is shopping carts and grocery store signage. From my understanding, from the industry, they already know it's the law. They already have the ability to be able to post these signs. It's already in Georgia code and I don't believe they want to mandate that every location has to post it. If I hear different from them, we will reevaluate that, but that was my last impression. I think that's what is written into the report. We still have the issue that's not resolved- if a person is in a store, especially a grocery store, and they bring in their emotional support animal, and they put it in the buggy, that is the crux of the problem as I understand it. The other problem is that the animals are not trained sufficiently, that they're defecating and urinating in the stores. That's a potential hazard for people that are distributing food, so a lot of these grocery stores have restaurants in them now, but until I hear back from that industry, I'm not moving forward on that one. The last, number six I have is possibly criminalizing fraud associated with service animals emotional support animals, that got brought up, and Senator Orrock, you said that you wanted to be extremely cautious putting any kind of penalty on...

Senator Orrock: It's- just a second- the livestream you know and-

Senator Underman: Yeah, it's a little bit delayed? Yeah

Senator Orrock: What did you ask me about..

Senator Underman: Well the issue got brought up repeatedly of penalization of people who fraudulently use these animals, and you brought up and I wrote it down because I thought you were very fluent in it that you wanted to be cautious about criminalizing fraud and I think the conclusion of our study committee is, because Senator Kirkpatrick was so good about talking about education and I think that education is the most important thing before you get into a penalty clause. You know, give whoever we assign this to to educate the public, give the public time to understand and do some PSAs about this because when I talk to people they really don't know the law and they really don't know that they're breaking the law but once you educate them and they know it, then the next year or the next year that may be time to put in penalties.

Senator Orrock: Well is the case that what we heard from the industry- from the customer service industry in the grocery store and that they- it's a very delicate situation to approach someone about this and they would like to have I mean the education materials, the posted signs, whatever, and an education campaign would be of great assistance, not only to the unaware customer, but to the management of the store that has to explain why this is not an appropriate behavior

Senator Underman: Right and I think the main thing- once Senator Kirk and Senator Kirkpatrick get their bills further along in their legislation, we've got to decide which one we want to put that education component into, and who is responsible for doing it. We had talked about the Consumer Protection Unit, which is in the Attorney General's office now, we had talked about them doing it. We do a great job with driver's education, and what is that gentleman's name that does that? Blackman? He's with Highway Safety. We do a great job-

Elizabeth Holcomb: Harris Blackwood?

Senator Underman: Harris Blackwood does a fabulous job with DUI, with texting and driving, and all these PSAs, and I really feel like that's what we need to do to educate the public about the damages they're doing when they want to take Foofoo to the grocery store that, and they have their \$9.95 vest on, that they're actually harming other people who truly need and have to have these animals. And the more you educate the public, the less they will be more inclined to do it. They'll understand the repercussions of what they're doing is harming people who are truly, truly disabled

Senator Orrock: Well are we trying to hone in on the grocery cart issue?

Senator Underman: Well, yeah that's part of it. The grocery stores, the restaurants, and then you get into that landlord-tenant thing, which is a whole different issue. That's completely different. That's Senator Kirk's bill

Senator Kirkpatrick: Senator, could I make a comment about that?

Senator Underman: Yes, ma'am

Senator Kirkpatrick: I think that the educational component of what we're talking about is probably going to be the most important thing that we can do this year, and I think it will be relatively important to come up with something that's easy to understand, that is short- you know, one or two pages- and it's going to need to get to all the agencies, all the associations, all the nonprofits, as well as the public, so that everyone's reading from the same, you know, sheet of music, so I don't know if we can do that with a resolution once we figure out a place for that to land?

Senator Underman: No. Let me ask Legislative Counsel. Would that be more effective written as a general bill or as a resolution if you're requesting these agencies to do something, or if you're telling them to do something, doesn't that have to be a piece of legislation?

General Counsel (off camera): The best kind of bottom line, Senator, is what you're trying to do. If you're suggesting that they do something, a resolution-

Senator Underman: But if you want them to do it.. yeah, it needs to be a bill. You can tell them that you want them to do it, but that doesn't really matter

Senator Kirkpatrick: So what I was going to say is the piece that I'm working on- the verification piece, the physician, whatever, sign off, that could potentially go into Senator Kirk's bill, and then I'd be happy to work on the education bill.

Senator Underman: Ok alright. So you're saying Senator Kirk do a combo with the physician, and you'll work on that part of his bill, but he's going to carry the bill for the landlord-tenant. Is that right?

