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# Interim Hearing on Guide, Signal and Service Dogs

Senate Subcommittee on the Rights of the Disabled

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CALIFORNIA LEGISLATURE  
SENATE SUBCOMMITTEE ON  
THE RIGHTS OF THE DISABLED  
SENATOR MILTON MARKS, CHAIR

Interim Hearing on  
**GUIDE, SIGNAL AND SERVICE DOGS**



November 15, 1990  
State Capitol  
Sacramento, California

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no.1

# California Legislature

Senate Subcommittee  
on

## The Rights of The Disabled

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AN INTERIM HEARING ON THE REPORT TO THE LEGISLATURE:

**"GUIDE, SIGNAL AND SERVICE DOGS"**

NOVEMBER 15, 1990  
STATE CAPITOL, ROOM 112





SENATOR MILTON MARKS: I'm Senator Milton Marks, Chair of the Senate Subcommittee on The Rights of The Disabled. My colleagues, Senators Ed Davis and Diane Watson are the other members of the Subcommittee. We're here today to receive your comments on the report to the Legislature, "Guide, Signal and Service Dogs". This is a result of the report, as a result of the study requested by the Legislature, by legislation that I enacted. The State Board of Guide Dogs for the Blind conducted nine hearings across the state as part of this process. When the report was released, members of the Legislature received many calls expressing opposing viewpoints of major differences to the recommendation included in the report, we decided to hold a hearing on the report. We especially feel that it is necessary to hear from disabled persons that use assistance dogs. I personally feel that every effort must be made to enable persons with disabilities to achieve the highest level of participation in society that they desire to have. I believe that it is our responsibility as Legislators and as citizens to create laws in the community that enable disabled persons to live their lives independently as they wish. Some disabled persons choose assistance dogs as one way to make this level of independence and social participation possible.

Today, you have the opportunity to let the Subcommittee know if the report reflects the needs or if other paths should be taken. In order to facilitate the day's proceedings, there are a few rules of procedure: 1) Individuals interested in providing testimony today should sign in upon arrival. Generally we will hear speakers in the order of sign in. 2) Testimony of organization representatives will be limited to five minutes because we're trying to hear as many people as possible. Individuals will be limited to three minutes. Speakers should state their name and affiliation, if any. If you wish to be on the mailing list of the Subcommittee on The Rights of The Disabled, if you do not get a hearing notice directly, be sure that we also have your address. The interpreter for the hearing impaired will be signing. We will be receiving written testimony through November 30. Today's proceedings are being recorded.

Let me introduce, sitting next to me, is Joan Ripple, Consultant to the Subcommittee.

Let me first call Jonathan Freeman. (Right down there -- yes. That's a nice dog.)

JONATHAN FREEMAN: My name is Jonathan Freeman. I'm a volunteer for the Hearing Society of San Francisco, in the area of advocacy for the hard of hearing. I have been asked to represent the Hearing Society today. (inaudible)  
With me is Yogi, a hearing dog from the San Francisco SPCA. For the purposes herein, the the word "assistance", when used with the ensuing word "dog", will be interchangeable with

"signal", "service", and "guide", when those words precede the word "dog".

The first topic is "Needs Assessment". It's clear that the critical needs in the provision of assistance dogs are assuring access to places of public accommodation for assistance dog users and their dogs and insuring that there is housing available for them as well. Coupled with this, we believe the public needs to be better informed of the existence and use of assistance dogs. Current penalties probably should be made stiffer for those denying access. With this in mind, assistance dogs should be equipped with colorful coats denoting their jobs. Greater public awareness of assistance dogs will help give users a better chance of gaining access to public accommodation and gaining housing for the user and their dog.

The second topic: "The licensing of signal and service dog schools would be detrimental to those schools such as the SPCA and the CCI and inhibit other schools from being formed in the future." The main reason, because licensing schools will not assure that if the schools are licensed, that will not insure that the training of the dogs will be kept up to snuff by the users with whom the dogs would be placed, and the licensing of these schools, which are private and nonprofit, would only increase the cost of these schools unnecessarily. Expensive man-hours would be needed to bring the pre-existing schools providing assistance dogs into compliance. Designing baseline standards for assistance dogs is faulty, at best. What the dog needs to learn is not uniform in all cases because the needs of one hearing impaired person vary greatly to another, and therefore, the sounds the dogs would need to be trained for would be quite difference from client to client. Given this point, the question would be raised: How would the proposed board ascertain that any dog is appropriately trained? Licensing of instructors should not limit any individual instructor to the necessity of being \_\_\_\_\_ by a licensing guide.

SENATOR MARKS: Let me interrupt you just a minute. We've just been joined by Charles Fennessey from the staff of Senator Davis' office. Go ahead.

MR. FREEMAN: Licensing of instructors should not limit any individual instructor to the necessity of being (empowered) by a licensed guide school in order to practice his trade. This is similar to asking a lawyer to stop practicing law if he leaves a law firm. Therefore, we ask how would this board assure equal rights to private trainers? We also ask, should there really be a single State body or professional group recognized by the State to certify assistance dogs.

This is the third topic: "Licensing of signal and service dog schools would prove detrimental to people with disabilities." Because the hearing impaired have been training their own cats and dogs to assist them for decades, to mandate that assistance dogs need to be trained by a licensed school would further oppress people with disabilities. The hearing impaired in this country numbers approximately ten percent of the population in the State of California. That would mean about 3 million people would be oppressed by that law. That means the entire disabled community, or those who would choose to have an

assistance dog, if he has to go to a licensed school, would have to go through the State's mandated monopoly to obtain an assistance dog for the hearing impaired. Oppression, mandated by the State of California, will compound the austerity and isolation that now already runs rampant in that community.

Licensing providers will not help identify assistance dogs and their users to the public, nor will it help educate the public of the rights of the disabled. Nor will it gain housing for users and their dogs. Guide dogs for the blind have been licensed for quite some time and their owners still have trouble obtaining public access rights in housing, even though those rights are mandated and guaranteed by law.

The question is, should only certain breeds be selected as assistance dogs? This would also oppress the hearing impaired once again, since it is the main objective of the San Francisco SPCA's program to rescue dogs of any breed, and provide them to users. An example is Yogi, who is a combination of Lhasa Apso and Cocker Spaniel.

The last three topics -- "Temporary access identification for non-residents is quite necessary and should be instituted immediately" and this is in regards to the fact that the State of California really has no right to impose their standards on any other state's guide dog schools.

The last point: "Increased public awareness of assistance dogs needs to be implemented immediately." With the high awareness of disabled persons coming into focus in recent years, to be negligent on this issue demonstrates a concerted retreat. So I urge that the State Board for the Blind leave the schools alone who are providing assistance dogs who are signal, service, and guide dogs. Thank you.

SENATOR MARKS: Thank you very much. We appreciate your coming before us.

I'm not sure I can read the next name - Ken Batish?

MR. KENNETH BATIST: Thank you.

SENATOR MARKS: Would you mind stating your name, please.

MR. BATIST: Kenneth Batist. I'm with the Blinded Veterans. I'm president of the Blinded Veterans Association, Northern California Regional Group.

We have distributed letters to each of you present here today on this Committee and to the Board. I would just like to underscore those letters by saying that we, as blinded veterans, have fought for the protection of certain inalienable rights. One in particular, the right to choose. The others are the freedom of free enterprise. These institutions which are designed with the purpose of providing for blinded veterans need dogs to aid us in our safe passage through these and all avenues of human life and our pursuit of happiness and other rights that we have fought for, are being jeopardized and alienated by this bill.

I would like, at this time, to ask assistance in reading a statement from our national president, Mr. Hank Barraby. If the committee would indulge us. Mr. Bill Tuckle would read this statement for you.

MR. BILL TUCKLE: In view of this being a letter to be read, I am reading it on behalf

of the speaker you just heard. This letter is from the Blinded Veterans Association in Washington D.C., and dated November 15, and addressed to the Honorable Milton Marks, State Capitol Building, Sacramento, California 95814.

"Dear Senator Marks:

"As the National President of the Blinded Veterans Association, the BVA, a Congressionally chartered veterans service organization, I want to express our grave concern over the blatantly discriminatory legislation being considered by your Subcommittee. Of course I am referring to the Hearing Guide Dog Bill which, in our opinion, would be extremely detrimental to all disabled persons, either living in or visiting the State of California.

"This proposed legislation is especially distressing in the light of the recently passed 'Americans With Disabilities Act'. For the first time in our history, disabled people are being afforded protection against discrimination based on handicap. Many such disabled people need and benefit from the use of assistance animals and, in our case, specifically dog guides. Any attempt to deny the use of dog guides not trained in schools licensed in the State of California or the use of certain breeds perceived to be aggressive, absolutely flies in the face of the ADA.

"Further, this can only be a disservice to the California residents as well as other Americans who wish to travel to California. We have members, all around the country, who utilize dog guides and have full access, without regard to where the dog received training or its breed. Dog guides do not graduate from training if any aggressive behavior is noted, and in fact, any such behavior is strongly discouraged. Many of the most popular and effective dog guides would be prohibited from your state should this legislation be adopted, denying disabled people full access to housing, employment, and public facilities.

"Even without ADA, this legislation is unconscionable. The ADA strongly urges you not to support such protectionist and discriminatory legislation in the interest of all disabled Californians and Americans who might wish to visit or move to your state.

"Further, we respectfully urge adherence to the spirit, as well as intent, of ADA, thus affording full access to all disabled individuals, especially those in need of assistance animals. We believe it is imperative that regressive legislation, like Senate Bill 2229, be defeated.

"Sincerely, Henry J. Beroop, National President, Blinded Veterans Association"

SENATOR MARKS: Thank you. Would you mind giving that to the Sergeant to give to me. Thank you very much. We appreciate hearing from you.

MR. BATIST: Thank you very much.

In summary, the blinded veterans belong to that celebrated group in our society, those who fought to uphold the right of choice. We are the people, without those rights, there would be no America. Free passage in our pursuit of happiness is one of the most important, especially to the least of us Americans. And I call this Committee's attention to the fact that America is because of its veterans. I want to thank you.

SENATOR MARKS: Thank you very much. We appreciate hearing from you. Do you have a question?

MR. CHARLES FENNESSEY: Sure. Senator Marks, if I may, I think it is consistent with your understanding, there is no pending legislation.

SENATOR MARKS: No, there is not.

MR. FENNESSEY: For those of the audience who may have been under the impression that there was pending legislation which would impact upon the blind community or the users of guide dogs, what Senator Marks is doing today is examining and listening and considering



a report from Legislature, which was part of legislation he carried two years ago. There's not currently any legislation which will impact upon the privileges and rights which are so important to you all. The primary reason for this hearing is to enable you to speak your peace. So there's nothing pending; there are some recommendations before us, and that's what Senator Marks will be considering today.

SENATOR MARKS: Thank you very much for pointing it out. Larry Martinez.

MR. LARRY MARTINEZ: Mr. Chairman, my name is Larry Martinez. I'm the Assistant National Health Service Director for the Blinded Veterans Association. My responsibility is ten western states. I'm homebased here in Sacramento. In my statement, testimony on behalf of the Blinded Veterans, that there is approximately over 150,000 blinded veterans nationwide, and out of those 150,000, ten percent have guide dogs. Now, out of those ten percent, we have 3800 in the State of California, which is the biggest state and the most populated state of veterans - close to 3 million veterans - and out of those 3 million as I stated about approximately 3800 are blinded veterans.

If this pending SB 2229, does go through ....

SENATOR MARKS: There is no bill. There is no bill at all of any kind whatsoever. I don't know where you get the number at all. There is no bill presently before the Legislature at all. There is no bill.

MR. MARTINEZ: Well, regardless of that, for this hearing, a lot of our veterans have guide dogs that do use them to go to work. And this will hinder them completely and there are a couple of letters that were presented to your staff in regards to these issues. And this is all. I'm here just to speak in behalf of our national organization in Washington D.C.

SENATOR MARKS: Thank you very much. We appreciate your being here. Kevin DelCastro. He's coming forward.

MR. KEVIN DEL CASTRO: My name is Kevin DelCastro. I'm speaking on behalf of Linda Hart and Linda Hend, "Pet Therapy". This is a pet-facilitated therapy group. It's been in existence for some four years. We service approximately, somewhere in excess of 1,500 people a year with 65 working dogs.

The issues I want to touch on in the report are, at page 8, they acknowledge the value of the pet-facilitated therapy dogs but at the same time they also say they don't require any additional or any special access. While I agree, they do not need the access of a service dog or a guide dog, of course, they do need a degree of access. A case in point is Sacramento Mental Health Facility, a facility for people -- psychotic -- severely handicapped people. County ordinances and city ordinances prevent access of any dogs. However, we currently have access based on the rather loose interpretation of service dog. What we would like to see, or at least have considered, is in the proposal or in the report, they have proposed a definition of social dog as a dog prescribed by a psychiatrist, and this dog having full access. What I would like to see is, in the case of the pet-facilitated therapy, in addition to the social dog, that where a dog is in a facility with

permission of the person in control of that facility, they would have access. A way to circumvent laws, rather than going on an individual facility trying to overturn a law there, to go to a county to try to overturn a law there, to like blanket say that when they are doing something useful, have permission of the person in charge, that they would have access.

Other issues I would like to touch on is the certification program. The concept of having a dog, only dogs from a particular school, I don't feel is necessary and gets in the way of the person who gets his dog in New York and comes to California and that kind of thing, on a job change. But, it seems to me that the handicapped person who is using the dog, his belief that it is of use to him should be good enough. The fact that he is getting some benefit from the dog should give the dog the status, provided the dog is not going to be some kind of a disruption in a restaurant. If a dog has the social skills to go into a public facility, and is of some assistance to the user, that should be sufficient. So I feel that testing of the dog's social skills should be an ongoing thing, possibly as a certain case in program, leave its specific talent to the user to determine. And then if we limit it to the certification of his social skills, you could find volunteers from a wealth of areas. The guide dog puppies are evaluated by dog trainers and people who volunteer all across California, where any person with some experience in dogs can tell whether a dog's well groomed, whether it behaves adequately to be in a social setting, whether it is going to be disruptive in a restaurant. So a recertification program would be very cheap and easily implemented.

And then, finally, on the breed restrictions. We've got 75 dogs in our program with no more than three of any particular breed. And, as far as we've found, our dogs are subjected to abuse comparable to anything anyone has to go through. They've been attacked by the psychotic, they've have a person go into an epileptic seizure while they're hugging the dog. They have to deal with extreme situations, and no particular breed is a guarantee of the predictability of the dog. And no particular breed says the dog can't do the work. You have to evaluate each dog as an individual. And I feel that's everything I wanted to say.

SENATOR MARKS: Thank you very much. Let me again repeat, this bill, this Committee hearing is not designed to hear any bill at all. It is designed to hear or report and make comments on this report. That's all we're here for. Any legislation that may be enacted would have to come with the next session of the Legislature, which does not start -- it starts for a couple of days in December but then it goes on to January. So there is no bill at all being considered by us. Let me explain that to you again. Let me emphasize that to you again. We're here to hear the report, to comment on the report, and hear information as to what people feel should be done or not be done with regard to the report. And then we may introduce legislation, and the legislation will be based on the results of the hearing which we are conducting here today. Anita Baldwin.

MS. ANITA BALDWIN: Hi, I'm Anita Baldwin, the Executive Director of the Lighthouse

for the Blind in San Francisco, and I hear it's no bill. It's just a report.

SENATOR MARKS: Right, definitely, there's no bill at all.

MS. BALDWIN: I'm here because, when the report began to be circulated in the constituency of blind folks that the Lighthouse serves, my phone started ringing off the wall with people who were very concerned that this might turn into a bill faster than they would have any input into it. And I'm not going to restate what I think has already been said very eloquently so far. I agree with all of the speakers who have been here thus far. So let me say, what I feel has happened here is perhaps the Board got a little carried away in their report and kind of got off point. It seems to me that what we still need to deal with in California is access to public places and housing for people who use dogs, and that's the issue. No licensing of facilities is going to make that happen. No guarantees that all of us have dogs that look exactly the same is going to make that happen. That's just us, I think, people with disabilities trying to fit into a mold that society wants for us -- not us out advocating for our rights to be as independent and productive as we can be. So my hope would be that some of the aspects of this report -- the talk about increased need for access, increased need for acceptance, and for businesses to know more about the laws around dogs accompanying people with disabilities -- that those issues would be focused on and not the issues that restrict how a dog is trained, or restrict individuals on what type of dogs they can have. Thank you.

SENATOR MARKS: Thank you very much. We appreciate your being here. Pamela Snedigar, did I pronounce it right?

MS. PAMELA SNEDIGAR: My name is Pamela Snedigar. I'm a representative from the California Center for Law and the Deaf. I'm here today representing the Deaf Counseling Advocacy and Referral Agency, a social service agency providing assistance to the 250,000 deaf and hearing impaired persons in the ten counties in the San Francisco Bay Area.

The main issue I would like to address today is increasing public awareness of current California statutes covering signal dogs and their users. Currently, there is an acute lack of public awareness. Guide dog users have enjoyed the luxury of this through positive media coverage in the past and signage already posted in public places, something that signal dog owners have not enjoyed because of their relative newness. C.C.L.D. has documented many cases of frustrating experiences with public access to such places as hotels, motels, restaurants, housing, and mass transit. In many cases, it took intervention by us to prevent further discrimination. However, this intervention comes after the fact. By then it is virtually useless to the deaf person who wanted to ride the bus at that moment or eat at that restaurant at that particular time. Sometimes in housing we can assist because it's an ongoing issue. We suggest that current efforts be channeled into making the public aware of signal dogs. The State of California needs to allocate funds and resources into disseminating information. Public service announcements through T.V., radio, and print should be developed to inform the public that signal dogs and their users are entitled to all the rights and privileges currently enjoyed by guide

dogs and their users. A posting law should be developed and implemented by the state. Areas that should be targeted are transit systems, landlords, restaurants, shopkeepers, innkeepers and their patrons.

Not only should PSA's be done but current signage should include signal dogs in its language.

Another target is that of law enforcement. Penal Code Section 365.5 provides that inhibiting the rights of a blind, deaf or physically disabled person can result in an infraction. A mere infraction is not much of a criminal penalty but in some cases the threat of that might be enough to get a person a room for the night in a hotel. Unfortunately, our experience has been law enforcement is ignorant and when it knows about it, there is a reluctance to enforce it.

We don't see a need for licensing the schools and, therefore, oppose it. If any licensing requirements or regulations were developed, that made an already expensive business more burdensome, we feel the users would be the one to lose. If the Legislature is concerned about the schools, it could consider the state supporting the schools.

We would like to see everyone made aware of just what a signal dog is, what the user's civil rights are, and what the penalties are included. The effort of the state can best be directed into strengthening current provisions and an increasing awareness.

Thank you.

SENATOR MARKS: Thank you very much. I was the one who introduced the bill that set up signal dogs, permission for them to be used. Thank you.

Linda Milliner, is she here? (Would you help her, please. Go ahead.)

MS. LINDA MILLINER: Hello. My name is Linda Milliner, and I have with me my guide dog, Quin. Quin is a guide dog from the school called "Seeing Eye" in New Jersey. I'm here to speak for myself as a blind person. I am a member of the National Federation of the Blind but I am speaking specifically for myself because I use this guide dog, and have used guide dogs for the past 20 years. It is my chosen mode of mobility or my chosen mobility aid.

Specifically, I am a little concerned with some of the recommendations of the Board that persons coming into the State of California, with a dog that was not trained in California, make some sort of application to come here with that dog. I feel that that would be a restriction of my freedom of movement throughout the United States. It also would be quite a bad thing to have disabled persons, blind persons, whomever, having to report to someone what your movements are when you come into California. We are free to travel as any other citizen is. My dog is a well trained dog, he is a well behaved dog, and I think that's all that really matters. It's really nobody's business when I choose to come to California or how long I want to stay here.

SENATOR MARKS: I agree.

MS. MILLINER: Thank you. And the other issue was that of licensing schools. I really don't know what kind of license is proposed. "Seeing Eye" is part of a group of



other guide dog schools, and they pretty much self-regulate. If they weren't any good, they wouldn't be utilized. So I'm opposed to many of the recommendations. Thank you.

SENATOR MARKS: Thank you very much. We appreciate you being here.

MR. FENNESSEY: Senator Marks, if I may comment on one of the witnesses' concerns. As I understand the report, the purpose of the discussion regarding non-residents is not to restrict their mobility or their access to California. It's to give their dogs access to public places while they're in California. So there is no recommendation whatever that anybody's access to California, right to come or move within California, be restricted in any fashion. It's to extend to them the same privileges that a dog that was certified within California would have, like someone with an out-of-state drivers license.

SENATOR MARKS: (You may, if you would, get on the list and come testify here. You are welcome to do that.)

MS. MILLINER: I would simply like to say that in all other states in the union, there are laws that apply to persons with dogs and access to public places apply to me and I don't have to request special permission when I am in that state. Thank you very much.

SENATOR MARKS: Thank you very much. Appreciate your being here. The gentleman who wishes to testify -- you are welcome to testify, sir, if you would like to sign up. Ben Seaman. Ben Seaman coming up?

MR. BEN SEAMAN: Hi, my name is Ben Seaman, and I am a college student from Butte County, Butte Community College, and I'm concerned about some of the things in this report. Some of the things are the right of disabled persons to train their own dog. I believe if a person can train their own dog and it does pass certification, because I do believe in certification and well behaved dogs, then I feel that the people should be able to do that. And I also feel that the mixed breeds, that only having certain kinds of dogs or only purebreds or size dogs, is an infringement of freedom of choice and expression. I would also like to say that I have tried for quite a while, for almost two years, to get a service dog through a local organization and finally, after long periods of waiting, I went out and got my own dog, and I am in the process of training him now, and it's going really well. I would also like to say that it gives me a great deal of pride and accomplishment to be able to train my own dog, and I would hate to see that threatened in any way. Also, I would say that's about it. Thank you.

SENATOR MARKS: Thank you very much. We appreciate your being here. It looks like Selvin Eames, Seams, Eames, and Toni. Nice dog.

DR. EDWIN EAMES: Thank you. I would like to introduce him. His name is Kirby. My name is Dr. Edwin Eames, and I am here representing the National Federation of the Blind of California. I have for you some documents which the Sergeant at Arms is pleased to obtain.

At our recent convention in November, two resolutions were passed by the National Federation of the Blind of California. One of them is a detailed description of the

conditions and the recommendations brought to this Subcommittee by the State Board of Guide Dogs for the Blind, to which we have firm and very strong objections. The second resolution, drawn from the first, calls upon the State Legislature, to abolish the State Board of Guide Dogs for the Blind because, in effect, it is not protecting any consumers and it has now wasted several hundreds of thousands of taxpayers' money in bringing forth a report which, quite obviously, is drawing almost unanimous negative reactions from the disabled community. I think that's apparent here.

