

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0932.01 Yelana Love x2295

HOUSE BILL 16-1201

HOUSE SPONSORSHIP

Willett,

SENATE SPONSORSHIP

(None),

House Committees

Health, Insurance, & Environment

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE REQUIREMENT THAT CERTAIN MEDICAL
102 PROFESSIONALS MAKE A FINDING REGARDING THE DISABILITY
103 OF A PATIENT WHO REQUESTS THE USE OF AN ANIMAL AS A
104 REASONABLE ACCOMMODATION IN HOUSING WHEN THAT
105 ANIMAL DOES NOT MEET THE DEFINITION OF A SERVICE ANIMAL.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill requires the following medical professionals, when approached by a patient seeking a companion or emotional support

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

animal, to make a finding regarding whether the patient has a disability or a finding that there is insufficient evidence to make a disability determination:

- ! Physicians, physician assistants, and anesthesiologist assistants (**section 1** of the bill);
- ! Nurses (**section 2**); and
- ! Psychologists, social workers, clinical social workers, marriage and family therapists, licensed professional counselors, and addiction counselors (**section 3**).

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 12-36-142 as
3 follows:

4 **12-36-142. Licensee duties relating to companion and**
5 **emotional support animals.** (1) A LICENSEE WHO IS APPROACHED BY A
6 PATIENT SEEKING A COMPANION OR EMOTIONAL SUPPORT ANIMAL AS A
7 REASONABLE ACCOMMODATION IN HOUSING SHALL EITHER:

8 (a) MAKE A FINDING REGARDING WHETHER THE PATIENT HAS A
9 DISABILITY, AS DEFINED IN SECTION 24-34-301 (2.5), C.R.S.; OR

10 (b) MAKE A FINDING THAT THERE IS INSUFFICIENT INFORMATION
11 AVAILABLE TO MAKE A FINDING REGARDING DISABILITY.

12 (2) THIS SECTION DOES NOT CHANGE ANY LAWS OR PROCEDURES
13 RELATED TO A SERVICE ANIMAL, AS DEFINED IN SECTION 24-34-301 (6.5),
14 C.R.S.

15 (3) A LICENSEE SHALL NOT MAKE A DETERMINATION RELATED TO
16 SUBSECTION (1) OF THIS SECTION UNLESS THE LICENSEE HAS MET WITH THE
17 PATIENT IN PERSON.

18 (4) FOR PURPOSES OF THIS SECTION, "COMPANION OR EMOTIONAL
19 SUPPORT ANIMAL" MEANS AN ANIMAL THAT PROVIDES THERAPEUTIC
20 BENEFIT TO AN INDIVIDUAL WITH A MENTAL OR PSYCHIATRIC DISABILITY.

1 **SECTION 2.** In Colorado Revised Statutes, **add** 12-38-132.5 as
2 follows:

3 **12-38-132.5. Licensee duties relating to companion and**
4 **emotional support animals.** (1) A LICENSEE WHO IS APPROACHED BY A
5 PATIENT SEEKING A COMPANION OR EMOTIONAL SUPPORT ANIMAL AS A
6 REASONABLE ACCOMMODATION IN HOUSING SHALL EITHER:

7 (a) MAKE A FINDING REGARDING WHETHER THE PATIENT HAS A
8 DISABILITY, AS DEFINED IN SECTION 24-34-301 (2.5), C.R.S.; OR

9 (b) MAKE A FINDING THAT THERE IS INSUFFICIENT INFORMATION
10 AVAILABLE TO MAKE A FINDING REGARDING DISABILITY.

11 (2) THIS SECTION DOES NOT CHANGE ANY LAWS OR PROCEDURES
12 RELATED TO A SERVICE ANIMAL, AS DEFINED IN SECTION 24-34-301 (6.5),
13 C.R.S.

14 (3) A LICENSEE SHALL NOT MAKE A DETERMINATION RELATED TO
15 SUBSECTION (1) OF THIS SECTION UNLESS THE LICENSEE HAS MET WITH THE
16 PATIENT IN PERSON.

17 (4) FOR PURPOSES OF THIS SECTION, "COMPANION OR EMOTIONAL
18 SUPPORT ANIMAL" MEANS AN ANIMAL THAT PROVIDES THERAPEUTIC
19 BENEFIT TO AN INDIVIDUAL WITH A MENTAL OR PSYCHIATRIC DISABILITY.

20 **SECTION 3.** In Colorado Revised Statutes, **add** 12-43-226.5 as
21 follows:

22 **12-43-226.5. Licensee duties relating to companion and**
23 **emotional support animals.** (1) A LICENSEE WHO IS APPROACHED BY A
24 PATIENT SEEKING A COMPANION OR EMOTIONAL SUPPORT ANIMAL AS A
25 REASONABLE ACCOMMODATION IN HOUSING SHALL EITHER:

26 (a) MAKE A FINDING REGARDING WHETHER THE PATIENT HAS A
27 DISABILITY, AS DEFINED IN SECTION 24-34-301 (2.5), C.R.S.; OR

1 (b) MAKE A FINDING THAT THERE IS INSUFFICIENT INFORMATION
2 AVAILABLE TO MAKE A FINDING REGARDING DISABILITY.

3 (2) THIS SECTION DOES NOT CHANGE ANY LAWS OR PROCEDURES
4 RELATED TO A SERVICE ANIMAL, AS DEFINED IN SECTION 24-34-301 (6.5),
5 C.R.S.

6 (3) A LICENSEE SHALL NOT MAKE A DETERMINATION RELATED TO
7 SUBSECTION (1) OF THIS SECTION UNLESS THE LICENSEE HAS MET WITH THE
8 PATIENT IN PERSON.

9 (4) FOR PURPOSES OF THIS SECTION, "COMPANION OR EMOTIONAL
10 SUPPORT ANIMAL" MEANS AN ANIMAL THAT PROVIDES THERAPEUTIC
11 BENEFIT TO AN INDIVIDUAL WITH A MENTAL OR PSYCHIATRIC DISABILITY.

12 **SECTION 4. Act subject to petition - effective date.** This act
13 takes effect at 12:01 a.m. on the day following the expiration of the
14 ninety-day period after final adjournment of the general assembly (August
15 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
16 referendum petition is filed pursuant to section 1 (3) of article V of the
17 state constitution against this act or an item, section, or part of this act
18 within such period, then the act, item, section, or part will not take effect
19 unless approved by the people at the general election to be held in
20 November 2016 and, in such case, will take effect on the date of the
21 official declaration of the vote thereon by the governor.