Senator Kirkpatrick: Correct. And I'll just get with him this week and see if we can work together on you know I can include my piece because I don't think it has to be a whole separate bill. I think if we get too

many bills going at the same time, it's going to be a lot of work and confusing and I think the education piece is important enough that I think that probably does need to be a standalone bill. That's just my opinion.

Senator Underman: Ok, that sounds like a good opinion. So I guess I'll carry the education bill, and then the last one I have is about the code revision

Senator Orrock: I thought that she just said that she would carry that and combine the other bill with Kirk's bill.

Senator Underman: She's going to do the medical-

Senator Kirkpatrick: It's up to the chairman

Senator Underman: Yeah, she's going to do the medical part with Kirk. She's going to do the doctor part with Kirk, doctor certification.

Senator Kirkpatrick: If you want me to carry the education bill I will, but if you want to do it that's fine too

Senator Underman: Let's think about it. As long as it gets done, I don't care. And I've got to talk to the attorney general's office and make sure he's copacetic with that and make sure it's in the right location. And I also want to talk to the governor-elect and make sure that, you know, that he's not going to take back that Consumer Protection. You know was in the governor's office, so I want to make sure that that's not a moving target. We got to make sure it's in the right location if that gets moved back. So the last one is-

Senator Orrock: Do they, does it, if I could just ask a question, does the Consumer Protection, do they do any kind of public notices at this point in time or do they merely process complaints? I'm not really, don't feel like I really have my arms around what role-

Senator Underman: They do a lot. I work with them quite a bit, especially on the sex trafficking issue and compliance. They do a lot, they do a lot more than just answering the telephone for consumer complaints. If that's your question, yeah, they do a lot more.



Senator Orrock: Yeah that was my question was just looking. And of course when you get into the process of actually moving a bill, you know you get a lot of input then as well-

Senator Unterman: And by that time-

Senator Orrock: -about what it would take for them to carry out what we're trying to do

Senator Unterman: And by that time we'll know a better idea of what the new governor, you know what he's working on, and you know what he's moving around

Senator Orrock: Right

Senator Unterman: It'll be about a month from now, so we'll know more in a month, but I will check with the Attorney General and see what's going on there. Ok so the last one I have is the code revision and I'm going to keep that one open and keep studying what this group sent me because they did have some recommendations

Senator Orrock: That was that little working group, Madame Chair, that came together at the end of the last meeting? You asked them to do some work and submit something in?

Senator Unterman: Yes

Senator Orrock: Have we seen that, or is that available yet?

Senator Unterman: Yes. Well let me tell you, before you got on the phone, we went over it just a little bit. It's Claudine Wilkins, William Goren, and Dawn Alford, and Jennifer Arnold, and they're all experts in their particular field. One's K-9 assistance, one's developmental disabilities, one is an attorney and legal consultant focusing on the ADA, and we all know Claudine, who's helped us extensively over the years. But I'm going to leave that one open, and continue looking at it, and the reason I was talking about doing the education bill is, if code revisions are necessary, that they can go into that education bill. There's some inconsistencies in terminology, and I believe after talking to them, and I'm going to send this out. I just got it last night, like at 8 o'clock last night. I'll send this out to you this morning as soon as we get finished, and they do have some specific examples.

Senator Orrock: Excellent

Senator Underman: And they quoted 30-4-1, where you're talking about a physically disabled person. That term is far too narrow to comply with the ADA. 30-4-2, 30-4-3, they even talk about, the first clause of 30-4-3 (c) violates both the ADA and the Fair Housing Act. So they've got some good suggestions, and I'm going to send this to Legislative Counsel and let them analyze, and let Senate Research analyze this, but I don't want to do anything today on it. I want to leave it open.

Senator Orrock: Right, because we just got it in

Senator Underman: We just got it

Senator Orrock: It's complex I'm sure.

Senator Underman: God bless them for doing it because, I mean, these are professionals who are taking their professional time and doing this work as a volunteer gratis, and we appreciate it and it definitely warrants looking at. And if they come to these conclusions, we definitely need to look at them. So with that, I'm going to ask for your further opinion on these six- well, actually there's eight- items. And let's have some discussion, and then we'll take a vote on these recommendations

Senator Orrock: Are we taking a vote on the draft report?

Senator Underman: No, we're taking a vote on these- well it is a draft report. Elizabeth is sitting here, and she's going to put it into a draft report, yes ma'am.

Senator Orrock: Ok

Senator Underman: But it's these eight items that will be in the draft report. And we do have a preliminary draft right here already, and the preliminary draft is just a synopsis of everyone who testified and what they testified about

Senator Orrock: Yeah I have that, I have a copy of that

Senator Kirkpatrick: Can that be emailed? Because I don't have it.

Senator Underman: The draft?