In addition, I have a letter which I have addressed to you, formally, Senator Marks, detailing the objections which I and my wife were the co-chairpersons of the Guide Dog Committee of the National Federation of the Blind of California \_\_\_\_\_.

There are two major areas I would like to explore in this verbal testimony. The first is the concern we have with the further expansion of the power of both the State Board of Guide Dogs for the Blind, which wishes to convert itself into the State Board of Assistance Dogs for the Disabled, expand its membership and expand its budget and its power. Another concern is the increases within the recommendations in the power given to the guide dog schools. At the present time, they have quite a bit of power. If the recommendations were translated into legislation, they would have even more, in areas such as at-home or in-residence training -- a very, very important factor in new and innovative programming.

The monopoly which the three current guide dog schools have in the State of California would be perpetrated by the recommendations of the Board. Increasing fees for the establishment of new training programs and, in effect, placing innovative programs in jeopardy would be the net result of all of these recommendations.

I know this Subcommittee, as you mentioned before, is concerned with one major aspect of our lives -- full participation in American society. That's what we are talking about here. Some earlier speakers have mentioned public access. The results of the recommendations, if translated into legislation, would be to curtail those rights, and I must emphasize that time and time again. Initially they want to restrict those who can have assistance dogs. The definition of a disabled person, physically disabled person, is so constrained that many individuals who presently use assistance dogs as service dogs would be prohibited from their use. The kinds of dogs, the height restrictions of the dogs, notions in these recommendations the dog's head should not be above table tops, seem to us to be very, very peculiar recommendations coming from a Board that purports itself to be concerned with our rights rather than constraining our rights.

Another issue related to that is very simply the portrayal of privately trained dogs, or non-school dogs, as inadequate or poorly trained, etc. Another segment of the community who would be denied access rights then would be all those guide dog, signal dog, and service dog users who have trained their own dogs or with the help of non-school, non-licensed trainers have trained their own dogs. They would no longer be given the protection of law in this state.

The issue of public access is very important, and I think that's what we're here talking about today. We have on the books Penal Code 365.5. We have the Civil Code 54 Both of those laws protect our rights as assistance dog users. In the Penal Code, our rights are protected by the police. In the Civil Code, they are protected by the courts. What we need to do as consumers is make sure that those laws are adhered to. Yes, we would like to strengthen some of those laws but I think our primary objective now would be to make those laws more readily known throughout the state.

My wife and myself had, just recently in July, an incident in San Francisco which is illustrative. We had hailed a taxi cab and the taxi cab driver pulled up, saw us with our guide dogs, and drove away. Fortunately for us, we had with us two sighted companions who obtained his taxi cab number. We then used the existing law. We went to the Police Department. We filed a formal charge. We traveled from our home in Fresno to pursue the issue. There was a formal hearing. The administrative judge, a police captain, found the individual to be in violation. His license was suspended for 30 days. He certainly learned what the law was all about. I think even more significantly than that, Channel 4 in San Francisco covered that incident, that hearing, and on their 6:00 news they showed the hearing and showed the confrontation between myself and the taxi cab driver thereafter. I think that one television program did more to educate the public, and hopefully to educate taxi cab drivers, than everything proposed by this Board, and it didn't cost the State a single penny.

Thank you for your time.

SENATOR MARKS: Thank you very much. We appreciate your being here. We appreciate your interest. (Beautiful dog.)

Corey Hudson.....Toni Eames.....Mrs. Eames.....

MRS. TONI EAMES: My name is Toni Eames, and I am an Adjunct Professor of Sociology at California State University at Fresno. I am also a co-author, with my husband who just spoke before, of a monthly column on assistance dogs in DOG WORLD MAGAZINE. My guide dog, Ivy, is my third guide dog, and I am here to speak as a consumer, as someone who is very concerned with the proposals of this Board.

My first guide dog was trained in New York State at "Guiding Eyes for the Blind". When she died, I had a blind friend train my second guide dog. She was an outstanding guide, doing everything that any other guide dog could do. When she developed cancer, I considered going to a school, and I had a request. I wanted a Golden Retriever. As a blind consumer, wanting something that was certainly not unreasonable, I was tremendously hassled by the schools because I wanted to choose my freedom dog. When that happened, I determined I again would have a dog privately trained, and I paid a considerable amount of money for a former guide dog trainer to train my dog. This dog has accompanied me throughout the United States, to Canada, to Mexico and to Israel. She is certainly as competent as a dog trained at any other school.

I think the issue the Board misses when they talk so much about the licensing of

dogs and all of these various regulations, and height and breed and so on, is we're missing the function of the dog; how well the particular dog functions in its role as an assistance dog. It really is irrelevant where that dog was trained, how it was trained. The fact is, does it do its job? Is it guiding, is it signally a deaf person? Is it doing what a service dog needs to do? When I have had incidents of public access, and in the 23 years I have had guide dogs I have had numerous incidents of saying, "You can't come in here with that dog"-- it's always that dog, never the dog -- no one has ever asked me for identification. If these proposals become legislation, my dog will be illegal in the State of California. If I am hassled by restaurants or theater or hotel, theoretically I do nothing about it because my dog, although a perfectly well-functioning guide dog, would not have legal rights. There are many hearing impaired and deaf people throughout California who train their own dogs to alert them to sounds. Those people would lose housing rights. I would strongly suggest that the emphasis be put into education of the public. The public needs to be educated about what these dogs do, how they function, why they need to be with us, and the money that would go into supporting the State Board, if put into education programs, in my opinion, would be much better used. Thank you.

SENATOR MARKS: Thank you very much. We appreciate your being here. When I introduced the guide dog legislation, which became law, I intended the guide dogs to be fully accepted by everybody whenever anybody uses a guide dog on forms of transportation, hotels, everywhere. I did not intend any restrictions at all.

Cory Hudson.

MR. CORY HUDSON: Good afternoon. I'm Cory Hudson. I'm the Executive Director of Canine Companions for Independence. If you don't mind, Senator, I would like to pass out our response to the proposal, which we understand is the proposal dated June 30th.

For those who don't know, Canine Companions is an international organization that breeds, trains and places highly specialized dogs with disabled, or individuals with disabilities. We have offices throughout the United States. We have two here in California, in Santa Rosa. Our national headquarters is based in Santa Rosa. We have an office in San Diego. In addition, in terms of our scope and our expertise, we have offices and training centers in Columbus, Ohio; on Long Island, New York; in Orlando, Florida. We have, currently, an affiliation with a group in France and a very strong affiliation with a group in British Columbia. CCI has been in existence for 15 years. It has trained and placed exactly 500 dogs to date. We believe, in the field of assistance dogs, that we are, if not the experts, we are pretty close to it. We know of nobody else who does it as well, or I shouldn't say as well necessarily but as extensively and with the history we do. So we believe we speak from a great deal of expertise and experience in responding to this draft. I would urge the Senate Subcommittee members to read our response. I think it's very specific. I will not take, hopefully close to the full five minutes that you allotted to organizations, but I would like to



address the highlight that you set forth in your agenda.

First of all, licensing of service and signal dog schools, or as we call ourselves, centers (but we'll use that term interchangeably), we do not, underline do not, agree with the concept of licensing schools. It comes down to as simple as this -- as our friends from the SPCA in San Francisco and Riverside Humane Society put it -- if it ain't broken, don't fix it. We believe there are no problems in the area of licensing for us, and we do not agree with the assumption that was made in the report, rather spuriously we believe, that there is a direct connection between licensing and gaining access for our graduates. We do agree that there are problems in access, and we do want to devote as much energy as possible to educating the public and, as the eloquent speaker two speakers ago put it, to making sure that litigation is processed in terms of manifesting the rights of our graduates to have their dogs where they want to -- in restaurants, etc. We believe the Board, in reading the testimony -- I read through the almost telephone book-size of all of the testimony around the State for the last two years, although I've only been with CCI for the last three and a half, four months, I was therefore unable to attend all of those hearings, was unaware of them -- but from reading all of the testimony very laboriously, I do not see any testimony in there that jumps to this logical conclusion of licensing. Again, we believe that our public and our donors respect and have great knowledge. We are a non-profit organization. We are tax-exempt. We are audited. We do all the things that are in compliance with the law in regard to being an organized organization in that regard.

Further, being the only organization at the moment, at least of our size and magnitude, in the State of California, we believe that the charge of, suggested of \$1,000 or whatever it is, is exorbitant, and we just cannot afford that. Our operation is funded totally on donations. We have no tax support. All of our money comes from the \$25 to \$50 donor, quite frankly, and we do not believe that they want their money going into the licensing situation, which will not enhance our ability to fulfill our mission, which is to place more dogs with more people. It's as simple as that, and we categorically do not agree with the licensing proposal. I guess I don't have to make that any clearer.

As far as definitions of service and signal dogs in the report, as several of the other speakers alluded to, you would preclude many of our participants by these restrictions of 26 inches and whatever. You must leave, the Board must leave or anybody must leave, to the individual instructor and the person with the disability, the ability to match the dog with that disability -- 26 inches, 30 inches, it doesn't make any difference. What we need is to match the dogs with the people. We're not worried about arbitrary restrictions placed upon us by a very distant board.

Issues of access, well, going back to definitions of service and signal dogs, we won't even allude to that, I don't believe because that finds its own level, as I just pointed out. We do believe that the definition of disabled is very restrictive in this.

I saw reference in some of the testimony to the previous Senate Bill, which at least in terms of physical disability, was much broader, and we would encourage the Board or the Legislature, if it so chooses to proceed with this, that they broaden that definition in a much greater sense because, again, many of our individuals who are currently out there using dogs and gaining more independence daily, would be precluded from having a dog by these restrictions.

We agree that access is a problem. We have many of our graduates that we try to encourage and help in any way possible through sort of a legal forum, to pursue their rights when they are denied through the civil courts, and we believe that should be the emphasis. We believe education should be the emphasis. We pledge, as an organization, to put our resources and our energy into this aspect of the proposal but not our energy and resources into a licensing proposal.

I want to go back to that licensing proposal. We believe, as the only organization, that we would be called upon at best, to be the people who would write the regs, and hopefully there would be regs. I come from a long history of, as a hospital administrator, of a State Hospital in California, and I'm quite familiar with the State of California and its license regulations, and if it is going to be done right, it should be done in that manner, with very extensive regulations. We believe we will be called, or should be called upon, to help write those because who else would do such. We cannot afford that. We cannot afford that drain on our resources. My trainers must be out, working with dogs. My development people must be out trying to get the dollar to buy the trainer to place them with dogs. And we think that this is misplaced.

In regard to your agenda item of the training of dogs individually, rather than by schools, as SPCA and Riverside alluded -- wonderful, we would have a monopoly. We do not wish a monopoly. We have a waiting list, as one of the previous speakers alluded to, that organization that he applied to is Canine Companions for Independence, and unfortunately, we were unable to meet his needs in a responsive manner. He remained on our waiting list, and I don't want to speak for him, but as he said, he went out and trained his own dog. We would not mind. We believe there should be some standard in that regard, but we would not mind serving the function of certifying that a dog and a handler or a participant or a graduate, whichever you prefer, is capable of having that dog mind, the proper commands, and giving them a certification as the DMV certifies that I may drive a car. We would be likewise conducive to helping people in that regard. But we do not want a monopoly. Our mission, again, is to have more dogs with people, and if we can't meet the need, we're not prepared to get in the way if somebody else can. And I believe I join SPCA and Riverside, at least from reading their responses, that they believe the same thing. They have even more extensive people, I think, in their area, training dogs privately.

In regard to Board membership, we would welcome joining the Board or having some of our graduates, if they chose to be part of the consumer aspect of that Board. We would also offer our resources to educate and to do anything possible in our marketing and

public relations arena to further educate the public to the needs for access for individuals who use our dogs. We believe, again, the whole essence of this is access. But you don't get from A to B through licensing schools where there is no problem.

And in regard, I can only echo what several other people have testified in regard to interstate commerce. I'll use the word "preposterous". I think it's absolutely preposterous to suggest that somebody from New York or Ohio give the State of California notice before they expect to cross the California border. I mean, that's just unheard of. It's unconstitutional, for one thing, in my opinion.

In summary, licensing of service and signal dogs, we do not see the need. There is no obvious benefit to the public or the training centers for this licensing proposal. In regard to the disabled definition, we would again refer to Senate Bill 153. Issues of public access, we find that is the most important point here, and we would pledge our resources to try to do anything possible to facilitate greater access for our graduates and the disabled community as a whole. Training of dogs by individuals, we believe that should prevail. There should be some system for making sure that they are adequately trained. I'm not prepared to even outline that today. I think that needs a lot of staff work and a lot discussion. Board membership, we would gladly join in any cooperative measure in that regard and give some of our resources to that effort. And as I just outlined, interstate commerce aspect of restricting people's movement, we totally disagree with.

I have my national training manager here today who would be willing to answer any questions in regard to our stance in the technical area of dogs or I am certainly open to questions and answers in that area.

SENATOR MARKS: Thank you very much. We appreciate your being here and your full discussion of this proposal. (inaudible)

MR. FENNESSEY: Senator, if I may, I would like to ask a question or two. Specifically, from your perspective in the field, you indicate that you would be opposed to more extensive licensure but that you think that a certification process may be appropriate.

MR. HUDSON: No, excuse me. I'm not sure what you mean in the \_\_\_\_\_.

MR. FENNESSEY: That you would be amenable to assisting in the certifying of the dog that was privately trained, which was locally trained.....

MR. HUDSON: Correct. I wasn't sure if you were referring to the certification or licensing.

MR. FENNESSEY: So, as it works now, when your dog is trained and you provide the consumer with the dog, you have a certification process -- do you have a certification process? Do you attest to the fact that the dog has gone through the training department?

MR. HUDSON: Yes, those individuals, as a matter of fact, across the nation there are five boot camps going on -- San Diego and Santa Rosa at the moment in California -- and currently those people are out on field trips, being prepared for the final examination tomorrow where they take a written exam on the laws and the regulations in grooming and

the whole spectrum of what we have taught them for two weeks of this intensive training. And then they have a practical where they must display, to an objective outside source, that they are capable of handling and controlling the dog in a manner which would bespeak the public safety.

MR. FENNESSEY: Now, as it's currently implied, in order to gain access to a hotel or a restaurant, you show an I.D. card and the I.D. card is issued by you as a licensed provider.

MR. HUDSON: That's correct. Well, we're not licensed. We are a provider, and we state that we have trained that individual and that dog that's gone through two years of extensive training and the graduate in two weeks of training. And that is presented upon any problem in terms of entree to a restaurant or a public conveyance. Most of the time that works. Some times it doesn't, as other testimony has alluded to.

MR. FENNESSEY: O.K. So that's usually the threshold in gaining access, as you see it.

MR. HUDSON: Correct. Yes, and we would support a universal system of -- if it were DMV or some other State agency -- of making that uniform and, as I read in the testimony from the previous hearings, it appears that especially the rapid transit bargaining units are interested in seeing some easily identifiable manner. We would encourage that. We would love to have it.

MR. FENNESSEY: So, finally, you do think that there should be some requirement that either the consumer or the dog be certified in some fashion, that it not be left purely to the consumer to decide that he or she needs this particular dog because of some affliction that they suffer.

MR. HUDSON: I think that best in some way. I'm not sure how to achieve that and still restrict so many people who need the dog. If it were to throw the baby out with the bathwater, and we got rid of many people, many dog matches, then I wouldn't agree to it.

MR. FENNESSEY: I'm trying to summarize what you said earlier....

MR. HUDSON: Well, I want to qualify it because it's not an easy subject and it won't be summarized.

MR. FENNESSEY: But you think there may be such an appropriate requirement.

MR. HUDSON: "May" is the operative word there, yes.

MR. FENNESSEY: O.K.....

SENATOR MARKS: Thank you, thank you very much. We appreciate your being here.  
Robin Dickson.

MRS. ROBIN DICKSON: I am Robin Dickson. I am here representing two organizations. I am the Executive Director of Dogs for the Deaf in Central Point, Oregon. We are the oldest hearing dog, signal dog training center in the country and place dogs across the nation. And, secondly, I am here representing Assistance Dogs International which is a coalition of service dog, signal dog and guide dog organizations from around the world that meet to get together to establish guide lines for training standards for training



and to improve our own industry.

First of all, I want to thank you, Senator Marks, for your work several years ago in getting the Signal Dog Bill passed in the State of California. That was a tremendous help.

SENATOR MARKS: You must thank the Governor. That's one of my few bills that he's signed.

MRS. DICKSON: Well, O.K., we'll thank him too at the same time.

One of the main theory behind any kind of assistance dog is that that dog enables the user to have more freedom and more independence to function in our society. And, in reading through this report and, again, I'm going to be somewhat redundant going over some of the things other people have already mentioned but I feel it's important enough to do so. Many of the things in this report, instead of enhancing the independence and the freedom of people with disabilities in our country and in the State of California, these things would be restricting to people -- it's already been mentioned the freedom to travel from state to state, the issue that we are concerned with from Dogs for the Deaf, of course, and from other signal dog centers around the country, is the fact that there really is nothing mentioned -- it says they will look into the fact of checking out other training centers to see if those centers meet the standards. But there is nothing specific; it's all very subjective, it's all very, very general. And, there are many other places that are training dogs. Ours, particularly, places a lot of dogs in California. We want to enhance this independence, this security, this freedom. We don't want to restrict it. At least I think that's why all of us are working in these non-profit organizations.

Another issue that is of great concern is the breed characteristics issue. I think you could talk to everybody in this room and probably come up with as many different ideas as there are people here as to what constitutes a dog that would be suitable as an assistance dog. California, I understand, a year or so ago went at great issue with the Vicious Dog Act Law. You could probably talk to the same people in this room and get different ideas on what dog is a vicious dog. You cannot characterize breeds of dogs any more than you can characterize breeds of dogs any more than you can characterize people. You cannot say Dobermans are always vicious any more than you can say Italians are always in the Mafia or Norwegians are always stupid. It does not work that way for dogs just like it doesn't work that way for people.

The size restrictions are 26 inches maximum -- many dogs are within that limit but why restrict it. If you have a recipient, a user, who is very large, that person might need and might want a dog larger than that. We have some signal dogs out that are larger than that 26 inch maximum. They are doing a tremendous job for the people. They are helping the people. And just because of that size restriction, I don't think they should be taken away or they should not be given the legal access rights to go into public. So the whole breed characteristic issue is one that really creates a lot of problems.

The other issue that I want to point out, dealing with in the report, is attempting to deal with standards and guidelines so the dogs are properly trained. All of us are concerned about this. All of the training centers are concerned about it. This is why Assistance Dogs International was formed four years ago, to improve our own industry for, particularly for the signal dogs and the service dogs. And, as the report also stated back when the initial hearings were done, there really were no major problems brought out except access rights. And again, I echo what people have said, that these things do not deal and they do not help with, access rights.

One more thing that was brought out in the report is that it was saying that one of the reasons for the report was to try to make sure that both donors and users are dealing with legitimate organizations. Again, this is a very legitimate concern. It's one that everybody should be concerned with, but do we need to expand the Guide Dog Board to do that? There are other organizations, state organizations through Dunn and Bradstreet, through references from people who have dogs from a particular training center. There are many other ways that people can find out if a certain training center is doing a good job and is spending the money wisely, without having to cost the taxpayers of the State of California and the training centers large amounts of money to do that. There are already instruments in operation to do that.

In conclusion, I just want to say that if this report should be accepted and should go on to be proposed as a law, I think it would cost the taxpayers a horrendous amount of money. It would not accomplish what the needs of the people with disabilities are who are using assistance dogs. It's not going to accomplish the needs of access rights and of public awareness. And, as other people have said, there are a lot of other very effective, much less expensive ways, that public education could take place to let people know about assistance dogs and let the industry continue policing itself, and get the State to help us with public education and with access rights.

Thank you very much.

SENATOR MARKS: Thank you very much. We appreciate your being here.

MS. JOAN RIPPLE: There have been many people speaking to the issue of breed and problems around that, and I think just for the record we need to set -- and size of the dog -- and I would like to read what the report says. It says, "No taller than 26 inches at the shoulder, with special exceptions granted to schools if prior approval is obtained from the Board, and of a breed which is consistent with helping purposes and commonly regarded as non-aggressive towards persons or other animals." I just want to put that out, that that's exactly what the report says.

SENATOR MARKS: Come up again.

MRS. DICKSON: If I just may respond quickly to that, the contention there again is restrictive. Why should we have to go through submitting for prior approval for a dog that's larger than that? It's going to cost the training center more money. Who is going to make the determination? Who is the expert then, at that point, on whether or

not this person needs a dog that's larger than 26 inches and whether that dog is, you know, O.K. to go out there in public. It's restrictive and it's expensive, instead of letting the training centers do that on their own in their matching of dogs and people.

SENATOR MARKS: Thank you. Leslie Tom.

LESLIE TOM: I'm Leslie Tom and I am representing the Guide Dog Users of California. Basically, I just wanted to go over just a few things; most of the things that have been already stated, we pretty much agree with. At this point we feel that what needs to be done is the Board needs to become a little more, have a little power, and that it should be made up more of the consumers. At this point, we think that the Guide Dog Board, with having two representatives is not enough of the consumer. We think it should be a majority. Also, as others have said, there are problems but it does happen that when you try to fix something, more problems occur in different areas. And at this point, one of the things we feel is: Schools give identification cards when you graduate, and we feel that basically that's enough identification at this point.

Also, even though we have access rights, as guide dog users we still have problems with access to certain areas as a couple of speakers ago said about the taxi cab problem. We still have occasion where someone will come and say we are not to come into their restaurant with the dog, and we have a card and we have a copy of the State Law that says that they are to permit it. Generally, that takes care of the problem.

We feel that people who train their own dogs or perhaps use trainers to train privately without being in a school is very beneficial in a lot of ways because there's not always an occasion that a person can go out to a school and stay at the residence for two to four weeks, depending upon whether it's the first dog or not. You have to stay there, and if you're working or involved in schooling, there are waiting lists for the schools, and there's not always the time that you're called to be at the school is not always convenient for you if you're not allowed the time off work or it's not vacation from school. So possibly, we think that it might be a good idea to have, the first dog be received from a school but in future dogs, then you have the option of being trained at home with an instructor or on your own, that you can continue with your regular daily activities in your community.

Also, another concern was the fact that at this point we, as guide dog users, at the schools in California for the first year are not given the right to ownership of a dog. That comes after the first year. But at that point the school does not have to follow up or does not have to, if you apply for ownership, take and get the papers, the school does not have to follow up and help you if there's any kind of problems. But yet, they still can come in and take away the dog if they feel that there is a problem, without your permission.

Also, we think that basically the Board isn't doing everything that we need to have done but we don't think that it should be abolished at this point. We would like to see more power in the Board to be able to deal with some of the situations and that it should

be made up more of consumers and not just people who may not have any idea of what the use of an assistant dog or a guide dog is. I think that at this point, why change things by licensing the other schools. That's not what is necessary at this point.

SENATOR MARKS: Thank you very much. We appreciate your being here. A question by... interrupt.....

MS. RIPPLE: Leslie, you made a statement that during the first year you don't have the right to ownership and you do have the right to apply for ownership. Did I understand you correctly to say that if you apply for ownership and are given ownership to your dog, the school doesn't have to help you with problems after that point but they can come and take the dog away.

MS. TOM: That's right. From what I was told, I've just had my dog a few months now, and so they told us in our class that basically you can apply for ownership after the first year which means that you can get papers on your dog, you can get all the papers, but that at this point, if you do not apply for ownership they do have a follow up program where they come out every year, a representative from the school comes out and checks and makes sure how things are going and if you have problems you can talk to them. But if you apply for ownership, that's not necessarily what they'll do. What I was told was that while they probably would help if we asked and if we had a problem, but they're not required to. But at the same time, if there was a concern from someone, or if they felt the dog was unsafe by any means, they could just come out and take the dog that very day from you without any warning -- meaning that at that point you would be left without the dog and possibly having to go through the waiting list of a year or two to get another one.

Thank you.

SENATOR MARKS: Thank you very much. Ruth Ann Acosta.

MS. RUTH ANN ACOSTA: My name is Ruth Ann Acosta, and I represent the California Council of the Blind. In view of the fact that we have a limited amount of time, I have handed to the Committee some comments which, hopefully, will be read and.....

SENATOR MARKS: Yes, we have them and it's a part of the record.

MS. ACOSTA: Very good. A few comments which I would like to make about the whole situation as far as the Board and the comments are concerned, I was glad to see in reading the latest issue of the comments of the Board's report that the statewide identification for people coming in from out of state is not going to be dealt with at this time due to a number of people's objection to this.

Access does continue to be a real problem for guide dog users as well as for other dogs. And efforts to continue to improve that, we hope will continue to be made. We would oppose any type of generalizing the California State Board of Guide Dogs to take in other groups. Apparently other groups really don't want to be licensed anyway, and we feel that to deal with the problems of the guide dog schools is something which the Board should be doing, and many times is not really able to do by the way the law currently is.

1) We would support additions of more consumers, more guide dog users to the Board, and

I have included a resolution which does state that it was passed by our organization. We would also support leaving the Board pretty much dealing with problems of guide dog schools. At the time the Board was formed several years ago, the intent was to stop abuses which were being perpetrated by many guide dog schools at that time, which was simply being used to raise funds and not necessarily to provide quality service. Apparently the Board was successful in doing that. The amount has drastically reduced as far as the amount of guide dog schools which are currently licensed in California. We would, however, like to see the Board be given the tools to truly get in and to investigate problems when they seem to be arising in the schools. We know, for example, of a school which graduated 12 dogs in one year. That, to me, unless there was an extremely good reason for that, is almost unconscionable. You have blind people waiting for dogs and who should be getting service, and these guide dog schools are raising money. What happens is that the blind person is the loser in this situation. You have a situation where when problems arise, the State Law apparently now requires that as long as there is a trainer on the premises, that the license cannot be suspended or any type of probation be put on regardless of the trainer or regardless of other things which would assume that there are problems. We would like to see the time when the Guide Dog Board, perhaps when things do seem to be going awry with the school and you hear complaints, that they have the authority to at least suspend until any doubt is cleared up.

Another thing that seems to keep rearing its ugly head is the business of the various guide dog schools threatening, or giving the impression to blind people, that they have the right to take our dogs away. An incident occurred just this past week to a personal friend of mine, where a trainer came out to evaluate, to see how the dog was doing, and he decided that the dog simply was unwilling to work any more, and that the dog should be taken in for an evaluation. Well, needless to say, this scared my friend quite considerably. Something like this should be stopped.

Also, when blind people have complaints about the school, in many times because we do fear reprisals, it would be good if complaints like that could be held in Executive Session so that, hopefully, no reprisals could be made.

I guess in conclusion, I would simply say that we support leaving the Guide Dog Board to deal with problems of guide dogs. Thank you.

SENATOR MARKS: Thank you very much. We appreciate your being here. Sid Urena.

MR. YSIDRO URENA: Mr. Chairman, members of the Committee, as most of you know, I represent the California Council of the Blind here in the Legislature. However, today I am here as a friend of the Guide Dog Users, The California Council of the Blind and blind people everywhere. My remarks will be short, and the thing that I would like to express to you to show you that the California Council of the Blind is the largest state organization of blind people, not only in California but in comparison with all other states and of all other states. So we are the largest group. And I say that because significantly, as a result of that, we have probably the largest group of

guide dogs. Let me go further then, and say that we have been responsible for introducing such legislation as AB 4241, which improved the dog maintenance and food allowance for the next coming year. We were also responsible in dealing with the late-Assemblyman Bradley which dealt with some of the legal problems so we are definitely interested in what happens to guide dogs. But we also say that, as Ruth Ann Acosta just pointed out, that in 1948 there were something like 21 guide dog schools, none with license. Today there are three with license. The service is much better. The public at large has a better chance of having their money which they contributed to these guide dog schools to be used more effectively and more properly than if you have that many out there.

(inaudible) for the kind of Board to work with them. But what the Guide Dog Board needs this time, is more consumer participation; in addition to the consumer participation, maybe the authority with which to deal. I don't agree with many of the things in the recommendations but let me say that if you, the Legislature, and by the way, the California Council of the Blind urges proper legislation and is perfectly willing to work with any and all of this Committee at any time that you so desire. And so, we are prepared to aid you in any way possible.

So we do support the concept that the guide dog schools should be licensed. We do support the concept that the Guide Dogs for the Blind should exist, provided they are given the proper role so it can function and really assist blind people and the guide dogs. People who speak about guide dogs being licensed, I'll tell you something. I would rather go to a barber shop with a barber that's licensed than one that isn't. The hair cut doesn't cost me any more, the price of the dog doesn't increase unless it's done through some other way but today our guide dogs don't cost any more than they did ten years ago. I'm not talking about service dogs, I'm not talking about signal dogs. I don't know anything about them. So, basically, what I'm saying is that as an individual I hope that you can develop the proper legislation that we can all support to carry out the proper functions of the guide dogs.

Thank you very much.

SENATOR MARKS: Thank you very much. We appreciate your being here. Jean Brackman. Is she here? Jean Brackman. Go ahead.

MS. JEAN BRACKMAN: My name is Jean Brackman. I am the Executive Director of International Guiding Eye. We are located in Los Angeles, and we're one of the three licensed guide dog schools in the State of California.

International Guiding Eyes believes that regulation is a positive aspect of the guide dog program. However, we also firmly believe that any kind of regulation, whether it be used to test instructors, license schools, or assess safe mobility, must go hand-in-hand with established criteria upon which evaluation will take place. And it must be implemented according to regulations or a set in place that govern proper procedure. International Guiding Eyes urges this Committee to adopt regulations for all assistance dogs programs in the State of California for two major reasons. Without regulation of all

organizations, the high standard of guide work established through the cooperation of the Board and the three existing schools will be infringed, and this in turn will affect accessibility rights for guide dog users. For more than 40 years guide dog users have influenced public opinion in a positive manner by working their dogs safely and effectively in public places. The standard by which the guide dog user has been educated, and the standard by which the dog has been trained, have both played a major part in winning the battle to gain access to public places. At the present time all states have laws permitting guide dogs in all public places, buildings, and on all forms of transportation. As a result of regulations, the public is assured that the instructor who trained the dog is truly capable, that the individual using the dog has the skill necessary to utilize the dog for safe mobility, and that the dog will be well behaved in public. And if the person or the dog does not meet this standard, the public has recourse.

We believe that this right, which guide dog users have struggled to gain, is in jeopardy unless other assistance dog organizations that provide dogs to assist hearing impaired and disabled people are also regulated. The problem exists now that these dogs and their users have the same rights under California law that guide dog users now have, even though these organizations are not regulated at all. Without regulation, anyone can proclaim themselves an instructor and train a physically disabled person with a dog who expects to be allowed access to public places. Although we understand that many of these organizations are certainly accountable, even without regulation, we are concerned that others may produce dogs that will exhibit ill-temperament in public, will be improperly behaved or might provide unsafe mobility for the user. The repercussions from this situation will, and have already, resulted in guide dog users being denied access even though their dogs are regulated with the stringent standards and do not exhibit the same inappropriate social behaviors.

Our second and final concern is in regards to regulating the apprenticeship program and the licensing of instructors. At the three guide dog schools now in operation in the state, to become a licensed trainer of guide dogs, a person must complete an approved three-year apprenticeship program and then pass the State Guide Dog Board examination upon completion of the apprenticeship. To have other service dogs, in many cases dealing with handicaps which could be considered just as severe as blindness, trained by self-proclaimed instructors who have not served in approved apprenticeship programs, would seem to us to be absolute and indefensible discrimination against those regulated.

Thank you.

SENATOR MARKS: Why do you just produce 12 dogs for the year?

MS. BRACKMAN: I have an opportunity to address that today?

SENATOR MARKS: I would like you to discuss that.

MS. BRACKMAN: We produce approximately 50 dogs a year. In 1988 we laid off an instructor and the rest of our instructors quit immediately afterwards in support of the one that we laid off. We immediately hired another instructor; however, an instructor in



this state trains and graduates approximately ten people a year. And so, with one instructor, that was our unit production the following year after our instructors quit. Today we have five people training dogs (three licensed instructors, two apprentices) and we'll be hiring another apprentice before the end of the year. Our unit last year, our production was at 30 and this year we expect it to be at 48.

SENATOR MARKS: Thank you.

MS. RIPPLE: Jean, you are the first person who has really discussed the apprenticeship program. One of the concerns that has been mentioned to me over and over again in telephone conversations by consumers and persons who have individually trained dogs is that people can go through an apprenticeship program, they become trainers, and then they leave the schools, and they really, according to how they perceive that this report is putting it forth, really can't train anywhere else. And they're saying why can't these people who maybe have experience and training be individual trainers and this is the sort of monopoly that you heard a couple of people address.

MS. BRACKMAN: Well, I think, first of all -- and I hope this isn't going to surprise him -- but I would like to defer to Tom Ainsworth, who is from Guide Dogs for the Blind, on questions about apprenticeship and training. He has more than 28 years experience in that area. However, I will tell you that, just from my own point of view, I believe that the standard by which the dogs are trained and the standard by which the people are educated, if there's no regulation on that, it's going to affect the accessibility rights of the guide dog users that are out there working -- if there's no recourse. In other words, if the dog isn't healthy, if the guide dog user does not have safe mobility, and this is an instructor who is not with a school, I think that you need to have some kind of regulation for recourse. I want to point out that I address this in a very general manner. I am not, at this point, willing to go into the details of what's presented. I'm just saying that as one of the licensed schools, we do believe in regulation. However, we believe that everybody should be regulated or nobody at all.

SENATOR MARKS: Thank you very much.

MR. FENNESSEY: This is a generic question -- the three schools, are they all non-profit corporations?

MS. BRACKMAN: Yes, they are.

MR. FENNESSEY: And, would their principle source of funding be from fees or would they use contributions?

MS. BRACKMAN: No, all of the schools in the State of California provide the dog absolutely free of charge to the client. All of our funding comes from the private sector.

MR. FENNESSEY: (inaudible)

MS. BRACKMAN: Yes

SENATOR MARKS: Thank you very much. Tom Ainsworth.

MR. TOM AINSWORTH: I have a prepared statement which I will also provide you copies

of. And I can answer, certainly, any questions you have about the apprentice training program or what happens to instructors, should they leave an organization. If you want me to address that while it's fresh in your mind, I will be happy to do that.

First of all, if a licensed instructor leaves an organization, true they cannot practice on their own in a sense unless they are working for a licensed organization. Certainly there are liabilities there that I think would come to mind, that doing so on their own they may not be prepared to do. The three-year apprenticeship, after which an instructor becomes licensed, realistically they literally serve their internship. It really takes about five years for a person to really mature in this field, and it is a highly skilled field. There were comments made about guide dog organizations threatening to take dogs. We don't do that, and I will make a plain, clear statement about that. We're there for the benefit of the people that we serve. If there is a dangerous situation that is going to endanger the life of the person who is using the dog, certainly we have the privilege to take the dog for their safety. It is not a pleasant thing to do; we don't like it any better than the next person because of the bond between the person and their dog.

As far as an earlier situation stated about ownership of a guide dog, there is, of course, such regulations in the State of California. We, as an organization, continue to provide follow-up service as we always have, even though the current law is pretty specific and says that an organization has the privilege to charge for that service. We, of course, would not do that.

I'll get on now with my statement, if I may.

Prior to the 1948 passage of California laws that provide for a State Board of Guide Dogs for the Blind, there were over 20 organizations in the State of California that claimed to train dogs for the blind. Many of these organizations exploited the blind and the public by accepting funds without providing a service, and in most situations weren't qualified to provide guide dogs. Since the forming of the State Board of Guide Dogs for the Blind, there are now three organizations in operation. While present law does not prevent organizing new schools, it does mandate what criteria must be met in order to practice within the State of California. In the late 1940's, California's population wasn't near the 30 million that it is today. Yet passage of Guide Dog Laws requiring licensing of schools and instructors not only had an impact then; it still does today. Today's guide dog user faces much heavier vehicular traffic, crowd conditions and more complicated mobility situations, most of which didn't even exist in the 1940's. The State Board has likewise grown in areas of public law awareness and its role as an arbitrator for both consumer and public alike. With the advent of newer forms of dog training, that means service dogs for the physically disabled, signal hearing type dogs for the deaf and hearing-impaired, there are instances in the private sector where some people with good intentions are training such dogs without the benefit of qualified experience. The end result is a bad reputation for organizations and dog users who have

proven their worth. Licensing by California State Board of Assistance Dogs would provide all three types of programs protection and recognition. As off-shoots, having no expertise, unable to provide a genuine service, are bound to crop up, the public and the people served by a respected organization, we feel, deserves protection. The fact that California has such regulations for guide dog organizations must have some impact with this logic. State Representative Mary Brown of Kalamazoo has introduced legislation in Michigan. New York has had similar legislation introduced, and in the providence of Quebec, I believe it is, Canada, according to Bill Thornton, who is the Executive Director of the Ottawa Guide Dog School, likewise they have legislation.

As the cost is an issue with organizations, licensing of instructors for service and hearing dog programs can, and perhaps should be, conducted on or near the sight where a facility is located. Historically, the State Board has always been receptive towards cooperating with the schools. Sight inspections need not be a costly matter as the Board can inform organizations of what their annual inspection will entail and list specific records for review on sight. The State Board of Guide Dogs for the Blind has made considerable change by keeping abreast with the consumer and public needs, strong efforts towards its own self-improvement, and giving directions towards the betterment of service provided by guide dog schools. Guide dog organizations and the State Board have successfully worked together in order to jointly make improvements for the benefit of both the public and the consumer. We support the State Board of Guide Dogs for the Blind, and favor expanding the Board to accomodate licensing of service and hearing dog programs and their instructors. Consumers in general and the public alike, deserve assurance that organizations serving the blind, physically disabled, deaf and hearing-impaired meet specific requirements to maintain acceptable level of standards and are held accountable to the Department of Consumer Affairs.

With regard to identification of guide dog users from out of state, all recognized guide dog schools provide identification cards to their graduates, and it may be beneficial to identify these known organizations in existing California law. The State Board of Guide Dogs for the Blind does recognize those dogs and persons trained by organizations from out of state and has frequently intervened when called upon to inform business owners and/or management of guide dog users rights to housing accommodations, transportation, etc. California Business and Professional Code pertains to organizations providing service within the State of California. It by no means implies that organizations out of state, providing like services, shall not be recognized. It does not specifically identify them, however.

The rights of public access -- we see a lack of an informed public. There are just as many California trained guide dog users turned away from restaurants, housing, etc. as there are dog guide users from schools out of state. The issues of public access rights may be greatly improved if the State provides establishments with public access stickers, posting instructions and a copy of the public access laws along with their

license renewals. And I think by doing so, this kind of an issue could be handled rather quickly. Present Civil and Penal Codes insure the blind, physically disabled, deaf and hearing impaired access to all public places, housing, modes of transportation with their respective dogs. However, establishments likewise have a right to refuse service in an instance where a dog is found unkempt, out-of-control, aggressive, etc. In this respect, the law is not clear. The function of the State Board of Guide Dogs for the Blind is to act as a mediator, appeals committee, and arbitrator for the guide dog organizations, guide dog users, and the public at large. The Board has not only proven itself useful as a source of public information, but it has provided clout from Sacramento when schools find themselves hopelessly at odds with the public who refuse to recognize the civil rights of guide dog users. This Board is one agency that can be easily reached without the frustration of being passed from one agency to another when it comes to finding answers to problems. We need and support the California State Board of Guide Dogs for the Blind. We encourage its expansion to include the service dogs for the physically disabled and the hearing dogs for the deaf and hearing impaired. Respectfully submitted, Guide Dogs for the Blind, Inc., Tom Ainsworth, Chief Operations Officer.

SENATOR MARKS: Thank you very much. We appreciate your being here. Stephanie Cross.

STEPHANIE CROSS: I represent Our Dogs, the Responsible Dog Owners of the Golden State. We were instrumental in the passage of the Vicious Dog Law two years ago, and my concern is that this report had no need to define the assistant dog as a breed consistent with helping purposes and commonly regarded as nonaggressive. Speaking of common regard, the German Shepherd is commonly regarded as the guide dog in most of the world. The logo of Guide Dogs for the Blind is the German Shepherd in a harness. I'm concerned whether the Board wishes to eliminate this long useful breed from guide dog service in California.

Breed reputation often depends upon breed popularity and this changes. Any breed of dog can have aggressive members. Two years ago we passed a bill amending the Food and Agriculture Code, stating that it specifically prohibits regulating vicious dogs in a manner that is specific to breed. The court system in California, in Beebe vs. Union City, set a precedent speaking about the difficulty of defining the mixed breed dog in California, which are most commonly used as hearing dogs. Breed-specific language in this report is redundant in light of the next point which requires that the dog be selected to avoid aggressive behavior. I would think that would take care of any problems, regardless of the breed of dog.

We have heard today of the need of dogs with qualities to serve the handicapped. Why place restrictions on breed, cost, height, place of training to reduce the supply? The choice of the dog should be based on the dog's ability to do the job. We ask that you not codify breed-specific language, especially as it is both redundant and detrimental to guide dog users.

On the certification process, I am not a guide dog trainer. I am a regular dog trainer. I do not understand why there cannot be certification for the end product, like a drivers license. We don't ask where you learned to drive, what school you were taught under, who taught you to drive. We simply ask can you drive the car safely. Can the dog do the job for which he is being presented. Also, it would enable recertification to insure quality control, regardless of where the dog was trained and where the dog came from.

I would like to see this Board institute a complaint process for problem users of guide dogs where the public can come and say, "This person isn't using his dog properly", thereby insuring possible retraining and quality control. We need to consider the fact that it not be based on a specific breed of dog, that it not be based on what school these dogs came from. Let it be based on the fact of whether or not the dog and the guide dog, and the blind or deaf or disabled person are in fact a team and are being used properly. Thank you.

SENATOR MARKS: Thank you very much. We appreciate your being here. C. Elroy Pike.

MR. C. ELROY PIKE: Excuse me for being so exhausted, but I've been on the road since early Tuesday, due to things beyond my control, Senator. I've missed a plane, missed the Amtrak, etc. and so we're exhausted and hungry. I came prepared with some things -- I was going to let my fingers do the walking over the material I prepared, and it was mistakenly left behind apparently by the people I had hired to drive me to the Amtrak.

Basically, I'll keep it simple. My concern is that there is a lot of misinformation, a lot of confusion out here amongst those of us who use our dogs. In my case, I have had to -- last summer for example, under the Penal Code Section 365, because of the requirement under Subsection D, that my dog had been trained by somebody under the B & P Code in the State of California makes my dog illegal, I was denied accommodations at a hotel because my dog was over 20 pounds in weight, and when I tried to enforce that law or at least work something out I was not able to produce documents even though I have documents on the dog, I was not able to produce documents that he was trained in the State of California. The same sort of language apparently is being used in the items being considered here today. This requirement, of course, there's no sense going over what's already been stated as far as discrimination goes, but there's blatant discrimination towards many handicapped people within the State of California. I haven't experience it actually anywhere else in my travel with my dog, and the one prior to this internationally as a philatelic courier.

Senator, I was born in St. Francis Hospital in your community. I'm a citizen of this state; I was born and raised here and yet I have to stay illegally with my dog or move, which I can't afford to do, to another state. The intent is good in most of these propositions; what I hear here, the intent is good. I have nothing against quality trained, quality dogs -- all this sort of thing. But, the end result is that it is

creating another one of your bureaucracies or could create a bureaucracy here within the state, and make California the only state, or I heard something mentioned about the province of Quebec. To my knowledge and my traveling in Canada and so on, the provinces and the other 49 states in the United States don't discriminate on dogs that were trained properly in other states, or in some cases, nations.

In my case, when my last dog died up at Lake Tahoe, I tried for approximately three years to get another dog from a school here in the State of California. I was unable to do so. I had my doctors write on my behalf but because, like many handicapped people, I have multiple handicaps. It's not just loss of vision. And because of that my dogs have been trained in addition to being the standard seeing eye or guide dog. We spent an additional 90 days in training after the dog had graduated as a standard seeing eye dog. I just basically, my objections to some of the things I am hearing, and I understand what you've said, Senator, about it not being a bill at this point. I'm cognizant of this. It's just the fact..... Again, my dog stands over 26 inches at the shoulder. If this ever becomes a factor, he's illegal on another score. And yet he has to be able to move me if I am unconscious. I hear say that a dog can't look after you if you're not able to have physical control over that dog. That is simply not true. There are dogs, depending upon not only their training but basically their instinct, who can take care of you -- for example, in my case here, last March I was in a coma for three days. My dog was able to get help from the local Fire Department and the ambulance, and instead of protecting me at the door when I was unconscious, he quietly led the police officer and the ambulance crew to me. He also has to be able to move me, and in his training procedure where he was trained, he has to be able to move 180 pounds. That's the requirement. This is so I don't cut circulation off to an arm or a leg or something of this sort. He also takes and attempts to revive me himself, and this has been done many times. It's not a matter of it can or it can't be -- I know it can be, and I know that there's others. There's a lady in Houston, Texas, with a dog trained like this. There is a gentleman up in the middle of Oregon. There's one up in Vancouver. There's not many of them. We're a minority amongst a minority but certain legislation, which makes it illegal to have this, being able to live independently like I have been able to do since my wife was murdered in '76, I would have to live in an old soldiers home or something and put up with people trying to bum cigarettes off me if it wasn't for my dog who is trained to take care of me. So I am concerned when I hear a lot of this talk, and as I say, at this point there's a lot of confusion. There's nothing hard -- as you stated, there's no bill as such at this point. But I do know that 365.5 doesn't work for people like myself because my dog was not trained in the State of California. But again, I was not able to get a dog in California. If you have high blood pressure, and elderly people have high blood pressure, although it's controlled by medication, you still can be denied a dog which has been done for me and I have letters from the schools denying me a chance to enroll with a dog. And, of course, these dogs would be just

basically seeing eye dogs. But still, that's better than having to use the stick or the cane again.