Senator Butler: Yeah, I don't either

Senator Underman: You don't have the draft?

Senator Butler: No

Senator Underman: Ok, yes ma'am. Yes. But it essentially went over everyone who testified and, you know, the usual. You know, how we put study committees. None of these eight points are in that draft.

Senator Butler: Right

Senator Underman: While I'm waiting on y'all, there's people in the audience. Is there anyone in the audience who has any input that they want to add? Let the record reflect that no one has any input. They all want to go home for a merry Christmas. Ok, I will- if there's no further discussion, I'll entertain a motion to accept these eight points to be included in the draft. You will be sent a copy of the draft just as soon as Elizabeth gets it put together. So I'll entertain a motion. Is there a motion?

Senator Butler: I so move, Madame Chair

Senator Underman: Thank you. Let the record reflect that Senator Butler made the motion. Is there a second?

Senator Kirkpatrick: Yes, second

Senator Underman: Senator Kirkpatrick seconds. Any further discussion?

Senator Kirkpatrick: Understand that it's a work in progress; it's a draft

Senator Unterman: Yes ma'am, yes ma'am. It's definitely a draft

Senator Orrock: I was seconding it as well, but I was on mute. We're ready to vote I guess

Senator Unterman: Ok. Well Aviel is sitting here beside me, as you can see if you're on the Internet. She will get all of this out to you just as soon as she goes back downstairs. And Elizabeth, what's your timeline for getting this, these other eight points incorporated?

Elizabeth Holcolmb: It'll probably be this afternoon. It shouldn't take too long. We just need to make sure that the language reflects the specificity that y'all have described for each point. So we'll probably just send it to the members. I just want to make sure that those pieces of legislation-

Senator Unterman: Match?

Elizabeth Holcolmb: Yeah, that we're not over-committing each member on these issues, and they have some time to review that summary report from the working group from Ms. Wilkins and Dawn Alford

Senator Unterman: And those will be in the final draft will be their comments

Elizabeth Holcolmb: We can append that summary that they provided if the committee wishes to do so. We can append that to the report

Senator Orrock: Can Elizabeth speak a little louder?

Elizabeth Holcomb: I was just mentioning that we'll make sure that y'all are comfortable with this language, and especially with the pieces of legislation, just making sure that we're not overcommitting anybody on the committee to the bills and the ideas that they've discussed today. And then that summary report by the working group with Claudine Wilkins and Dawn Alford that we're going to send to you after the meeting. If you wish to do so we can append it to the final report as a supporting document.

Senator Kirkpatrick: I think that would be a good idea

Senator Unterman: Ok. Legislative Counsel, you got anything else?

Legislative Counsel: I don't have anything, Madame Chair

Senator Unterman: Nothing? You want to know how much all of this is going to cost. Ok, alright. So we got a motion and a second. All in favor say 'aye.'

Senator Unterman and senators via telephone: Aye

Senator Unterman: Let the record reflect that it's unanimous and that we adopt the final draft, and we will get this out to you this afternoon. So is there anything else for the good of the committee that y'all would like to say? I know you want to say thank you to all these people that have worked on this. Anybody there?

Senator Orrock: Well, just a question. We're going to have a final draft that incorporates the action that was taken today?

Senator Unterman: Yes ma'am

Senator Orrock: And I guess given that that will be the first time that we see what it all looks like together, if there's anything we want to- any input that we need to make, we should call you, Chairman Unterman?

Senator Unterman: Yeah, yes. I'll be here all during Christmas. Yes.

Senator Orrock: Sounds like fun

Senator Unterman: Yeah, I'm living with the dogs. I love it. It's exciting. We're doing great work and I just appreciate y'all's input. I know Senator Kirk's done a lot of work too. I appreciate everybody and the testimony we've had has just been phenomenal. People have come from all over the state. They're

all interested in animal welfare, they're interested in developmental disabilities, people who have problems with living every day. And it's just been a joy to work with everyone and see the final product. What comes out of this is going to be really interested in January. So if you have problems, Senator Kirkpatrick, Senator Butler, Senator Orrock. If you have anything else, if you want to do a bill about something else, let's get together, as we always do, and work together, see what we can come up with. Anything else? Want to say thank you to the staff for helping us. They've done a great job, per usual, and y'all have a happy holiday, and I'll talk with you probably next week. Thank you. Thank you. With that, the meeting's adjourned, and we will be getting these out this afternoon. If anyone who's watching on the livestream, you have additional input, if you want to write to me at my Senate office or to Aviel Vargas and send us additional information, we're ready, willing, and able to look at it. Be sure to put your contact information. We appreciate all the industries that are here who worked on this, and the meeting is adjourned. Thank you very much.