SENATOR MARKS: We appreciate your being here very much.

MR. PIKE: And again, I apologize for being so completely exhausted. I sort of mumbled on here and I do apologize because I had a proper presentation and I am not able to give it at this time.

MR. FENNESSEY: If I may, before you.....

MR. PIKE: Who am I speaking to?

MR. FENNESSEY: This is Charles Fennessey. I'm with Senator Davis. If I may ask you a question. Your 365, Subsection D, your understanding is that the access requirements for guide dogs in California only pertain to dogs that have been trained, consistent with the Business and Professions Code of California.

MR. PIKE: That's correct.

MR. FENNESSEY: If I may, Senator, I was wondering..... I think there are still a couple of representatives from the guide schools. Is that the common understanding -- the protections only accrue to dogs that are trained consistent with State law? There seems to be as much disinformation as information.

(Inaudible comment from the floor)

MR. FENNESSEY: So you seem to be suggesting that there could be some clarification of the law.

(Inaudible response from the floor)

MR. FENNESSEY: So what we have now is a situation where people who interface with the consumer and the guide dog, have to decide whether that person is either handicapped or whether or not that dog is properly trained. In other words, at the restaurant we're asking people to make this legal decision essentially.

(Inaudible response from the floor)

MR. FENNESSEY: Thank you.

SENATOR MARKS: Thank you very much. Thank you, Mr. Pike. Rich Avanzino.

MR. RICHARD AVANZINO: Good afternoon, Senator Marks. My name is Richard Avanzino; I'm president of the San Francisco Society for the Prevention of Cruelty to Animals. We've been in existence for about 122 years.....

SENATOR MARKS: A very fine organization.

MR. AVANZINO: Thank you, we appreciate that. We pioneered this program, the hearing dog program, about 12 years ago. We have graduated over 350 dogs, and we have strong feelings on the proposal coming out of the Guide Dog Report. I guess it gets to the bottom line that we think if this probably is enacted, one of two things will occur: either we will radically reduce the number of animals that are trained from our facility because of the resource allocation demanded by this proposal, or we will go out of business. And I don't understand, I am at a loss as to how, in the nineties when there is a growing recognition, far too late in coming, that the handicapped, the disabled, are



important members of our community, that should be given every opportunity to fulfill their desires and ambitions, and that any impediment should be discarded and put aside. How we could come up with a proposal that takes away, or denigrates, their minimal rights that they already have and makes an unwarranted assumption; this proposal, in my view basically presumes, that the disabled have to all be monitored, identified, and closely regulated because somebody might have a misbehaving animal in a restaurant. I don't know how terrible that crime is but I can't comprehend the rationale that says that we should have a comprehensive regulatory scheme that basically says that those that can survive the monopoly, which will incur tremendous financial rewards to those organizations, but in the process deny to more people the opportunity to have assistance animals for those that desire it, that might allow them greater independence just does not make sense to me.

The disabled, the hearing impaired in particular, have been using their animals for a long time -- from our organization, from the Riverside Humane Society, from the Center for Canine Companions for Independent Living, and other sources. As far as I know, after a year of study, there has been no documentation, no evidence, no facts presented that suggest that these dogs have caused any harm to anybody. There has been no violence committed on a human being, there has been no property damage, and yet we are facing and looking at a proposal that talks about extensive, expensive governmental regulations. And it makes some terrible assumptions as it relates to training. It basically says, if you try to train your dog and you're deaf, you're rather incapable of being able to do a good job. Let me tell you, Senator, the history of the deaf in being able to train their own dogs, goes back for decades and decades before the word "school" was even considered, before the concept of licensing was even a governmental concept, and the deaf did a marvelous job. To basically say that this history that they founded that has been carried forward, should somehow take away from their abilities, I find terribly tragic. To say the trainers that work in the schools, if this proposal would go through, if they leave the school can no longer train an animal, sounds absolutely foolish. Our organization's strength is our people; our trainers are outstanding. They have fabulous expertise, tremendous dedication, and are greatly capable in performing their duties.

The director who founded our program, if he leaves our service (God, I hope he doesn't), but if he goes on to other horizons, to basically say that he cannot carry forth with his livelihood, he cannot train dogs to help more hearing impaired people, I find to be a tragic waste. And not only is that true of our director, but of all of our trainers, past, current, and hopefully in the present. These are talented people. They came to the cause to help the disabled, in our case to help the hearing impaired, and they wanted to do something in terms of social service. They don't do it for tremendous financial reward, they do it because they care. And these people are part of what makes our organization rather special, but makes this country rather great. And to say that if they leave our school that they can't continue on with their livelihood, like I said, I consider a major, major disaster.

In terms of the cost, we believe to comply with the regulations as proposed, would probably cost us about 15 percent of our budget. It talks about issues that could not be complied with if we maintained our purposes as a humane organization. We have a mission statement for why we exist. We were not founded for the purpose of training dogs for the hearing impaired. We were founded for the purpose of helping animals and helping people at the same time. Animals that are selected to help the hearing impaired in our organization come from shelters -- they have their lives on the line -- they're going to die if they don't find a loving home. Through our services, they're given special training and they're placed with people who can not only use their aid but love them tremendously. So they give them life, they give them love, and they get service in return. It's a wonderfully mutually rewarding partnership. To say that we cannot do that, and that we should be directed or encouraged to do what the guide dog program does, which has a difference mission, also performs an outstanding service, I find is a real unfortunate suggestion from a governmental agency. I think we need flexibility. I think we need opportunity. I think we need chances. I think we should encourage the disabled to go on to the heights that they can possibly achieve. And government and society should do everything to facilitate them and give them the maximum choice.

As it relates in terms of selecting schools and dogs that help them, the evidence is very, very clear, with no exception that these people are responsible, they are great providers, they do a fantastic job and they don't deserve this regulation.

Thank you very much.

SENATOR MARKS: Thank you very much. We appreciate your being here to testify. Jose Avenchuchun -- is he here? Paul Knot. Beautiful dogs.

MR. PAUL KNOT: Thank you. You'll have to pardon me some. My remarks are going to be repetitive of those you have already heard but I believe they do bear repeating.

I'm Paul Knot, this is my service dog "Bear", and it's a case in point because I had Bear prior to the time that I broke my neck. And, although Canine Companions advised me when I approached them, that they did not train dogs that had not been raised through their program, I was, nevertheless, given the opportunity to train Bear myself and submit him to Canine Companions to be tested, and, because he was successful, certified. I would like to see this process continue.

The Board's report fails to recognize the training capabilities of those persons who are not engaged in dog training as a business. The report should be amended to provide for procedure, preferably a standardized procedure, whereby a dog that has been trained by an unlicensed trainer can be submitted for testing, for a fee if necessary, and if the dog is successful, certified. Certification should be followed by periodic retesting and recertification. In addition, the Board should develop minimum performance standards for those tests and make them clear.

The demand for assistance dogs is already outstripping the available supply. Limiting the production of these dogs to commercial trainers not only further constricts

the supply, but denies the opportunity to others to either help the disabled or for the disabled to help themselves.

As a final footnote, just last night on NBC's "Unsolved Mysteries", the program was featured which utilizes prison inmates to train assistance dogs. This is an example of the type of creative and positive type of programs that this Board should be fostering.

After listening to some of the comments presented here this afternoon, may I also suggest maybe another idea -- in addition to the certification that we all carry with our certified dogs, perhaps a patch that could go on the harness or the equipment that the dog wears, identifying the dog as certified and perhaps even with a registered number so that if the dog is observed in a manner which requires a complaint to the Board, the dog can be identified and, if necessary, go through an appeal process or a retesting process to insure quality dogs are out there.

SENATOR MARKS: Good suggestion. Thank you very much.

MR. KNOT: Thank you.

SENATOR MARKS: Appreciate your being here. Irene Bolls.

MS. IRENE BOLLS: Mr. Bill Bernard, a blind man in Menlo Park, came to us.....

Excuse me. My name is Irene Bolls, and I'm a member of the East Bay Boxer Club.

Mr. Bernard came to us. He is a blind person. He wanted us to know about this hearing so we're kind of late comers, we don't know all the details, but he wanted us to understand what was being proposed on the breed-specific or the size limitation. And we're very, very concerned about this. I have personally had boxers for 37 years. They would be one breed that could not be used. And Mr. Bernard pointed out to us that, like people who have lost their eyesight through being diabetic, they're going to be very unsteady in their gait. They need all the help they can get. They don't need to be restricted to a smaller dog. And a smaller dog doesn't mean that it's the one that's not going to be aggressive. Sometimes your big old laid-back breeds have probably got the best dispositions of the lot because they don't have to be afraid. But that blind person who perhaps is diabetic needs a big dog that he can lean on. And if it's a person who is disabled, and I think I understand a little bit about that because growing up I was very disabled by polio and I'm very lucky I'm not now, but a person in a wheelchair needs the strength of that animal to let them get out and do something. We can't take away from them. Being disabled is lonely enough. We've got to put more opportunity, not take it away from them. And that gentleman just now mentioned that program in Washington State, and I wish everyone could see it. I'm going to write and try and get a clipping of that show last night. It was absolutely a beautiful demonstration of the dog that really picked out this girl who was in a wheelchair with totally no life left. A drunk driver had just made her almost like a vegetable. She was having 20 seizures a day rather. And the confidence that dog gave her, because that dog could sense when she was going to have a seizure, and he could let her get out because he would stand in front of her and bark when one of these attacks was coming on until she got to a safe place. That for a child who sat in

a wheelchair, she was able to walk again with an invalid walker and go back to school to get something out of her life. It was a beautiful example of what can happen. I think these disabled people need every help we can give them, and don't take away any more of their rights.

Thank you.

SENATOR MARKS: I agree completely. William Toland.

MR. WILLIAM TOLAND: Senator Marks and Members of the Committee, good afternoon. My name is Bill Toland. I'm the Legislative Liaison for the American Kennel Club and Vice President of Donner Trail Kennel Club. Before I really give testimony, Senator Marks, I would like to commend you personally for your efforts that you have put forth on behalf of the disabled people in legislation in the State of California.

(applause)

MR. TOLAND: I have basically two points that I would like to bring out in testimony. This Subcommittee, all members of this Subcommittee, served on the Judiciary Committee a couple of years ago when Senator Art Torres presented SB 428, regarding vicious dogs. He's still on it. I gave testimony then. I testified before the Judiciary Committee, before the Senate, before the Assembly Committee, and the Assembly on the Floor. The bill as submitted by Senator Torres dealt primarily with three specifics, the biggest controversy surrounding pit bulls and discrimination based upon viciousness. You, Senator Marks, were very helpful in getting this thing straightened out. That bill was amended at least six to eight times before it finally cleared both houses and went to our Governor in the first of 1989, where it was signed into law. The basic part of that bill relates to Section 3, Chapter 9 is added to Division 14 of the Food and Agriculture Code. I would like to bring out one specific part which is in Article 5, Section 31683 and I quote, "Nothing in this chapter shall be construed to prevent a city or county from adopting or enforcing its own program for the control of potentially dangerous or vicious dogs, that may incorporate all, part, or none of this chapter, or that may punish a violation of this chapter as a misdemeanor." Now here is the objective part, "Provided that no such program shall regulate these dogs in a manner that is specific as to breed". And I think this is one of the things that we're looking at in the current proposal regarding dogs for the disabled. We're looking at breed. And I'm going to use the term "discrimination" rather than "breed-specific" because I think we're looking at a discriminatory situation.

We cannot class a given breed of dog as just arbitrary being vicious, aggressive, untrainable, any more than we can, as mentioned earlier, classify all Italians as being members of the Mafia or all Russians Communists. Nor can we construe that Afro-American people are muggers. I mean this is not a case. We cannot label dogs any more than we can label people. The Lions' Pilot Dog Program in the State of Ohio -- they are using German Shepherds, Boxers, Doberman Pinschers, Labrador Retrievers, and Vizslas. Now, we may say that a Doberman Pinscher is intimidating to some people. It's true. So is

flying. So is walking down the street. So is going up an elevator. So is standing on a high building intimidating to some people. But I don't think that we can permit a handicapped person from having a German Shepherd or a Doberman Pinscher or a Rottweiler or a Boxer, if that's what that particular disabled person needs to have the confidence to go out into public and live a normal life within our society. I would like to sight an example. There was a lady a year or so ago in Southern California, unsighted, with a Golden Retriever, which is a very good dog, very trainable. She was blind. She was assaulted and raped. The result was this woman retreated into a reclusive state of mind, she withdrew. You heard Bill Bernard referred to here by my predecessor. He is a blind man in Menlo Park. I wish that he could have been here today to tell you this story. He obtained a Doberman Pinscher for this lady in Southern California. It's a female, a little bit oversize, standing I believe it was 28 inches, which is two inches above the standard size of the American Kennel Club breed specifications. Upon receipt of this dog, who was not trained to be an attack dog, not trained to be a protective dog, not trained to be a guard dog, but was trained to be a guide dog for the blind. This woman has now taken her place back in society again. She feels confident to go out, and she feels safe with her Doberman Pinscher. Now this is an excellent example of what I mean when I say we should not be breed discriminatory. Bill Bernard, himself, currently has a Golden Retriever which, I believe, is about 22 or 23 inches. The gentleman himself stands six foot, two inches tall. He walks with his dog like the Hunchback of Notre Dame. He currently has a German Shepherd dog that is in training, I believe it's either in Ohio, Indiana, or Oregon. But the dog is oversize, and if we get carried away by breed discrimination in our legislation, he won't be allowed to have this dog any more than the blind lady in Southern California could keep her Doberman.

So, these are points that I feel that the Board should definitely address in not being breed-specific. Let me give you another example. Not all blind people are tall. I'm sure there must be some unsighted people that would compare to Billy Barty, who you may know as the little person in Hollywood that portrays the midget in many films. I think he'd have an awful time with a 26 inch dog as a seeing eye dog if he were sightless. We have to match the dog with the handicapped person, not with a set of laws or a set of statistics. We have to match the dog and that sightless person, the handicapped person, or the hearingless, the person without the hearing. None of us can really imagine what it must be like not to see the things going on around us or hear the things going on around us or even hear our telephone ring. It takes a terrific amount of confidence and trust on the part of the disabled person to place himself or herself in the hands of that service dog, that hearing dog, or the guiding eye dog. So, I really think that this is something we should very strongly consider.

There is another point that I would like to bring out. That is the possibility of restricting the dogs to the California dogs only. You heard the testimony a little while ago that there are only three licensed or registered schools in the State of California.

You heard the limited amount of dogs they're able to produce. You heard testimony both pro and con for a disabled person for training their own dogs. You have heard testimony pro and con for dogs coming into the state, trained from out of California. And believe me, ladies and gentlemen, we need all the availability of dogs we can get. And the breed is not necessarily the thing, nor is the school.

One of the things I think you should consider is something that exists in another part of our laws. We have the Lemon Law in the State of California for automobiles. Automobiles are personal property. Under California State Law, so are our dogs as personal property. Now, we do not have legislation prohibiting Chevrolets or Oldsmobiles or Fords because perhaps they may kill more people. I don't think we need to have the same thing to prohibit the incoming dogs that are properly trained. But we do need, I think, a Lemon Law that is not filled up with a bunch of legalese language, but is very pure, plain, and simple, direct to the point, something to the effect that states that as the recipient of a guide dog, hearing aid dog, or assistance dog, that dog proves to be incompatible with its owner, or if it does not serve the function for which it was procured, that owner, without a lot of legal foldefol, should be able to seek legal recourse against the supplier of that dog, whether it is a registered school in California, or whether it's an individual trainer in California, or somebody from the State of Idaho for that matter.

I think these are two very, very, very serious points that you people, as the Legislature that draws up the laws for our state, consider very, very strongly. Because, believe me, I know -- and I'm sure everyone here knows -- that there isn't a one of you in the Subcommittee or in the Senate or in the Assembly, that has anything but the best interests of the disabled at your own heart. And I'm sure that that's as it should be, and none of you want to do anything that would denigrate the quality of life of our disabled people.

Thank you.

SENATOR MARKS: Thank you very much. We appreciate your being here. Let me ask, before I call the State Board of Guide Dogs, is anybody here who has not testified who wishes to testify?

MR. KNOTS: (Inaudible response from floor)

that was perhaps the Board's devoted efforts to producing a guide book for members of the business community so that they may better understand the White Cane Law. Many of us carry a copy of the law with us so that if we are denied access we can give that to the business person to educate them. But it is very cumbersome to read, it is very intimidating. Perhaps the Board should devote some of its efforts toward developing some informative materials that we could carry with us that would help us gain those accesses without being quite so intimidating.

SENATOR MARKS: Thank you very much. Now let me call..... We're going to have to stop at 4:00. Come forward..... We also want to hear from the

State Board of Guide Dogs.

MR. EAMES: I think one of the issues that might be thought about here, very seriously, because it's been brought up by several individuals, including by the way the representative of IGE. The recommendations of the Board seem to indicate that if guide dogs schools must need license then other assistance dog providers must be also. Let's reverse the process and say, perhaps guide dogs should not be licensed. We have heard a great deal of testimony that after 40 years of licensing of guide dog schools, a lot of the fraud involved in the area has been eliminated. The point is, are the guide dog schools in California, after 40 years of regulation, in any way substantially better than the guide dog schools throughout the country? I think Mr. Ainsworth said that the three guide dog schools here in California are part of a council, and that council is setting up its own general procedures for acceptance, rejection, whatever it may be. Yet seven of those ten schools are not, in any way, licensed by any state. I think it's about time we really began thinking about the opposite end of that logical conclusion. We're beginning with the assumption, if guide dog schools have to be licensed, so do these other providers. Let's go the other way. If those providers are doing an excellent job, and I think everything said here today says they do, then perhaps you ought to look at the other end -- the logical end is that guide dog schools do not have to be licensed nor do guide dog trainers. I think that is something we certainly should think about.

SENATOR MARKS: Thank you, thank you very much. Now may we call Kay Cook and Pat Urena -- represent the State Board of Guide Dogs.

MS. RIPPLE: While they're coming forward, Senator, we received a FAX that was to be read into the record by Mr. Bernard, who was unable to be here today. Essentially it's from an attorney in Los Angeles who specializes in dog bites and he said in the 400+ cases that he has handled, he has never encountered a case where the bite was allegedly caused because the dog was out of control because its owner had lost consciousness.

SENATOR MARKS: Thank you. We'll make that part of the record. Would you testify please.

MS. KAY COOK: Honorable Senator Marks, it's a pleasure for me to be here, and I would like to introduce a letter that our Board President, Mr. William Emerson, wrote to the Committee. I'm Kay Cook, Vice President of the California State Guide Dog Board.

SENATOR MARKS: Do we have the letter?

MS. COOK: Yes, you have the letter.

SENATOR MARKS: We have it. O.K.

MS. COOK: This was written October 11.

"Dear Senator Marks:

"The State Board of Guide Dogs for the Blind looks forward to your Subcommittee's interim hearing on guide, signal and service dogs. There are many important issues which we hope will be addressed in the Legislature.

"In view of the intense tone and sometimes nonfactual content of the San Francisco SPCA's response to the Guide Dog Board Report to the Legislature dated June 30, 1990, I wish to make some observations.



"At your Subcommittee hearings in 1987, when you first considered expanding the Guide Dog Act to include signal and service dogs, we suggested the issues were complex and should be studied. Subsequently, in Business and Professions Code Section 7218, authored by you, the Guide Dog Board was instructed to perform such a study. The result, of course, was the Report mentioned above. We believed at the outset, and continue to believe, that all concerned were acting from open and honest motives, to assure the best possible circumstances for guide, signal and service dog users. There are honest differences of opinion about how to achieve this end.

"The Guide Dog Board has determined that it is feasible to license providers of service and signal dogs. Despite all the hyperbole from some sources, costs and efficiency would not be impaired for signal dog users any more than they are for guide dog providers. At this point it is a matter for the Legislature to determine whether or not such licensing would be the appropriate public policy at this time.

"The Guide Dog Board will be present at your November hearing to serve as a resource for the Subcommittee on The Rights of The Disabled. Please be assured it has never been our intention to aggressively advocate for expansion of our authority through the licensing of service and signal dog providers.

"Sincerely, William Emerson, President, California State Guide Dog Board"

A few of my own comments just in listening to the testimony and going through the Senate hearings. I am a Special Educator, and I applaud your legislation, your effort to increase that for the disabled. My concerns with the Guide Dog Board have been paramount for I have literally lived the Guide Dog Board. My mother lost her eyesight when I was born in 1940. My mother went through many schools with inappropriately trained dogs, dogs that weren't trained, and no dog at all. She finally gave up and went back to Morristown, New Jersey, received a Seeing Eye Dog, which was a trade name, came back to California and pioneered through the efforts of local legislatures, the Pasadena Star News, Readers Digest, then-Governor Earl Warren, my mother founded the California State Guide Dog Board in 1947. My mother founded White Cane Day. My mother founded a lot of things. I feel privileged to be her daughter.

I, myself, through my own education in Special Education, completed my Masters Degree on a study and evaluation of the California State Guide Dog Board. I've been privileged to be appointed four times over the last 25 years and have served on this Board. At one of the conclusions in my own Masters work was the fact that increased mobility needed to be provided, either by the Board or by the school so that people had greater independence, for there were many other kinds of handicaps and conditions that kept people from the mobility that would serve them towards independence. It's interesting that now that we're coming about to these kinds of fruitions and conclusions.

By Guide Dog Law we are given accessibility with responsibility because as you have heard testimony, the schools provide the licensing and the interstructure that gives the responsibility to those units which are produced. Mobility may be the reason for a guide dog but accessibility, as we have found out through the State Guide Dog Board, becomes one of the key issues. Who allows access of these particular provider units?

We then come to the service and signal dog, and from my own point of view, I can readily say that I was one of the greatest objectors, thinking that why change something that's already functioning very well. Through the nine Senate city studies that we had,

it became obvious that there is a greater need, that service dog users, signal dog users, have almost historically the interstructure that was apparent when the State Guide Dog Board was started. They have, by law, the accessibility that the Guide Dog Board and Guide Dog Law has provided. A person with a signal dog, be it self-trained, school-trained, we've heard a lot of testimony about breeds and so forth. We're not opting for one, another, or any. Safety, nonaggressive behavior, good conduct, social skills -- some of these things, we as a Board, have been reported over and over again as not always being standard among some of these signal service dog users, but yet by law they can take their dogs wherever the guide dog can go. So it is for this reason that we have published the recommendations report, that some sort of licensing, some sort of approval, some sort of responsibility go along with the accessibility of the signal and service dog, as well as the guide dog.

With that, I would like to conclude and let Mrs. Urena speak on some of the issues that were addressed today.

MRS. PAT URENA: My name is Pat Urena. I am the staff assistant to the Guide Dog Board. I've been asked to comment on matters of fact which came up today which might not be always as factual as people believe.

First of all, the Guide Dog Board has always interpreted California access laws to recognize guide dogs trained in other state's schools in the same way that California trained dogs are recognized in access laws. The Board has supported such efforts to gain access where a person trained out of state has had problems. Within the last month, I wrote a letter supporting a law suit of an individual who was denied access with his dog trained outside the state. We do recognize that it may not be entirely clear in the Civil Code so one of the recommendations in the report to the Legislature is to specifically identify that.

In so far as the proposal to have a special State identification card for people who are guide dog users or users of the other dogs, that was developed in response to specific requests from people who believe that the school identifications are simply not as credible as say a drivers license appearing card.

The breed issues -- there are problems involving the use of a dog as a guide, for instance, who has the appearance of, or may be perceived as, a pit bull type dog which would result in endless public access problems for the individual using the dog. Certainly that should be considered when any individual is obtaining a guide dog, from whatever source. Giant dogs, which are used in some instances, may be of a size where they are simply not practical for public access purposes if they won't fit under the seat on a plane or in one of the other public access situations, you might consider that that would not be a reasonable approach.

The study cost less than \$25,000 in toto. The funds were, of course, allocated by the Legislature for the purpose, and the Board was mandated by the Legislature to make the study. I think we find ourselves in the position of the messenger to the Imperial

Court of Russia, who maybe didn't make it through delivering the message. In any case, home training again, is something that guide dog users in California have requested, maybe not all of them but substantial numbers. We find that Penal Code 365.5 can be an effective tool but only where the police departments are willing to enforce it. I talk to numbers of people who have difficulties getting the police to be involved.

I think that basically covers any matters of fact which haven't been corrected otherwise.

SENATOR MARKS: You have heard a number of bits of testimony today, indicating the very great disagreement with your report. Has that in any way changed your view on the report?

MRS. URENA: I think the Board considered the various points of view which were presented here, and that they decided that if they were to develop a logical, comprehensive approach, this is how they would do it. They regarded it as a feasibility study. They're not willing to live and die with it, I don't think.

SENATOR MARKS: Well, that's interesting.

MS. COOK: Excuse me, Senator Marks. We determined that there was a need, definitely, for some regulation among service and signal dogs. They have the same right as guide dog users, and that we know there's been success for guide dog users through law.

MR. FENNESSEY: A question if I may -- I tend to agree that there has been a certain amount of misinformation, some distortion, a little bit of intolerance of varying ideas, and I will accept your presentation as given that your intent was as you explained it, to provide greater access and protection and to, in the case of dogs under the seeing eye dogs, to create some kind of uniformity. I am a little confused as to this issue of size of the dog, the discussion of whether a pit bull would be suitable or a large dog would be suitable. Is there any documentary evidence that these problems actually exist? Do we have any cases? Do we have any cases of guide dogs attacking anyone?

MS. COOK: No, it has not been guide dogs, it has been service dogs.

Well, then attacking people really isn't the problem. If you are using a dog which, the only one that comes to my mind right now is a pit bull type dog, which has gotten a lot of horrendous publicity well undeserved by most people, the problem is if you are approaching a grocery store and you're using this kind of a dog as your guide, the grocery store clerk sees you and you immediately have that kind of a problem. If you are trying to travel about, getting on buses, getting on trains, getting on airplanes, going to restaurants with a dog that is, say, a large Great Dane, you've got a significant size problem.

MR. FENNESSEY: I don't disagree with much of what you said but I think that you have spent, perhaps, a little too much time of illusory pit bull problems. I don't know that there are a significant number of people who will be using pit bulls as guide dogs.

MS. COOK: No, but that was the reference that caused an inordinate amount of attention being given to a very minor part of the entire body of the report.

MR. FENNESSEY: I agree with that but I think there was some compelling evidence as to the changes on the Torres Bill a year or two ago, his experience with references to breed-specific regulation. And, I think perhaps, if we could exclude that portion of the report that the rest of it might get a little better reception.

SENATOR MARKS: Thank you very much. Is there any more question?

MS. RIPPLE: I just have one more question -- two statements -- One is the California Grocers Association and one of the Restaurant Associations did ask us to see if we could come up with something that was easily identifiable, that any dog, whether a signal or a guide dog, could have so that they have something like that and that there be an education program. The other question that has come up several times when many people have called is questioning the composition of the Board, wondering why there aren't more dog trainers or dog breeders or veterinarians or people who have expertise in dealing with dogs on the Board. And I believe that that's not in current legislation -- is that right?

MS. COOK: That's right.

SENATOR MARKS: Would you care to comment on that?

MS. COOK: On the make-up of the Board?

SENATOR MARKS: Yes.

MS. COOK: O.K. It's a seven-member board. By law, one member is an ex officio member who stays on. It has been the Director of the School for the Blind, which was moved by earthquake standards down to Fremont and made that difficult. Everett Wilcox was the Director of the School for the Blind who served as the ex officio. It now rests in the hands of a blind member of the Department of Consumer Affairs, excuse me, in the Department of Rehabilitation. Three of the members are, two of the members are blind guide dog users and the rest are consumers who have interests in the blind work or guide dog work. It has not been specific as to.....

SENATOR MARKS: Where are these consumers? Are these consumers appointed by the Governor?

MS. COOK: Yes, they are public members of the.....

SENATOR MARKS: All Republican?

MS. COOK: At this time, yes.

SENATOR MARKS: And where do the consumers come from? Who are they?

MS. COOK: The present make-up of the Board includes two guide dog users. One is William Emerson, the current President, who lives in Burbank. The other is Vernon Crowder, a guide dog user living in.....

SENATOR MARKS: Where do the consumers come from? Who are the consumers?

MS. COOK: They would be considered the consumers, I would assume, since they're guide dog users, blind guide dog users. And then the rest of the Board is Mary Ann Thomas, comes from the Southern California area; Shirley Faust is from Santa Maria, she's in the Justice system and has been a brail transcriber services with the blind; myself,

an educator; and Mr. Manzella, who is a member of the Restaurant Association and is quite interested in consumerism and guide dog use, and the fact that the restaurants are aware of the law.

One issue, Senator, which has been brought up repeatedly with regard to the make-up of the Board and the possibility of having guide dog trainers involved is that the pool of people involved in guide dog work in this state is so small that there would be conflict of interest problems incessantly.

MS. RIPPLE: I want to say that people were not talking necessarily about guide dog trainers but about dog trainers in general, so that there would not be that conflict of interest, someone who knows the basics of dog training.

SENATOR MARKS: Thank you very much. We appreciate your being here.

Let me say to the audience that I appreciate the information that we have received. We'll consider it very carefully. I again assure you that there is no bill whatsoever, no bill at all, presently being drafted or even being considered. We will consider at the termination whether or not there should be any bill, consider the report of the Guide Dogs, we'll consider that report and make a determination as to what should be done. I want to thank the members who have been here. I appreciate the opportunity of being here, and let me again assure you that we would like ideas, any additional information you can give us, that you have not furnished it by testimony, you will please furnish it to us, and we can assure you that my effort is going to be made to try to protect the disabled. I have always been interested in that. I think the disabled are entitled to full protection and that the opportunity to fully participate in every aspect of our society. Thank you very much.

Transcript Prepared By  
Nancy Shipley  
Senate Office Services

OCT 15 1990



**STATE BOARD OF GUIDE DOGS FOR THE BLIND**



October 11, 1990

The Honorable Milton Marks  
The State Senate  
711 Van Ness Avenue, Suite 310  
San Francisco, California 94102

Dear Senator Marks:

The State Board of Guide Dogs for the Blind looks forward to your Subcommittee's interim hearing on guide, signal and service dogs. There are many important issues which we hope will be address in the Legislature.

In view of the intense tone and sometimes nonfactual content of the San Francisco SPCA's response to the Guide Dog Board Report to the Legislature dated June 30, 1990, I wish to make some observations.

At your Subcommittee hearings in 1987, when you first considered expanding the Guide Dog Act to include signal and service dogs, we suggested the issues were complex and should be studied. Subsequently, in Business and Professions Code Section 7218, authored by you, the Guide Dog Board was instructed to perform such a study. The result, of course, was the Report mentioned above. We believed at the outset, and continue to believe, that all concerned were acting from open and honest motives, to assure the best possible circumstances for guide, signal and service dog users. There are honest differences of opinion about how to achieve this end.

The Guide Dog Board has determined that it is feasible to license providers of service and signal dogs. Despite all the hyperbole from some sources, costs and efficiency would not be impaired for signal dog users any more than they are for guide dog providers. At this point it is a matter for the Legislature to determine whether or not such licensing would be the appropriate public policy at this time.

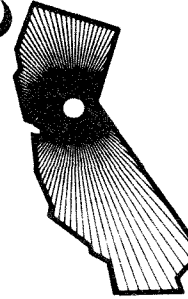
The Guide Dog Board will be present at your November hearing to serve as a resource for the Subcommittee on the Rights of the Disabled. Please be assured it has never been our intention to aggressively advocate for expansion of our authority through the licensing of service and signal dog providers.

Sincerely,

*William Emerson*  
(Mr.) William Emerson  
President

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# CALIFORNIA COUNCIL OF THE BLIND



ROBERT ACOSTA  
PRESIDENT

August 7, 1990

Preliminary comments on the Report to the Legislature by the State Board of Guide Dogs for the Blind on Guide, Signal and Service Dogs. Report of June 30, 1990

1. The study method by which the Guide Dog Board sought input from all interested parties, was well done.
2. The CCB agrees with the intent of issue one which states that the primary concern is to obtain full access to places of public accommodation for Guide, Signal and Service dogs. We are opposed to any renaming for a possible new board which does not include the name, Guide Dog. The blind of this nation have worked for over sixty years, to familiarize the public with the purpose of the guide dog. A state board was created in California in 1948 at the request of the blind community and the California Council of the Blind, to enhance the public's awareness for the unique function of a guide dog.
3. Issue Two - The framework for Implementation number two is fine.
4. Issue number three is fine.
5. Issue Four: We agreed with the State board that when it recommends that no fees be charged to clients who obtain guide, signal and service dogs.
6. Issue Five - Definition of users is fine.
7. The state board seems willing to allow the Director of Training for Signal and Service Dog Schools to license the rest of the staff. It is our opinion that Guide Dog Schools will expect that the same standard be applied to them. The CCB feels that a major function of the State Guide Dog Board is to license all trainers themselves. We will strongly oppose any efforts to the contrary.
8. Issue Seven - Identification markings on dogs. We feel that the harness is readily understood by the public for the guide dog. The use of a medallion simply confuses the public further, with respect to the guide dog.

9. Issue Eight - The State Board wishes to issue an I.D. card similar to those issued to disabled persons, by the Department of Motor Vehicles. They state that this would be voluntary. We oppose the issuance of still another I.D. card. Voluntary becomes mandatory. At present, the Guide Dog Schools issue their own cards of identification. We recommend that the Board and the schools develop one card which will be given to the client by the schools upon graduation. Does this mean that should we misplace the card, we automatically lose our right to access to public accommodations in California? What about those persons who receive dogs from other states?
10. We are pleased to note that the Board does not wish to consider at this time, its former proposal of a temporary I.D. card for out of state people. This was indeed a visa.
11. Issue ten - Do privately trained dogs have any right to access in California? People who use white canes and are privately trained have full access to public accommodations in California.
12. Issue Eleven - How much will a Public Awareness Program cost the state?
13. Issue Twelve - Board Membership: We strongly oppose the proposed make-up for a new "Assistance Dog Board." Over three hundred students are trained each year to use guide dogs. This is far and away more than those who are trained to use signal and service dogs, in a year. To only provide that two members of the board, must be guide dog users, is giving the guide dog user much less representation than he/she deserves. It is our fear that services to guide dog users, will be greatly diluted.

#### COMMENTS ON OTHER ISSUES

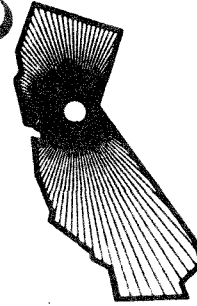
1. Instructors Licensing - Does the Board have the time and money to give re-licensing tests before an instructor can go back into the field?
2. Issue Two - Training School Organization. Grievances: Does the Board have the time and money to properly handle client grievances?
3. The CCB agrees with issues three and four.

In closing, the CCB recommends that the existing Guide Dog Board be kept in tact. We believe that the Board, as it currently exists, has its hands full with the supervision of the three existing Guide Dog Schools in California. We believe that a separate Board should be created to handle the assistance dogs. For example, one signal dog school only has one instructor and meets in the Riverside Community. We feel that such a newly created Board, for the assistance dogs, should contain specialists, in work with signal, service and special circumstance dogs. The CCB strongly supports the current State Guide Dog Board. We cannot stand by and allow our fine program to be lost in a morass of bureaucratic red tape that will cost the state a great deal of money.



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# CALIFORNIA COUNCIL OF THE BLIND



ROBERT ACOSTA  
PRESIDENT

## RESOLUTION 90-A-9

WHEREAS, the State Board of Guide Dogs for the Blind was established to oversee the licensing of guide dog schools and trainers in California; and

WHEREAS, this board has done an outstanding job of ensuring the quality and ethical practices of both schools and trainers; and

WHEREAS, the board was requested to perform and has completed a study of the feasibility and necessity of similarly administering all facilities and instructors of assistance dogs; and

WHEREAS, the guide dog user community is very concerned that expansion of its board's duties could jeopardize the effectiveness of the board: Now, therefore, be it

RESOLVED by the California Council of the Blind in Convention assembled in the City of Fresno, this 3rd day of June 1990, that this Organization express this concern of guide dog users to the State Board of Guide Dogs for the Blind; and be it further

RESOLVED, that this Organization demand that the name "Guide Dog" be retained in the title of the Board; and be it further

RESOLVED, that this Organization urge the Board to take all necessary precaution to ensure that the quality of administration of licensing and business practices of guide dog schools not be diminished.

*Law Offices of*  
**EVAN L. GINSBURG**

440 EAST COMMONWEALTH • SUITE 100 • FULLERTON, CALIFORNIA 92632

EVAN L. GINSBURG  
RUSSELL E. HLYWA  
MASALINE TSWAGO  
BONNIE L. VERMEERSCH

(714) 680-3636

October 9, 1990

Ms. Joan Ripple  
c/o SENATOR MILTON MARKS  
Chairperson, Senate Subcommittee  
of the Rights of the Disabled  
711 Van Ness Avenue, Suite 310  
San Francisco, CA 94102

Re: Report to the Legislature from the State Board  
of Guide Dogs for the Blind  
Our File No. 1637-00

Dear Ms. Ripple:

I have received a packet of information from William L. Bernard, an individual concerned with the hearings now scheduled, as well as the report to the legislature.

It is my understanding that the Board is considering some breed specific legislation, and in particular, is recommending two issues which are of great concern to me and individuals who I have discussed this matter with.

The first problem would be to preclude dogs from assistance dogs which are dogs known or have been known to have aggressive tendencies. Quite frankly, this would eliminate the entire working group, as in order to be a working dog such as a collie, a German shepherd (which has just become a herding group animal), it must have somewhat aggressive or working tendencies.

I am also concerned with the portion of the bill which limits seeing eye dogs to those dogs only trained in California. Quite frankly, I've had somewhat close contact with individuals who have trained seeing eye dogs

Ms. Joan Ripple  
c/o SENATOR MILTON MARKS  
Page Two

October 9, 1990

in California. I have also met and reviewed facilities out of state. There does not appear to be anything specifically ennobling or enabling of California seeing eye dog trainers, as a matter of fact, as I'm sure you are aware there have been some very severe problems with certain individuals in school. More importantly, the committee which is now set up to judge out of state seeing eye dogs or dogs trained out of state, does not appear to have an individual on the committee involved in that work themselves. It would be my suggestion that an individual who either trains, uses, or has been involved in seeing eye dog work should be on that committee. Further, the expansion of the committee probably has no value rather than an inclusion of the committee of the proper members. To enlarge the committee only requires additional people, I have not noted any particular reason to enlarge the committee.

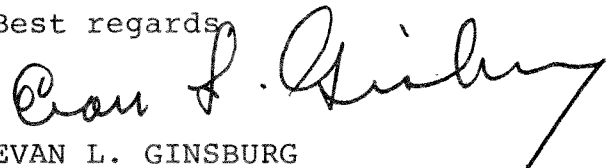
It does appear that when Senator Dan Boatright suggested abolishing the Board of Guide Dogs for the Blind and transfer the authority to the Department of Rehabilitation, it was a strong move in the right direction.

While I have nothing specific against the Board itself, and I do not know its members, I am very concerned with some of the recommendations, and the June 30, 1990 report to the legislature.

While the individuals on the Board may be well intentioned, and have in mind the best interest of the general public, it is important that we not ignore the rights of the minority disabled individuals, those people most needful of the public support.

Please let me know if there is something I might do to assist you in review of this matter. Certainly I have a great interest and concern in the direction that the Board seems to be headed.

Best regards,



EVAN L. GINSBURG

ELG:rk  
cc: William L. Bernard

TOP DOG  
4280 North Campbell, Suite 200  
Tucson, Arizona 85718  
(1-602-299-4545)  
Wed. Oct 17, 1990

The Honorable Milton Marks  
State Capitol, Room 5035  
Sacramento, California 95814

Dear Senator Marks:

TOP DOG is a non-profit organization that teaches physically disabled persons to train their own dogs to become certified Service Dogs.

Will you please send TOP DOG a copy of the Report To The Legislature: Guide, Signal, and Service Dogs, June 30, 1990.

TOP DOG would appreciate a prompt reply.

Thank you.

S.M. Nordensson  
Chairman TOP DOG

Trader Joe's Company  
P.O.Box 3270  
South Pasadena, CA 91031  
(818) 441-1177  
FAX (818) 441-9573

Oct. 17, 1990

The Honorable Milton Marks  
California State Senate  
State Capital, Sacramento, CA  
95814

Re: Handicapped owners' dogs in grocery stores.

Dear Senator Marks:

This matter may appear trivial, but I understand that you are interested in resolving some of the issues that it raises. In addition, I hear that you are a good customer of ours.

On Monday I received a call from a very irate customer stating that our employees in one of our stores had challenged his right to bring his dog into the store. He stated that his dog was a "Service Dog", and that he could bring the dog into any public place without displaying any official authorization. To our employees the man did not appear to have any physical handicap, although he told me in a subsequent telephone call that he suffered from epilepsy.

I told him that I was completely unaware of the legality of the situation, that I would look into the matter and that I would call him back. That afternoon and the next morning I contacted the California Grocers Association, the Southern California Grocers Association, the State Health Department and several other agencies. No one could confirm the customer's position.

In frustration, I contacted O'Melveny & Myers and asked them to research the situation. This morning they called me and told me that the State of California recognizes three kinds of dogs:

1. "Guide Dogs" for the blind,
2. "Signal Dogs" for the deaf, and
3. "Service Dogs" for the physically disabled.

They went on to say that the "Service Dogs" do not have to have had any special training and that they do not have to be registered. The owner does not have to carry any document attesting to the legitimacy of his/her need.

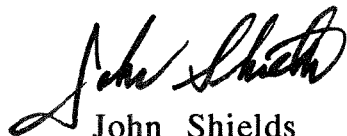
The attorney went on to say that, under current state law, I could buy a pit bull and take it into any store, and, if challenged, tell them that it was my "Service Dog" and go about my business. This seems ludicrous to me.

To correct this situation I recommend three things:

1. Require the "Service Dogs" to have some minimum standard of training;
2. License the dogs as "Service Dogs"; and
3. Require their owners to present documentation of the licensing when asked.

I would appreciate it if you would look into this matter.

Sincerely yours,



John Shields  
President and CEO

cc: California Grocers Association



# California Grocers Association

October 25, 1990

Serving the food industry  
of California since 1898  
906 G Street, Suite 700  
Sacramento, CA 95814  
P.O. Box 2671  
Sacramento, CA 95812-2671  
Tel: (916) 448-3545  
Fax: (916) 448-2793

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Keith Tronson  
*Kidley's Supermarkets, Sacramento*  
Michael A. Webb  
*Food & Less Stores, Modesto*

Senator Milton Marks  
California State Senate  
State Capitol  
Sacramento, CA 95815

Dear Senator Marks:

Recently, you received a letter from Trader Joe's regarding service dogs in grocery stores. Although the California Grocers Association was not involved in the State Board of Guide Dogs for the Blind Report to the Legislature (final report dated June 30, 1990), this issue is of importance to our members.

As you know, access to public accommodations is legally required in the Civil Code for assistance dogs: guide dogs, signal dogs and service dogs. As is pointed out in the report, however, even though access is required, there are no standards in existence regarding who is eligible for use of service dogs. In addition, no user identification is required, nor must the dogs carry any visual identification. We would like to work with you in the development of legislation to implement the Board's recommendations in the 1991 Legislative Session.

Our position is that: providers of signal and service dogs should be licensed (they are not now); standards should be developed regarding who is eligible for use of assistance dogs; users should be required to carry identification (note that this is different from the Board's recommendation that the identification program be voluntary); assistance dogs should in some way be visually identified, perhaps with a special medallion; assistance dog training standards should be established; and lastly, signs noting the availability of public accommodations for assistance dog users should not be required, since access is now guaranteed in the Civil Code.

Please advise us as to whether or not you will be carrying legislation. If so, we look forward to working with you on it.

Sincerely,

CALIFORNIA GROCERS ASSOCIATION



Don Beaver  
President

**PRESIDENT**  
SHERI SOLTES

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Baylor College of Medicine

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Judge 151st Judicial District Court  
Harris County, Texas

SHARON BRENER  
Vice-President of Community Service,  
National Council of Jewish Women

## TEXAS HEARING DOGS, Inc.

3928 W. Alabama Suite 3  
Houston, Texas 77027  
(713) 622-2269



October 25, 1990

The Honorable Milton Marks  
State Capitol, Room 5035  
Sacramento, California 95814

Dear Senator Marks:

I am writing on behalf of Texas Hearing Dogs, Inc. in Houston, Texas. Texas Hearing Dogs trains dogs from local animal shelters to alert deaf and hearing impaired Texans to important household sounds such as the smoke alarm, door knock, telephone and baby's cry. We are a non-profit corporation organized under the laws of the State of Texas.

As you are well aware, California is often a leader among the states regarding legislation. Other state representatives, Texans among them, often model proposed legislation after that originating in your progressive State.

As an organization training hearing dogs, referred to as "signal dogs" in California, we feel compelled to voice our strong opposition to the California State Board of Guide Dogs for the Blind's Report to the Legislature: Guide, Signal, and Service Dogs, June 30, 1990. Specifically, we disagree with the Board's proposal to license signal dog providers (the "Proposal").

The adoption of this proposal would affect hearing dogs trained in Texas in two ways:

1. Hearing dog teams certified in Texas would face "acquiring approval" in order to travel in California and enjoy the same rights of public access that they currently have in Texas and in California;
2. The proposal could be adopted by the Texas Legislature as a model which would engender all of the same administrative difficulties and expenses now faced by the California signal dog training institutions and Legislature.

There are three main reasons why the Proposal is ill advised:

1. The Proposal is unnecessary.

It duplicates the goals and objectives and is inferior to the methods of Assistance Dogs International ("ADI"). ADI is the



umbrella group composed of the guide dog, hearing dog and support dog training organizations throughout the United States, England and Australia.

ADI's membership is primarily composed of thirty hearing dog and service dog facilities. ADI sets the standards for hearing and service dogs, participates in drafting state and federal legislation, and promotes public awareness through all forms of the media.

Through yearly conferences and workshops and year long communications through publications, correspondence and discussion, ADI succeeds in responsibly regulating members of the assistance dog industry by themselves. The members of ADI are all experienced in the training and placement of hearing dogs. They have extensive backgrounds in the struggle for public access and have been successful in the training and lobbying necessary to achieve it.

The Proposal's main goal of increasing public access is already in more capable, more experienced and to California taxpayers, more economic hands. ADI has already set up an active self governing progressive mechanism operating throughout the country, as well as in England and Australia.

The Proposal is attempting to govern a situation already the the hands of those who are best equipped to handle it, who are handling it in a uniform manner throughout the states and who are handling it at no time or economic cost to the taxpayers of California.

## 2. The Proposal is duplicative.

The Proposal seeks to increase public access of hearing dogs, yet the California law already provides for public access in housing and travel. The best way to assure greater adherence to the laws your State already has is through public education.

Participation in employee health fairs, inclusion of information in employee handbooks, continued media participation and the pursuit of the legal rights already in place are all positive active methods of teaching the public about public access.

Guide dogs have been in existence since the late 1940's. Their struggle for public access did not rest on approval by one extra self-appointed licensing committee. Their success was a result of the day to day good behavior of the dogs and the owners. This level of discipline cannot be legislated or commandeered by fees and threats. It rests with the owners themselves and the understanding that the dog will best serve their needs when it is held to a high standard of obedience and good behavior.

The rest was up to public education. Nothing spoke greater for the guide dog teams than seeing them in action. A

demonstration was worth a thousand mandates by a committee. Day to day observation by the community on the street, in stores and in airports went much farther to acceptance by the community, including the legislators, than a \$1,000 licensing fee paid by the board of an organization to the board of a committee.

3. The Proposal is unenforceable.

Enforcement is prohibited by both logistics and expense. A complete administrative hierarchy would have to be created to determine infractions and mete out penalties. As civil rights are involved such as housing and public access, the legislature would have to weave this administrative system into the State's judicial system.

Regarding policing out of state deaf persons who wish to travel or move to California with hearing dogs, the expense required for the Board to deem Texas Hearing Dogs of another out of state facility "substantially equivalent" to a California licensed school will be shouldered by the California taxpayers.

California law already provides that owners are liable for any damage done by their hearing dogs. This is adequate protection in case a hearing dog does any damage to another's property. To this date, I have not seen any evidence of this law being invoked in any state in which it is in force, including Texas.

In summary, the tools to solve the problem of public access are already in place: well trained hearing/signal dogs, public access statutes, damage allocation statutes and a self policing umbrella organization for the assistance dog training organizations.

I suggest California build on what is currently in place by means of public education and individual pursuit of the enforcement of legal rights. None of this would be at the expense of your taxpayers.

As we say in Texas: "If it ain't broke; don't fix it!"

Thank you for your time and consideration.

Sincerely yours,

  
Sheri Soltes  
President

JUL 29 1990

# DOGS FOR THE DEAF, INC.

October 26, 1990



State Board of Guide Dogs for the Blind  
830 K Street Mall  
Sacramento, CA 95814

To Whom it May Concern:

As was the case with my letter to you on April 13, 1990, I am writing this letter in two capacities. One as the Executive Director of DOGS FOR THE DEAF, and the other as the President of Assistance Dogs International.

DOGS FOR THE DEAF is the oldest and largest Hearing Dog training center in the United States. We place dogs nationwide and have placed well over 100 dogs in the state of California. Our prime concern is turning out top quality Hearing Dogs and placing them where they will be used correctly.

Assistance Dogs International is an organization whose membership comprises representatives from Hearing Dog, Service Dog, and Guide Dog organizations from the United States, England, and Australia. The purpose of ADI is to enhance communication among the various training centers, provide learning opportunities for members, increase public awareness of Assistance Dogs, and set standards for the industry. Last year ADI established a set of minimum standards that all members must agree to abide by in the training of the dogs. Enclosed is another copy of those standards.

Earlier this month ADI had its annual meeting in Houston, Texas. One of the main items on our agenda was discussion of the report and recommendations to the Legislature regarding expansion of the State Board of Guide Dogs for the Blind. Assistance Dogs International, with its worldwide and nationwide membership, wants to go on record as adamantly opposing the recommendations in this report.

These recommendations are a prime example of bearucratic red tape that will cost tax payers huge amounts of dollars and will create more problems than they will solve. One of the main concerns the report seems to be addressing is standards for training Assistance Dogs. This is already being done, and far less expensively, by ADI. Another problem in the report is the total lack of dealing with dogs trained in centers outside the state of California. To subjectively state that these centers would be judged to see if they meet California's standards is totally subjective and without justification. The report also ignores the issue of people bringing their Assistance Dogs with them on a trip to California. The subjectivity in the statement about selection and breeds of dog - "of a breed which is consistent with helping purposes and commonly regarded as non-aggressive" - is so totally



10175 Wheeler Road • Central Point, Oregon 97502  
(503)826-9220 Voice/TDD

subjective that any breed could be eliminated at some Board Member's whim.

Thus, Assistance Dogs International, with all its members across the country, and DOGS FOR THE DEAF, wish to go on record as opposing this attempt to increase beaurocracy and tax dollars while at the same time taking away justified rights that blind, deaf, and mobility impaired people already have.

Sincerely,



Mrs. Robin Dickson  
President of ADI  
Executive Director  
DOGS FOR THE DEAF, INC.

RD/lt

cc: Senator Milton Marks and Jim Wickre, Attorney at Law

Enclosure

OCT 30 1990

October 26, 1990

1469 S. Bedford St. Apt.#5  
Los Angeles, Ca. 90035-3537

213: 652-1927 or 652-1727

STEVEN BOCHCO PRODUCTIONS

Mr. Steven Bochco, Executive Producer

P.O. Box 900

Beverly Hills, Ca. (213: 203-3157) 90213

Re: "Doogie Howser, M.D." show. Aired Wednesday October 24, 1990.  
Production #1203, 1990. Date on computer's "closing statement",  
November 6, 1990.

Upon the above listed date, I phoned your offices and asked your executive secretary (Barbera) if: "the Doogie Howser, M.D. show, and it's hospital are to be perceived as taken place in the State of California?" Her reply was: "Yes." Therefore, I feel it just that I bring to your attention an erroneous, and illegal, statement made by Doogie Howser in the contents of Production #1203 as aired upon KABC television Wednesday October 24, 1990.

In this show, while a patient was entering into a hospital room with a bird in a cage (introduced with the name of "Peanut"), Doogie Howser turned to a fellow physician and stated in a rather defenitive tone of voice the following and exacting quote:

" WE DON'T ALLOW ANIMALS IN THE HOSPITAL (!)"

Although the reference was precipitated by the presence of the bird in the cage, the declarative tone of voice (personal and possibly objective) in which this statement was rendered gives just cause for the sentence to stand on it's own merit(s).

It is exacting statements like these which are intended to reach a widened scope of the general public (hospital employee's alike) via the mass media of television that hinder the Civil Rights of many Disabled persons, especially Disabled persons with Service, Signal Alert and Guide Dogs. Yes: "animals."

If I may quote the (1987) Opinion 70 of the Attorney General of the State of California, John Van de Kamp, 104: "Blind person has statutory right to be accompanied by guide dog in medical facilities, INCLUDING HOSPITALS, clinics and physician's office, to the extent of providing access equal to that of all or some members of the general public. Per California Civil Code 54.2 this ALSO INCLUDES "Service" and "Signal Alert Dogs" alike. (See copy of Deering's Civil Code, Annotated, 1989 "pocket supplement". (enclo

It may interest you that as an epileptic with a "Service Dog", I was admitted with my Service Dog into the Brotman Hospital in Culver City for a stay of five days just this past year. Also "other animals" such as birds, cats, et al., have been used in hospitals as therapy assistance. There was also a published article whereas a young girl having been in a

See Next Page .....

como status for an extensive length of time was "brought out" by the presence of her pet dog. (I can possibly locate this article if you are interested.)

My "personal" interest in this matter will readily be explained by the enclosed copy of "Canine Crusade", 'Epileptic Fights for Rights for The Dog That Serves Him', Los Angeles TIMES newspaper, October 16, 1988. In addition to which I have appeared as a guest on the CBS television show with Steve Edwards and news coverage regarding this issue have been on KNBC television and KWBC radio news.

Also there are many other States (Arizona, Ohio, New Jersey, Washington, etc.) who have these identical Civil Rights for their disabled persons with their special "animals."

I trust that the respect of your audience (15.9% of the viewing audience, rating #13, per LA Times, Oct. 10, 1990 - F-12) would greatly be enhanced if you were to show, in some way, the fact that certain persons and their "animals" do have recognized Civil Rights and are "allowed in your hospital."

I don't know of any other show that could present this knowledge in a better light than your production of "Doogie Howser, M.D."

If I may be of any future assistance, do not hesitate to contact me via the address or telephone numbers as upon the first page.

Respectfully yours,

**COPY**

---

James K. maaske

Enclosure (a) Deering's C.C. Annotated, pocket supplement, 1989, (b) "Canine Crusade, L.A. Times" and (c) "Personal Statement of Rights"- copy.

c.c. Marian M. Johnston - Deputy Attorney General (Civil Rights Enforcement Unit, State of California, Office of the Attorney General) Department of Justice, Sacramento, Ca.

Louis Verdugo, Jr., Deputy Attorney General, Los Angeles, Ca.

✓ Joan Ripple, Senator Milton Marks, Senate Subcommittee for the Rights of the Disabled, San Francisco, Ca.

George V. Denny, III, Attorney at Law, Sherman Oaks, Ca.

(Mrs.) Robin Dickson, Pres. Assistant Dogs, Int'l., Oregon.

Lori Snell, Senator David Roberti, President Pro Tem, Sacramento



5 November 1990

The Honorable Milton Marks  
State Capitol, Room 5035  
Sacramento, California 95814

Dear Senator Marks:

TOP DOG is a non-profit organization that teaches physically disabled persons how to train their dogs to become proficient, Certified Service Dogs.

TOP DOG adamantly opposes the proposal to license signal dog providers. The proposal is set forth in the Report

To The Legislature: Guide, Signal, and Service Dogs, June 30, 1990.

TOP DOG is concerned about the possibility of any state trying to pass any type of legislation pertaining to regulation of organizations or individuals that train Assistance Dogs.

The Board's refusal, for example, to consider privately trained assistance dogs as eligible for housing and public access rights will cut off important options now available to the disabled in obtaining much needed assistance animals.

The presumption that licensing assistance dog providers will somehow magically ensure that all dogs, certified by such an organization, will suddenly become perfect, is just plain ridiculous.

TOP DOG feels that the proposal is very discriminatory against disabled persons.

We believe that persons with disabilities, such as Spina Bifida, Arthritis, Cerebral Palsy, MD, MS, and all others, are entitled, as are all other citizens, to the presumption that they will act responsibly.

If intelligent, responsible, disabled persons train their dogs to be reliable, proficient, Certified Assistance Dogs, they are much more likely to be keep that dog fine tuned.

Disabled persons are becoming more independent every day because of technology and public awareness.

Disabled persons have been trying to get society to recognize them as responsible citizens for years.

Training a well mannered and proficient assistance dog, is one way for a disabled person is to prove that s/he can be a responsible citizen.

SPECIALIZED  
TRAINING  
FOR DISABLED  
DOG OWNERS

A program of the  
Tucson Osteopathic  
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ST. PHILIP'S PLAZA  
4280 NORTH CAMPBELL  
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TUCSON, ARIZONA 85718  
602/299-4545

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SHARON RAPPEPORT

SUSAN WEDEL

The Proposal presumes that the disabled will use poorly trained assistance dogs. The opposite is true. The disabled person who uses an assistance dog every day in public and in private has to have a reliable animal.

The sense of accomplishment that disabled persons get from training their dogs to become proficient Assistance Dogs is indescribable!

TOP DOG has seen some client's Attitudes change from "The Poor Me Syndrome," into "Hey, I am really able to become a responsible, productive, member of society, even if I am disabled".

A few disabled persons, who have trained their own competent Assistance Dogs, have actually gained enough self confidence to go out and find better jobs.

Many disabilities become progressively worse. It is logical that if the disabled person has already trained their dog, they will be knowledgeable enough to teach it to perform other duties as needed.

There are many good organizations that train Assistance Dogs and then train disabled persons how to handle them. It is not TOP DOG's intention to judge these groups, We all should work together.

TOP DOG is against the proposed licensing procedure because it will serve neither the disabled persons nor the animals assisting them.

The proposal, if acted on, would be very costly and would make it impossible for small organizations to exist.

TOP DOG agrees there should be some standards for Assistance Dogs. Assistance Dogs International is working in conjunction with other organizations in order to set guidelines.

The responsible organizations are quite capable of setting standards and enforcing strict adherence to maintain credibility of all Assistance Dog Trainers.

Thank you.

S.M. Nordensson  
Chairman TOP DOG

cc: ADI  
Joan Ripple



Top Dog was developed by Stew Nordensson. It is his claim that anyone can be taught to train a dog, no matter what level of physical disability that individual might have. Stew is himself confined to a wheelchair because of Cerebral Palsy. Over the past 35 years, Nordensson has earned three American Kennel Club certifications for his training: C.D. (Companion Dog); C.D.X. (Companion Dog Excellent); and U.D. (Utility Dog, the highest). He is Chairman of the Top Dog Executive Board and one of the instructors.

Rec'd 11/09/90

November 9, 1990

California Legislature  
Senate Subcommittee on  
The Rights of the Disabled  
Marin Office  
30 N San Pedro Rd. Suite 160  
San Rafael, Ca. 94903

Honorable Members of the Committee

I am in receipt of an invitation to testify at the hearing on guide signal and service dogs. I can not attend this hearing as I am now working at two jobs. I do thank you for taking the time to read what I have to say however.

Item 1--Licensing of signal and service dog school. This is long overdue. There have been problems that you are aware of in the past and there will be in the future if this is not done.

Item 2--Definition of signal and service dog users. Good Luck!!!!!! As in guide dog cases the only fair way you can go about this is with medical descriptions.

Item 3--Issues of Public Access. This is the one that concerns me most. I have spent the past ten years trying to get legislation passed in the state of California to allow puppies being trained for the blind, into business establishments under the present laws governing guides. There are hundreds of letters in Assemblyman Stathem's office concerning this issue. My concern is if we are having problems now getting into business establishments to socialize our puppies what is going to happen if you educate the public? The only reason we are allowed at present is because most of the public thinks we are covered under the existing laws. We have not rushed to enlighten them but it appears that you are planning to do just that. Please, please reconsider educating the public on who can and can not enter business establishments by law. You may be undermining the entire foster puppy raising program as it exists today. Guide Dogs For The Blind, Inc. in San Rafael uses 30% more of their puppies for guides, since they started fostering them to us than they used to. You are indirectly hindering that process I fear.

Item 4--Training dogs individually. There is a licensing process in affect at present that works why change that process? Stick to the same process that the state uses for guide dogs. It works and is tested.

Item 5--Board Membership. All I can say is it has to change. Those present people are underpaid and overworked. They do a marvelous job but there is no reason they should have to cover fields they are not familiar with. Why not have equal representation from all fields involved?

Item 6--Interstate commerce. I do truthfully feel that all dogs visiting or coming into our state should be registered. By that I mean they should have a number to call in case of trouble on anyone's part. This would protect the user, the public and the state. How you would enforce that is

a different matter altogether.

I do feel strongly about the issue of licensing signal and service dogs. I have for 10 years. I was one of the first in the state to have a problem with a signal dog kennel. This is long overdue and I thank all those involved for their time in finally making it happen.

Very truly yours,



Ruth M. Spires, Leader  
Eyes For Freedom  
Shast County 4-H Guide Dog Puppy Program  
5433 Four Oaks Ln.  
Redding, Ca. 96003  
916-275-6377

San Diego Regional Group  
Blinded Veterans Association Inc.  
2022 Camino del Rio North  
room 710  
San Diego, CA 92118

November 11, 1990

Senator Milton Marks  
State Capitol Building  
Sacramento, CA 95814

RE: November 15, 1990 Hearing-Guide Dogs SB 2399?

Dear Senator Marks,

I am writing to protest the absurdity of considering the proposed legislation mentioned above. I am not certain that Senate Bill #2399 is correct, but I am sure you know of the bill about which I write.

I cannot imagine what special interest groups can have such influence to make an intelligent person like you and your colleagues even think about proposing, much less supporting, such detrimental legislation. Recently, the Congress passed and the President signed the Americans with Disabilities Act, PL 101-336. This is landmark legislation promoting the rights of disabled people in all states and its spirit is clearly violated by your bill.

There isn't any rational reason for restricting the various service dogs which I will refer to as guide dogs to only California breeders and to certain "non vicious" breeds. The right to travel is inherent in our Constitution and California knows very well that people move. Some of those people are going to have disabilities which are overcome with the assistance of guide dogs. There are many well established and highly qualified training schools in this country with qualified trainers. The dogs they put into service are often better or equal to those trained by California's few guide dog schools. To require anyone needing a dog to get it in California simply defies common sense and logic when considering the long list of people now waiting to get dogs.

I believe that this proposed law will not pass Constitutional muster since it is fraught with unfairness, is vague, and denies equal protection to disabled people. I am a trial attorney in San Diego. I work for the county as a prosecutor. Does this law mean that my employer can tell me that I must give up my dog or lose my job because he is not a California bred, trained, or acceptable breed of dog? Can the Courts tell me that I may not enter the courtroom for the same reasons? Am I no longer entitled to ride a bus to work for the same reason? Am I to be restricted from overnight lodging in California because I have a German shepard? Am I to be denied entry to banks and grocery stores for the same reason? Am I to be denied rental of an apartment for the same reason? Must I give away this dog solely to protect some special interest group which is backing this legislation? Would I be turned away from your public office because I walked in with the aid of my Seeing Eye trained German shepard?

Another absurdity in the bill is the discrimination at certain breeds of so called "vicious" dog. I have a German shepard. I have had this breed for twenty-one years. I have never been in any situation where my dogs have been aggressive toward another person. For many years, the German shepard symbolized the outstanding use for which a dog could be trained. Shepards were the original seeing eye dogs primarily because of their intelligence and temperament. Only well screened animals of any breed are used for service to the disabled. Certain breeds should not be condemned out of hand simply because certain individuals or groups have a personal fear. The dogs with aggressive tendencies do not leave the training facility as guide dogs.

I note that the California training facilities and those breeders who supply them generally do not breed shepards or pincers or other "vicious" breeds. Isn't this an interesting "economic and protectionist" factor in the push behind this legislation. Who contributes to your political campaign, Senator? Clearly, this proposed law is not in the best interests of "all" Californians, and it is a discriminatory stain on disabled people.

As diverse as the people of this nation are, I understand that many cultures converge and attempt to live in harmony. Nevertheless, if certain ethnic cultures unfortunately associate a breed of dog with negative memories, don't you think it is going too far to selectively discriminate against breeds whose training and use in other countries and under different conditions is irrelevant to how qualified service schools train and use them here?

Senator, there isn't any rational basis for the hysteria and fear of a few business owners who want to wipe out an entire breed of dog from valuable service simply because they or their ancestors have a bias. This is blatant protectionist legislation. It isn't fair to the training schools who carefully

monitor their breeds of dogs, their training, and instructors. It isn't fair to the thousands of blind and disabled people who both live in and travel to and within California with the "condemned" breed. Perhaps these breeders and business people should change their vocations if they cannot serve all the people equally. I thought we had moved forward from the position where we discriminate simply because of past perceptions or historical discrimination. Do we banish Germans because Hitler was German? Do we deny access to public facilities when we know violent felons on parole want access? We know these people are vicious. In my view, the only point to this legislation is to promote and protect California breeders and give certain business interests the right to turn away business, that is to say "discriminate", based on past cultural fears toward the type of dog the disabled person uses. If this legislation passes, it will be a black mark on the progressive stand California takes on social and human welfare issues. I would certainly hope that you and your Senate colleagues would not wish to be a part of history that steps backward. If you pass any legislation, you should amend the existing Penal Code Section 365.5 to elevate the offense to a misdemeanor and put some teeth into the penalty, and repeal any references to restrictive licensing in the Business and Professions code. Maybe you don't like dogs or disabled people, Senator! If so, perhaps you should disqualify yourself from considering this bill. If for no other reason, public policy demands defeat of this gross distortion of reality.

Cordially,

David M. Szumowski  
Past National President  
Blinded Veterans Association  
San Diego BVA Treasurer  
German Shepard Guide User

946 B Avenue  
Coronado, CA 92118  
619 691-4974 Office

CC: Speaker Willie Brown  
Senator Ed Davis  
Senator Diane Watson  
Governor Elect Pete Wilson  
All San Diego County State Senators and Representatives  
The San Diego Evening Tribune  
The Sacramento Bee Editor  
The San Francisco Examiner Editor  
The San Francisco Chronicle  
The San Diego Union  
The Los Angeles Times  
San Diego BVA File

# NATIONAL FEDERATION OF THE BLIND OF FRESNO

*Affiliated with*

**THE NATIONAL FEDERATION OF THE BLIND OF CALIFORNIA**



*Rec'd 8/21/90*

3376 North Wishon  
Fresno, CA 93704  
August 8, 1990

Senator Milton Marks, Chairperson  
Senate Subcommittee on the Rights of the Disabled  
State Capitol  
Sacramento, CA 95814

Dear Senator Marks,

We are writing to object to many recommendations made by the State Board of Guide Dogs for the Blind in its report submitted to you on June 30, 1990. We believe the recommendations, on the whole, will diminish our rights as consumers of guide dog school services and increase the power of the Board and the existing providers of guide dogs. As co-chairpersons of the Guide Dog Committee of the National Federation of the Blind of California, we want to go on record in opposition to an expansion of the Board and its functions.

For years, blind people have been struggling for autonomy and independence. We feel the Board is destructive of this goal; it is paternalistic and custodial and wants to assume the responsibilities which we, as blind people, should assume. It now wants to extend its custodial stance to deaf and physically disabled people. The Board should not be expanded, it should be abolished. It is regulating an industry, which by its own admission, does not need regulation. No other state has such a regulatory agency; the NFB contends it is a waste of California taxpayers' money. This money would be better spent on developing employment opportunities for disabled people or improving library services for us.

An increase in the Board's membership from five to nine and the assumption of responsibility for licensing signal and service dog programs and trainers will only increase the budgetary needs of the Board. It will place barriers in the way of new and innovative assistance dog training programs. After stating several times in the report that there is no evidence of poor training or abusive fund raising by existing signal and service dog training programs, the report concludes: "The licensing of assistance dog programs will be possible and

beneficial." Who will benefit? We do not believe we, the consumers, or the public will benefit from a licensing program. Obviously, the two major signal dog providers in California do not believe they will benefit either. We wonder where the reported "substantial community support for licensing" comes from. Members of the assistance dog using community had little knowledge of the purpose of the public hearings nor were their views sought.

As guide dog users, we object to several specific recommendations which will have a direct and detrimental impact on us. These are:

1. Home training will only be available to those who have gone through a four week guide dog training program at a licensed California school . The schools will determine who is eligible.

This recommendation disregards the track record of Fidelco Guide Dog Foundation in Connecticut which has been successfully training first time guide dog users at home for several years. Fidelco is the fastest growing guide dog program in the country based on consumer demand. An innovative program like Fidelco's would not be permitted in California. In addition, the right to extend this form of training to alumni is placed squarely in the hands of the schools. No guidelines are set forth. No definition of "necessary conditions" for home training is provided. No power is given the blind consumer who wants to challenge denial by a guide dog school of a request for at-home training.

2. No opportunity is provided to certify a privately trained assistance dog.

The Board notes that the vast majority of disabled people cannot afford such training. We agree, but does this mean the small minority who want and can afford it should be denied the opportunity? We think not. Toni's guide dog, Ivy, was privately trained and, if the Board's recommendations are translated into law, Ivy will become illegal and lose access rights. In addition, many signal and service dogs have been privately trained by deaf and physically disabled owner/trainers. No evidence, other than rumor and hearsay, is provided by the Board to suggest privately trained dogs do not measure up to licensed school standards.

3. Licensed trainers who are no longer employed by a licensed school lose their right to train assistance dogs.



Such a recommendation, if accepted, gives monopolistic power to the schools and deprives consumers of the services of experienced licensed trainers. It is the equivalent of a physician who can only practice medicine at a hospital. Private practice would be illegal. Once again, the Board is operating in a custodial fashion and is giving more and more power to the schools.

Several issues are raised in the report which are never dealt with or are misperceptions of reality. We do not believe an identification program is a solution to our problems of public access. The taxi driver in San Francisco who drove off as we and our guide dogs were getting into his taxi couldn't care less about whether or not we and our guide dogs had identification. Managers of restaurants, apartment complexes or hotels who refuse to read the copy of the law we always carry with us would not be impressed by a fancy identification card. Although the issue of public safety is raised several times, nowhere in the recommendations is this issue addressed. It is assumed if all assistance dogs in the state are trained by licensed training programs, the public will be protected.

For purposes of legal access and identification, the Board suggests the recognition of assistance dogs graduated from out-of-state training programs considered to be "substantially equivalent" to California licensed programs. Since currently there are fifty such programs in the other 49 states, how is the Board going to determine which of these is "substantially equivalent?" Are members of the Board, at our expense, going to travel throughout the country to investigate and evaluate these programs? Will it be necessary to hire new staff members to carry out these duties? If all out-of-state training programs are accepted as "substantially equivalent," as we suspect they will be, then licensing has no value. If non-licensed assistance dog training programs are "substantially equivalent" to California licensed programs, then why should we, as tax payers, have to assume the financial burden of an unnecessary licensing board?

Several recommendations made by the Board should be implemented. Among these are increasing the penalties for motorists who endanger us and our assistance dogs, giving our dogs the same legal status as persons in case of vicious dog attacks and posting notices in public places about the legal right of access for assistance dogs and their partners.

As you can see, we believe the results of a year-long series

4.

of public hearings have many negative implications for those of us who are assistance dog users. We strongly recommend you disregard most of the recommendations of the Board and move for its abolition. We do not need regulatory boards which regulate us rather than the industry they are supposed to control. The recent debacles at two of the three guide dog schools in this state bear testimony to the fact that the Board is not, and has never been, an agency concerned with protecting the rights of consumers.

Sincerely,

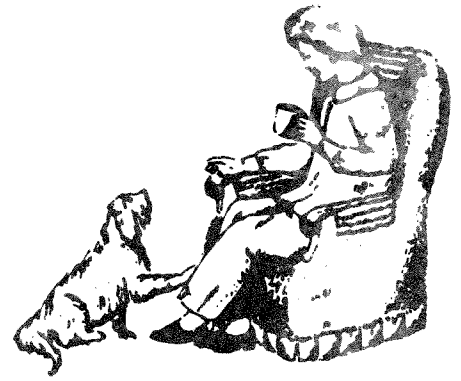
*ED AND TONI EAMES*

Ed and Toni Eames, co-Chairpersons  
Guide Dog Committee  
National Federation of the Blind/California

cc:

Senator Diane Watson  
Senator Ed Davis

# DOGS FOR THE DEAF, INC.



September 27, 1990

Joan Ripple  
711 Van Ness Avenue, Suite 310  
San Francisco, CA 94102

Dear Ms. Ripple,

Thank you for your time on the telephone yesterday. As you said, this issue is developing into a real hot one.

Enclosed is a copy of my letter, plus our standards and guidelines for Assistance Dogs International.

Please let me know when the hearings are scheduled as I want to attend the one in San Francisco and have some of our people attend the one in Los Angeles.

In the meantime, please let me know if anything else develops or if there is anything I can do to help.

Enclosed is some information on DOGS FOR THE DEAF for you.

Sincerely,

A handwritten signature in cursive script that reads "Robin Dickson".

Mrs. Robin Dickson  
Executive Director  
DOGS FOR THE DEAF, INC.

RD/lt

Encl.

10175 Wheeler Road • Central Point, Oregon 97502  
(503)826-9220 Voice/TDD



April 13, 1990

State Board of Guide Dogs for the Blind  
830 K Street Mall  
Sacramento, CA 95814

To Whom it May Concern:

I am writing this letter in two capacities. One as the Executive Director of DOGS FOR THE DEAF, INC. and the other as the President of Assistance Dogs International, Inc.

DOGS FOR THE DEAF is the oldest and largest Hearing Dog training center in the United States. We place dogs nationwide and have placed well over 100 dogs in the state of California. Our prime concern is turning out top quality Hearing Dogs and placing them where they will be used correctly.

ADI, Inc. is an organization whose membership comprises representatives from Hearing Dog, Service Dog, and Guide Dog organizations from the United States, England, and Australia. The purpose of ADI is to enhance communication among the various training centers, provide learning opportunities for members, increase public awareness of Assistance Dogs, and work to set standards for the industry. Last year ADI established a set of minimum standards and guidelines that all members must agree to abide by. Enclosed is a copy of those standards.

I have carefully read and considered your proposed revisions to the State Board of Guide Dogs for the Blind to include licensing of Hearing Dogs and Service Dogs. I agree with the goal and premise that there needs to be more uniformity in standards and training procedures. I agree with your concern that the public needs to be better informed about Hearing Dogs and Service Dogs. I agree that donors need to know that their dollars are being spent wisely.

However, this proposal is far too complex and creates unnecessary red tape and bearucratic structure. This proposal deals only with Assistance Dogs trained in California. What about all the dogs we train in Oregon and place in California? Will a whole different set of regulations be set up to cover that. We are a mobile society, and to require someone from out of state to plan at least thirty days in advance to apply for a temporary permit is totally unrealistic. This would severely limit a person's right to travel freely and independently.

If a donor wants to check on the legitimacy of a particular organization, he/she can do this through many government offices and private businesses already in existance. A new one is just duplication of services.

In Section X it is stated that there are no dog training standards outside of the Guide Dog Act. The experts in the Hearing Dog and Service Dog field combined their knowledge and experience to prepare ADI's Standards and Guidelines. ADI has dealt with the issues of visual identification, training standards for the dogs, training and responsibility standards for the recipient, and ADI is dealing with the area of improving public awareness. In short, we are policing and regulating ourselves. After 13 years in the business, I feel that we and the other centers are the ones who have the expertise to know the intricacies and needs of our field. Just as I would not presume to tell a doctor or a lawyer how to regulate his profession, I don't think an outsider should be setting up regulations in this very unique profession.

The Board of Directors of ADI is committed to striving for the highest possible standards in the industry and will continue to work in that direction.

I strongly urge that you not complicate the matter and add unnecessary expense, frustration, and red tape.

Sincerely,

Mrs. Robin Dickson  
Executive Director  
DOGS FOR THE DEAF, INC.  
President  
ADI

RD/lt

Enclosure

11/89

## ASSISTANCE DOGS INTERNATIONAL INC.

### Minimum Standards For Training

#### SERVICE DOGS

These are intended to be minimum standards for all Service Dog centers that want to be affiliated with ADI. All centers are encouraged to strive to work at levels above the minimums.

1. A minimum of six (6) months/one hundred twenty (120) hours' of training must take place at the facility with the facility's trainer. During this time, at least thirty (30) hours of regularly scheduled training must be devoted to field trips and public exposure.
2. Basic obedience skills the dogs must master with voice and/or hand signals are: sit, stay, come, down, heel, and off leash recall.
3. Social behavior skills the dogs must master are: no aggression; no nuisance barking; no biting, snapping, or growling; no jumping on strangers; no begging, and the dog must keep its nose to itself.
4. The Service Dog must be trained to perform at least three physical tasks.
5. The Recipient and Service Dog must be worked with by the facility's trainer for at least thirteen (13) days. This is both public and private instruction. All graduates must be given a solid education in appropriate behavior of the team. The dog should stay as invisible as possible and not interfere with people. Proper toileting habits for the dog and cleaning up after it are a must.
6. The training facility must require the recipient to complete a follow-up/progress report once a month for the first six (6) months following the placement. A personal contact will be done by a staff member or qualified volunteer within twelve to eighteen (12-18) months after the placement and annually thereafter.
7. Identification of the Service Dog and recipient will be accomplished by a laminated ID card with a picture of the dog and names of both the recipient and dog. In public the Service Dog must wear a harness or backpack with a logo that is clear and easy to read and identifies it as a Service Dog.
8. The training center must disseminate knowledge of the handicaps in the clients it works with. Staff members must

read at least two of the following books:

To be added  
later

9. The recipient must agree to abide by the following responsibilities: practice the dog's training regularly; practice obedience regularly; maintain the dog's proper behavior in public and at home; carry proper identification; keep the dog groomed and well cared for; practice preventative health care for the dog, including annual health checks and vaccinations; abide by all leash and license laws; and follow the training facility's requirements for progress reports and medical reports.

10. At the onset of training, every dog will be spayed or neutered and will have a thorough medical evaluation to determine that the dog does not have any physical problems that would cause difficulty for a working dog.

11/89

ASSISTANCE DOGS INTERNATIONAL, INC.

Minimum Standards for Training

HEARING DOGS

These are intended to be minimum standards for all Hearing Dog Centers that want to be affiliated with ADI. All centers are encouraged to strive to work at levels above the minimums.

1. A minimum of three (3) months'/sixty (60) hours' training must take place at the facility with the facility's trainer. During this time, at least twenty (20) hours of regularly scheduled training must be devoted to city work, obedience, and socialization training during the dog's entire training time.
2. Basic obedience skills the dogs must master with both voice and hand signals are: sit, stay, come, down, heel, and off leash recall.
3. Social behavior skills the dogs must master are: no aggression; no nuisance barking; no biting, snapping, or growling; no jumping on strangers; no begging; and the dog must keep its nose to itself.
4. Sound awareness skills--Upon hearing a sound, the dog must make physical contact with the recipient and then specifically indicate or lead the person to the source of the sound. All dogs must be trained to at least three (3) sounds.
5. The placement of the Hearing Dog must last at least four (4) days. By the end of the placement, the recipient will be able to correctly praise and discipline the dog, care for the dog, practice sound work with the dog, control the dog, and enforce obedience skills. During the placement, the trainer will go with the recipient and the dog to do city training and go to stores and a restaurant. Also, during the placement, the trainer, recipient, and dog will practice sound work and obedience work every day.
6. The training facility must require the recipient to complete a follow-up/progress report once a month for the first six months following the placement. A personal contact will be done by a staff member or qualified volunteer within 12-18 months after the placement and annually thereafter.



7. Identification of the Hearing Dog and recipient will be accomplished by a laminated ID card with a picture of the dog and names of both the recipient and dog. The dog must wear its blaze orange collar and leash, approved by ADI, with Hearing Dog printed/stitched on it and/or back pack whenever in public.

8. The training center must demonstrate knowledge of deafness and hearing impairment. Staff members must know basic sign language and must read at least two of the following books:

DEAF LIKE ME--Thomas and James Spradley  
SILENT VICTORY  
OUTSIDERS IN A HEARING WORLD--Paul Higgins  
A DEAF ADULT SPEAKS OUT-- Leo M. Jacobs  
NEVER THE TWAIN SHALL MEET  
A LOSS FOR WORDS--The story of Deafness in a  
family

9. The recipient must agree to abide by the following responsibilities: practice sound training regularly; practice obedience training regularly; maintain the dog's proper behavior in public and at home; carry proper identification; keep the dog well groomed and well cared for; practice preventative health care for the dog, including annual health checks and vaccinations; keep the dog at its proper weight; abide by all leash and license laws; establish proper toileting habits for the dog and clean up after the dog; and follow the training facility's requirements for progress reports and medical reports.

10. At the onset of training, every dog will be spayed or neutered and will have a thorough medical evaluation to determine that the dog does not have any physical problems that would cause difficulty for a working dog.



A non-profit corporation  
since 1868

# The San Francisco Society for the Prevention of Cruelty to Animals

2500 Sixteenth Street San Francisco, CA 94103-6589 (415) 554-3000

July 27, 1990

The Honorable Milton Marks  
State Capitol, Room 5035  
Sacramento, California 95814

Dear Senator Marks:

The San Francisco SPCA\* adamantly opposes the proposal to license signal dog providers. The proposal is set forth in the State Board of Guide Dogs for the Blind's Report to the Legislature: Guide, Signal, and Service Dogs, June 30, 1990.

We believe that people with disabilities such as deafness are entitled, like all other citizens, to the presumption that they will act responsibly. The evidence clearly demonstrates that disabled people who use signal dogs do so without causing any harm and that the current system is working well to provide these people with the assistance animals they need. The Board's proposal, which would impose extensive government regulation on the training and provision of signal dogs, presumes the opposite: it presumes that deaf people will not act responsibly. And far from facilitating the choice to use an assistance animal, the Board's proposal would hurt, not help, the disabled:

-- The proposal presumes that the disabled will use poorly trained assistance animals and/or fail to control these animals in public. It also presumes that all disabled persons should be monitored because one might act irresponsibly. There is absolutely no justification for these presumptions.

-- The proposal would deny to the disabled important options now available to them. It would prohibit them from training and using their own signal dogs. It would prevent them from using in this State any privately trained signal dogs. And it would grant a virtual monopoly within California to those existing training schools able to survive the bureaucratic red tape and excessive costs of government regulation.

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\* The San Francisco SPCA is a 122 year-old private non-profit animal welfare organization with 48,381 members. Our organization pioneered the training and use of signal dogs in California over 12 years ago. We have operated our Hearing Dog Program as a model for the nation and have placed over 350 dogs with deaf and hard of hearing people.

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Today's  
San Francisco  
SPCA...  
Protecting Life,  
Providing Love

-- The proposal would jeopardize the rights of the disabled given by State statute with threats of eviction from their homes or forced surrender of their working canine partners if the Board finds that a dog was not obtained according to its rules or that a dog and/or user acted inappropriately. This punishment of the disabled would be costly to California taxpayers, who would be expected to underwrite the expenses incurred by both the State and the user for the administrative and judicial hearings that would be required.

-- The proposal would result in a significant reduction in the number of California-trained signal dogs available. The costs of complying with the scheme would, at a minimum, force us to train far fewer dogs and the proposal could well put the San Francisco SPCA out of the business of providing signal dogs altogether.

And all of the costs--to the disabled, to California taxpayers, and to signal dog providers--would be imposed for no reason. The one (and only) problem that the Board identified in the current system is the need to ensure the public access rights given by law to the disabled and their assistance animals. But licensing providers will do nothing to solve the difficulties these people may encounter in gaining access to places like restaurants, hotels, and public transit. To undertake a costly regulatory scheme which bears no relationship to the problem to be solved just doesn't make sense.

Nor does it make sense to impose a costly regulatory scheme on California providers, while allowing dogs from unregulated out-of-state schools to come to California and enjoy the same housing and public access rights. There is simply no basis for such unfair treatment. As the Board's own Report clearly states, there is no evidence of any abuses by California providers, nor is there any evidence that any assistance dog trained in California (or elsewhere) has ever caused any harm.

We submit that a proposal which disadvantages the disabled, imposes high costs on California taxpayers and signal dog providers, and contains no offsetting benefits does not deserve to become law.

I have enclosed the San Francisco SPCA's complete comments on the Board's Report. If you or your staff have any questions concerning our comments or the issues raised in the Board's Report, please do not hesitate to contact me.

Sincerely,

*Richard Avanzino*  
RICHARD AVANZINO  
President

encl.  
RA/pr

Comments on State Board of Guide Dogs for the Blind's  
Report to the Legislature:  
Guide, Service, and Signal Dogs  
June 30, 1990

Submitted by  
The San Francisco Society for the Prevention of  
Cruelty to Animals

July 27, 1990

I. The San Francisco SPCA Perspective.

The San Francisco SPCA\* believes that people with disabilities, like all other citizens, are entitled to seek a productive and independent life. They are not a public danger, requiring intense government regulation. They may, in some cases have special needs, including the need for an assistance animal. If such an animal will help a blind, deaf, physically, or otherwise disabled person to live productively and independently, we believe that society and the State should facilitate, not hinder, this choice.

We also believe that people with disabilities, like all other citizens, are entitled to the presumption that they will act responsibly. Regulations which impose restrictions and conditions on the choice to use an assistance animal presume the opposite: they presume that the disabled will use poorly trained animals and/or fail to control them in public, and they presume that all disabled people should be monitored, because one might not act responsibly. We have seen no evidence, either from our own experience in the field or from the Board's yearlong investigation, which would provide any justification for imposing this stigma on the disabled.

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\* The San Francisco SPCA is a 122 year-old private non-profit animal welfare organization with 48,381 members. Our organization pioneered the training and use of signal dogs in the State over 12 years ago. We have operated our Hearing Dog Program as a model for the nation, and we have placed over 350 dogs with deaf and hard-of-hearing people throughout California.

II. The Licensing Scheme Limits the Options Available to the Disabled, Establishes a Monopoly, Hinders Innovation, and Reduces the Number of Working Partnerships Between the Disabled and Assistance Animals.

The licensing scheme proposed in the Report, far from assisting the disabled in their effort to lead a productive and independent life, would burden this effort with unnecessary government regulation and hinder the innovation and flexibility necessary to provide the disabled with assistance animals trained to meet their individual needs.

To our knowledge, no other state in the country has imposed any licensing requirements on assistance dog providers, including guide dog providers. Nor is there any evidence which would justify imposing burdensome requirements on signal dog providers in our own State. We note, at the outset, that the Board's proposal is not a response to any alleged abuse by the signal dog training schools. Indeed, it could not have been since there is no evidence of any such abuse, and the Report clearly acknowledges this. (p. 11.)

Since there are no past or current abuses to remedy, the only justifiable rationale for imposing a licensing scheme on the signal dog schools is to prevent future fictional abuses. We submit, however, that a licensing scheme administered by the Board--a scheme which we understand could cost California taxpayers well in excess of \$100,000 annually--is neither a necessary nor an effective approach. Laws governing non-profit corporations and consumer protection have been in effect for decades and are backed by the enforcement powers of state and federal agencies with far greater resources and much more experience in monitoring and investigating these matters. There can be little justification for imposing a costly and ineffective layer of additional regulation on top of these already well-established mechanisms.

What the proposed licensing scheme will do effectively is grant a virtual monopoly to signal dog schools able to survive the bureaucratic red tape and

major increases in operating costs forced upon them by government regulation. Dedicated people and organizations with new and innovative ideas will find it almost impossible to enter the field.

The Board's refusal, for example, to consider privately trained assistance dogs as eligible for housing and public access rights will cut off important options now available to the disabled in obtaining much needed assistance animals. The Report asserts that "(e)xperience has shown that the so-called 'privately trained' animals do not provide the same levels of service as those trained in a formal program. The users of the animals are not as adept at managing such dogs as those who are formally trained, and obedience work of the level required in places of public accommodation is at best difficult to achieve." (p. 19.) We strongly disagree. The Board presents no evidence for this bias, and it runs solidly counter to our own experience.

The hearing impaired have been training their own dogs to assist them for decades. They pioneered the concept and methods for training signal dogs, and the dogs they trained have proven to be invaluable working companions.

And it was a private trainer in Minnesota who provided the impetus for our own program and worked with our Director to enable him to begin training signal dogs for us. Furthermore, if our Director, with his 12 years of dedicated work in the field, were to go out and train signal dogs privately, we do not think the quality of the training would be in doubt. Nor do we think it would be in doubt if one of our current or former trainers, with their many years of experience, were to go out and do the same. Nevertheless, under the "prescriptive" licensing scheme which the Board states "may be most appropriate for signal dog programs" (p. 14), these trainers would lose their licenses and be prohibited from training signal dogs upon leaving our organization. Only trainers working in a licensed school would be allowed to train assistance dogs. This bias against private training only serves to limit the options available to the disabled, grant a monopoly to existing organizations, hinder innovation and flexibility, and reduce the number of dogs trained to serve the deaf.

The same results can be expected from the application of "baseline standards" for the performance of signal dogs (p. 13). With this concept, the Board appears to be moving towards a standardized set of performance requirements which a dog must meet before becoming eligible for public access and housing rights. While we agree that all signal dogs should have basic good manners and obedience training, we believe that imposing a standardized set of training and/or performance requirements will stifle innovation in the field and prevent the disabled from obtaining dogs which meet their unique needs and can assist them in overcoming their individual disabilities. Of the three existing California signal dog providers each uses a significantly different method of acquiring, training, and placing dogs. And each of these methods has proven to be successful and of real benefit to the deaf and hard of hearing who use signal dogs from these schools. Attempts to "standardize" these programs would only be counterproductive.

III. Licensing Scheme is Ineffective, Arbitrary, and Would Jeopardize the Rights of the Disabled.

Even if a decision were made to grant existing schools a virtual monopoly on providing assistance dogs, licensing providers would accomplish nothing in terms of remedying the very problem the Board set out to cure--the problem of ensuring the right of public access that the disabled and their assistance animals have been granted by California law. The Report states that "the critical need in the provision of these assistance dogs is better methods of insuring public access to places of public accommodation." (p. 5; see also p. 15.) (We do not agree, by the way, that this need is the critical one--as we explicitly testified at the Board's hearings, for signal dogs, housing and not public access is the critical issue--but we agree that public access is one of the problems that assistance animals and their users face.)

It seems obvious, however, that licensing providers will not help identify assistance dogs and their users, nor will it help educate about the rights of the disabled. Indeed, guide dogs have been licensed for decades and still have problems obtaining their public

access rights, as the Board's Report acknowledges. (p. 15.) (Public access problems would perhaps best be addressed by measures such as enhanced employee training programs, public awareness campaigns, and a simple uniform identification scheme for assistance dogs and their users. To the extent that the Board's proposal supports such measures, we are in agreement with it.)

The Report also asserts that "licensing of providers would better assure a baseline standard of performance for these dogs and their users." (p. 12.) This is just not true. A dog which graduates with top honors from our program or any other may eventually lose its basic training, if the user does not reinforce it. It is simply not possible to make a dog into a machine. Moreover, the enormous benefits these animals give to the disabled far outweigh any potential difficulties. We stress the word "potential," for even after a year of hearings, the Board did not uncover any instance where an assistance animal had caused any damage in public.

Assuming, however, that the proposed licensing scheme were in place, what would the Board do to enforce a "baseline standard of performance?" For instance, if one of our users allows his or her dog's head above the tabletop in a restaurant, as would be prohibited by the Board (p. 18), will the Board withdraw the right to housing for this dog, thus forcing the user to choose between surrendering his or her working companion or facing eviction? Any action to withdraw such rights would require extensive administrative and judicial hearings. Would the Board, as the administrative hearing body, hire an administrative law judge to ensure that due process requirements are met? And will the State, to protect the rights of the disabled, provide them with free legal counsel, sign language interpreters, and court reporters? Where would the hearings be held? And who will pay the transportation and lodging costs necessary for the user to attend? If the decision adversely affects the rights of the deaf, will there be access to the judicial system for purposes of appeal? Who will pay the costs of counsel and interpreters at these proceedings? Will witnesses and complainants appear at either the administrative or judicial hearings and who will pay the costs for their time and travel? If, after the case is finally concluded, it is determined that the dog or user acted inappropriately, will the Board seek to



revoke the license of the school that trained the dog? Will it do so after two cases? Three cases? And, again, who will bear the costs of these proceedings? The users? The schools' contributors? The California taxpayers?

We believe that Board enforcement of a "good behavior" requirement is neither necessary nor effective. The reality is that those who grant public access, like restaurant owners and transit workers, would probably ask the user to control his or her dog or leave, and this would probably solve the problem. For cases where this is not enough and where the user does not act responsibly in controlling his or her animal, the law should give restaurant owners, transit workers, and others like them the discretion to demand that the animal leave. For animals that cause actual damage, Section 54.2 (a) of the Civil Code already provides a remedy: it clearly states that a disabled person using an assistance dog is liable for any damage done to the premises by his or her animal.

The problems with enforcing the Board's scheme in the real world are not, however, limited to the "good behavior" requirement. For example, the Board's scheme would require that we submit our "plan of operations" for obtaining dogs to the Board for its approval (p. 21). If this is more than a paperwork requirement, what standards will the Board apply in approving our program? If they disapprove, and we are unwilling to modify our plan, will we be forced to discontinue our program? If that happens, will all the dogs we have placed be denied housing rights?

Also troubling under the Board's proposal is the treatment of assistance animals that are either already in use or that come from out-of-state. There is no "grandfather" provision in the Report for signal dogs that are now assisting the deaf. Will these dogs and their users lose their housing rights?

And what if there are deaf people who wish to move to California with signal dogs that they have trained themselves? Or a deaf person wishes to move here with a signal dog trained by a private trainer? Or the individual has a dog trained by an out-of-state school not deemed by the Board to be "substantially equivalent" to a California licensed school (p. 7)? The proposal

would deny these disabled people housing and public access rights for their working companions. This seems particularly unfair for people who have had these rights in other states which do not require school licensing.

And what of dogs that are trained in out-of-state schools that the Board does deem "substantially equivalent" to licensed California schools? The Report proposes to grant these dogs the same housing and public access rights that dogs from licensed schools would have (p. 7). What, then, becomes of the rationale for imposing burdensome regulation on California providers? We submit that a proposal which burdens rights for some with cumbersome, costly, and ineffective licensing, while giving the same rights to others who are totally unregulated, is nothing less than arbitrary and capricious.

IV. Licensing Scheme is Inconsistent with our Mission Statement and Could Lead to Shut Down of The San Francisco SPCA Hearing Dog Program.

As declared in our Mission Statement, The San Francisco SPCA seeks, among other things, "to promote a bond of mutual assistance between people and animals," and "to offer homeless pets refuge, medical care, nourishment, and life in loving homes." It is with these goals in mind that we pioneered the Hearing Dog Program. As noted in the Report (p. 13), we obtain suitable abandoned dogs from animal shelters. Our training gives these previously lost and unwanted animals a second chance at finding a caring home. Most, if not all, are of mixed-breed origins: our trainers select for temperament and ability, not pedigree.

The Board's proposal, however, would require that the dogs used be of a specific breed (p. 18). Although a few breed dogs with suitable temperaments and abilities may occasionally be found at the shelters, we could certainly not continue our program at the current levels with a breed requirement in place. We would be forced to either begin our own breeding program or purchase dogs from a breeder, and this would make it impossible for us to work within our Mission Statement.

In addition, we estimate that the annual cost of complying with the proposed licensing scheme would be in excess of \$30,000 for our program alone. (Indeed, based on our financial analysis and assumptions, we believe that these costs could well run to over \$70,000 per year, which represents approximately 20% of our total operating costs for the Hearing Dog Program. We have already spent over \$20,000 just responding to the Board's requests for information and comments on the licensing scheme. This figure represents the combined contributions of hundreds of individuals whose average donations to us range from \$10 to \$15 dollars.) If there is no state funding to cover the costs of additional government regulation, and if our contributors do not donate enough to underwrite the added expense, we would be forced to reallocate our resources by reducing the number of dogs trained, and thus be of far less assistance to the hearing impaired who want and need our dogs' help.

Another option would be to pass these costs onto our users. The Report, however, states that the "best solution" is that "[n]o fees should be charged by assistance dog providers." (p. 9.) We object to this effort to dictate how we are to underwrite the costs of our program, and we believe it is unfair for the State to impose a costly licensing scheme without providing the funding itself or, at least, allowing us to allocate these costs in a manner that best ensures that the greatest possible number of dogs go to those in need. Indeed, some foundations that have expressed an interest in donating to our program have told us they believe at least some of our current costs should be passed on to users who have the means to pay. If we cannot pass on costs to these people, we will, at a minimum, have to take away important benefits which we currently provide to all our users at no charge. For example, we now pay the costs of hotel rooms in San Francisco for people undergoing our week-long intensive training program. We also provide free lifetime medical care at The San Francisco SPCA hospital for all of our assistance dogs. If we had to absorb the costs of the licensing scheme without additional funding, the best that could be expected is that we would train fewer animals and no longer be able to provide these benefits. More likely is that we would have to abandon our program altogether.

V. Conclusion

In short, we object to the proposed licensing scheme because it serves neither the disabled nor the animals assisting them: it does nothing to ensure the rights guaranteed to them by law; it is likely to limit the number of assistance animals available and the types of service they can provide; and it may well drive us out of the business of providing signal dogs to the deaf.

We believe that the rights of the disabled to seek a productive and independent life--the kind of life which a partnership with their assistance dogs can help them achieve--should be facilitated and enhanced. In this regard, we applaud the Board's recommendations that housing rights be extended to social dogs and that a campaign of public education and awareness be instituted. We would also support a simple, inexpensive, and uniform identification system to be administered through an agency such as the Department of Motor Vehicles, which has local offices close to users. If properly implemented, we believe such a system could provide these people and their animals with a better means of securing their housing and public access rights.



# California Grocers Association

November 28, 1990

Serving the food industry  
of California since 1898  
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Senator Milton Marks, Chairman  
Senate Subcommittee on the Rights of the Disabled  
California State Senate  
Sacramento, CA 95814

Dear Senator Marks:

Per your request, following is the written testimony of the California Grocers Association as follow-up to your November 15th hearing on "Report to the Legislature: Guide, Signal and Service Dogs".

You have requested that we respond specifically in the following areas:

**Licensing of Service and Signal Dog Schools:** We support the licensing of service and signal dog schools. Obviously, CGA is not an expert in the area of licensing of such training schools, but we feel that State licensing will assure strong training standards. Our ultimate goal is that dogs be trained in the best possible manner so that they will conduct themselves safely around the public, in grocery stores.

**Definitions of Service and Signal Dog Users:** We have no specific comments in this area.

**Issues of Public Access:** Methods are absolutely necessary to enable the public, and in our case, grocery store employees, to easily identify all assistance dogs. The recommendation in the Report to the Legislature for some sort of medallion would be perfectly acceptable. Alternatively, service dog users could carry some type of identification. Certainly, personal photo identification for the user would be the easiest way for our store personnel to identify assistance dog users. If carrying personal identification is unacceptable to the user, perhaps the user could carry instead a small card certifying the dog's completion of a licensed training program. As we have told you in previous correspondence, there have been instances lately where citizens have brought their animals into grocery stores, claiming that the dogs were "service dogs". Currently, our personnel have no way of determining whether this is a valid claim or not. If not, we run the risk of having untrained dogs in the stores, presenting

possible food contamination possibilities through urination, defecation, and general uncleanliness. In addition, we have liability problems regarding the dogs' social skills, particularly around large crowds, busy carts, and small children.

**Education of the Public:** CGA represents all of the major supermarket chains in California, and over 80% of all markets (chains, independents, and convenience stores). We offer the information and communication services of our organization to "get the word out" if and when legislation is passed in this area. **We do oppose, however, legislation that signs be posted restating accessibility requirements for service dogs.** Right now, stores are required to post so many signs that we believe that they serve little value to the public. For instance, currently we must post: recycling signs stating the nearest recycling center location; Proposition 65 signs; signs prohibiting sales to minors of alcoholic beverages; and signs stating the legal age for purchasing of tobacco. New signage requirements were added last legislative session to add a schedule of fees if charged for check cashing purposes; posting store return policies in specified instances; posting another sales to minors sign regarding suspension of drivers license privileges; and listing state and local gas taxes in stores where gasoline is sold concurrently. Since access is already guaranteed to service dog users, we feel that additional signage is not necessary. Rather, what is necessary is some means of identification for our personnel to recognize these users to be sure that they indeed get the access to which they are required to and entitled to by law.

The last three issues regarding training of dogs, board membership, and interstate commerce are best left to the experts in these areas.

We look forward to working with you as you draft implementing legislation.

Sincerely,

CALIFORNIA GROCERS ASSOCIATION



Don Beaver  
President

cc: Joan M. Ripple, Consultant  
Senate Subcommittee on the Rights of the Disabled

# RIVERSIDE HUMANE SOCIETY

For the Prevention of Cruelty to Animals

November 28, 1990

To: Senate Subcommittee on the Rights of the Disabled

Re: Interim Hearing regarding "Report to the Legislature:  
Guide, Signal and Service Dogs  
June 30, 1990"

Honorable Senators:

Thank you for the opportunity to submit written comments on the above referenced report.

The Riverside Humane SPCA operates one of the three programs in California which trains "signal dogs" for deaf and hearing-impaired persons. Our very cost-effective program graduates in excess of 30 person-dog teams each year.

We are among those who submitted serious objections to the Guide Dog Board's working draft report earlier this year. We were distressed to discover that these objections were not addressed in the final report, that indeed the Board only referred to these comments as being too lengthy to include. Certainly, our comments were lengthy; our objections were extensive.

Manpower limitations prevent us from re-composing our comments to reflect the language in the final report. But, since most of the final report's substance is unchanged from the working draft, we submit herewith a copy of our earlier comments and hope that committee staff can review and synthesize our objections to the Guide Board's recommendations. (The length of the enclosed material can be somewhat attributed to verbatim inclusion of the working draft itself.) You will note that we take serious exception to virtually every item.

In a nutshell, we contend that:

1. The Guide Dog Board's needs assessment failed to show a need for regulation.
2. The recommendations, rather than providing some relief for disabled persons, would greatly restrict the ability of the disabled to acquire and use assistance dogs.
3. Implementation of the recommendations would be so damaging to the existing, credible training programs that the few sources of service dogs would cease to exist.

(continued next page)

4. The costs to the State of California of administering the proposed recommendations would be exorbitant.
5. The recommendations appear to advocate suspension of the civil rights of disabled persons.
6. The recommendations are merely self-serving in the Guide Dog Board's efforts to extend its own authority.

If you and your staff can take the time to review the enclosed material (conclusions appear on pages 45 and 46), you will find that we have not made these statements frivolously. Considerable time and effort went into studying and responding to the Board's working draft, and our position has not changed with the submittal of the final report.

Should the Committee desire information on the conduct of our program, we will be happy to provide you with a 20-minute video tape and a written course outline.

Should the Committee choose to pursue the issue of responsible public access for signal dogs and their users, we would be most anxious to cooperate in any dialogue for that purpose.

Sincerely,



Susan Cornelison  
Community Services  
RIVERSIDE HUMANE S.P.C.A.

Enclosures:

Parts I and II, Response of the Riverside Humane SPCA to REPORT TO THE LEGISLATURE, Working Draft II, Dated March 1, 1990, by the State Board of Guide Dogs for the Blind



Part I of the Response of THE RIVERSIDE HUMANE SPCA to  
REPORT TO THE LEGISLATURE, Working Draft II, Dated March 1, 1990  
by the State Board of Guide Dogs for the Blind

To: State Board of Guide Dogs for the Blind

Date: April 18, 1990

Thank you for the opportunity to comment on your Working Draft II regarding regulation of service and signal dogs.

Since we are preparing these comments after regular working hours, they are being submitted piecemeal, as time permits. We expect that the remainder will be sent the week of April 23rd.

Our response is being presented in three sections:

1. Objection to your basic premise that regulation is necessary and "licensing providers . . . would be positive."
2. Item-by-item objection to the suggested criteria.
3. Suggestions for further consideration.

We will begin here with our conclusion: That none of the material provided to us shows any evidence that the regulation suggested in your Working Draft II is either necessary or desirable.

Our understanding of the legislative directive embodied in Business & Professions Code Section 7218 was that the State Board of Guide Dogs for the Blind was to study whether regulation regarding signal dogs and service dogs was needed, whether licensing of trainers of these dogs was needed, and whether the Board's duties should be expanded to include the regulation of signal and service dogs.

We contend that the Board has failed to demonstrate a need for the proposed regulations. Though the first two pages of the draft refer to "Needs Assessment," no problems are identified, other than difficulties associated with public entities or businesses failing to

grant the public access already provided by law. (You will see our suggestions in Section 3, next submission).

There is no evidence in the draft, not even a reference, to indicate problems in current signal dog training and/or certification procedures. No evidence of jeopardizing public safety, of improperly selecting clients, of consumer fraud, of abuses in fundraising, nor in the working ability of trained signal dogs. Indeed, the testimony and the report both refer to the three signal dog training programs in California as well-functioning with no complaints from clients. Yet, based on a totally unsubstantiated assumption, the report concludes that licensing and further regulation are necessary.

If a needs assessment occurred, an assessment particular to signal and service dogs, there is no evidence of that in the draft. Rather, the Board refers to abuses that supposedly occurred among guide dog providers prior to regulation. Guide-dog-provider history is not pertinent to the matter at hand, and we very much resent being painted with that brush! The conclusion of the "Needs Assessment" portion of the draft is not relative to the purported area of study.

To recap: Nowhere in Working Draft II, nor in the transcript provided to us of (**only one**) hearing in this matter, does the Board identify any specific cases or particular problems that would warrant the recommended regulation/licensing. The "Needs Assessment" portion of the report does not identify any need. Therefore, we cannot agree that the Board's "jurisdiction needs to be expanded" (with considerable expense to the taxpaying public as well as to training programs, their donors and clients).

There are three, very successful, programs existing within the state of California engaged in the placement and training of certified signal dogs. The programs operated by the Riverside Humane SPCA and the San Francisco SPCA have both been in existence since 1979. The Riverside program has been successfully training and signal dogs (with their owners), for the past 11 years.

Additionally, it is unknown how many successful assistance dog/user teams trained elsewhere (or otherwise) are functioning in California.

We have been apprised of no complaints against the Riverside Humane SPCA program from individual clients, the deaf community, nor the general public as to

1. Selection of dogs
2. Qualification of clients

3. The efficacy of training
4. Certification requirements/procedures
5. Public behavior of trained/certified dogs
6. Consumer protection
7. Public protection
8. Fiscal responsibility to program donors.

The only problems encountered have been related to housing accommodations and public access for deaf or hearing-impaired clients and their certified, trained dogs. None of these difficulties were based on the signal dogs' behavior, but rather were the result of either ignorance or intractability on the part of a landlord, transit operator or merchant.

Conservatively, ten percent or fewer of our clients these past eleven years have attempted public access! Those dogs are well behaved in public and are leashed and under the control of their owners when away from home. None of the testimony gathered by the board suggests otherwise!

Given the lack of evidence, we see no need to regulate the breed, type, size, ability to reproduce, and even the public perception of a dog accepted for training, and further, no need to regulate program training parameters, staff qualification, costs, fees and fundraising ability.

The entire draft Report is based on a "need" you have not established!

The individual needs and preferences of individual deaf and hard-of-hearing clients requires extremely personalized services. Establishing uniform, required standards in dog selection, sound selection, level or type of response, placement, training methods, etc., would be not only counter-productive but a great disservice to a significant disabled population (and a disservice to those canines not meeting the designated norm who could nevertheless be trained to perform admirably).

Rather, the need is for greater public acceptance of a well-behaved, well-trained signal dog, regardless of type and particular abilities -- not through limitations on program design, type of dog, extent of user disability, etc., but through knowledge that a signal dog or service dog is a necessary aid, whose user statutorily has responsibility for the dog's conduct in public and private. (Just as a parent is financially responsible for damage caused by a child.)

We agree that one avenue for creating public acceptance may be a standardized means of identification, and possibly a secondary, special classification for use of a dog in public. We would welcome the opportunity to explore that issue further.

As to fiscal responsibility, we hasten to remind the board that the Riverside Humane SPCA is a non-profit, charitable organization, created in 1902; that it is designated a 501(c)3 organization, operating under the strict regulation of the Internal Revenue Service for charitable entities; that it complies with the Corporation Code and Non-Profit Corporation Code of the State of California; that it is governed by a volunteer board of directors who, among other things, are defined as "keepers of the public trust;" that it has a duty to provide necessary, charitable programs in the most cost effective manner possible; and that it vehemently opposes, and the public does not need, the unnecessary, duplicating fiscal scrutiny of yet another agency (such agency charging a considerable fee for the privilege).

We raise funds to support our charitable programs, one of which is training signal dogs for the deaf. We have an obligation to our donors and to the recipients of our services to expend those funds responsibly.

You are funded by the taxpayers, in this case to carry out a legislative directive. You must also be fiscally responsible. We contend that whatever expense you incurred in this exercise does not justify your proposed regulations. (The amount is not mentioned.) Not when your report cannot even identify a situation that needs regulating. Indeed, we contend that it would be much more responsible to take the board's own statement, that the three existing signal dog programs are fulfilling their mission responsibly, one more step. To wit: Find that regulation is inappropriate.

We do not, however, have any budget for responding to either the legislature's inquiry or to your Board's requests for information, so we must pull staff from program-related, donor-supported activities to participate in this exercise. Is that fiscally responsible? Is that serving our charitable purpose? Is that what our donors intended? Which program or activity do we suspend? Where do we make up the costs?

Though our basic premise is that the needs assessment itself is invalid (that nothing is broke and needs fixin'), what follows is an item by item response to the board's recommendations -- refuting it's contention that "there are no cons."

Reprint of Working Draft II  
REPORT TO THE LEGISLATURE

Dated March 1, 1990

(RHSPCA comments inserted as indented paragraphs, bold type)

In Business and Professions Code Section 7218, the Legislature directed the State Board of Guide Dogs for the Blind to determine if it is feasible to expand the Board to include licensing providers of signal dogs for the deaf and service dogs for the physically disabled.

**Wrong.** B&P 7218 ordered the Board to "conduct a study to recommend possible implementation of the expansion of the jurisdiction of the Board to include" signal dogs and service dogs (emphasis added). In other words, to determine whether or not problems exist (i.e. Needs Assessment), what regulation might alleviate such unknown problems, and finally if the Board's role should be expanded. Feasibility, fiscal or otherwise, is not addressed in the Report.

Also to be considered were "other appropriately trainable animals." Twelve issues were identified to be considered and resolved; but the Board was not limited in its study to these twelve alone.

**The twelve issue areas identified in B&P 7218 included "Training of dogs individually rather than by a school" (#9). The draft Report ignores this issue.**

There follows an examination of the twelve issues and other significant subjects which arose in the course of the Board's study.

**No, not the twelve specified issues. Numbers 9 is not addressed.**

Please note that though the California law currently refers to signal dogs for the deaf, it has been determined that the term in general usage nationwide is hearing dog for the deaf, and this is, in the opinion of the Board, the appropriate term to use in practice and in the statutes. Thus, hearing dog is the term used herein.

**False.** The generic term is "signal dog," or "signal dog for the deaf or hearing-impaired." Current California law uses the proper terminology.

I. NEEDS ASSESSMENT

A. While use of guide, hearing and service dogs is guaranteed by law, the critical need in the provision of these assistance dogs is better methods of insuring access to places of public accommodation.

False. The critical need is for disabled persons who would benefit from the services of assistance dogs to have access to such help, lessening the personal impact of their disabilities, and providing a tool for independence.

Access to housing, transportation and places of public accommodation, are provided in existing statute. There is a consistent need to remind providers of this right to access. The failure, sometimes overt refusal, of merchants and housing and transportation providers to comply with existing requirements for public access is their sin, not that of the disabled person, the assistance dog, nor the training employed.

B. Based upon the long range performance of guide dog laws in licensing instructors and guide dog schools there is no question but that licensing providers of hearing and service dogs would be positive;

No question ??? This conclusion is totally erroneous; "B" does not follow "A".

- No relevance has been established between California's guide dog laws and licensing and the needs of assistance dog users (or the needs of the "public").

- No evidence has been presented that any assistance dog, assistance dog user, individual trainer, or training program has been responsible for any action which has resulted in public or private damage. The California Civil Code already provides that a user shall be responsible for damage caused by his or her assistance dog, should such occur.

- None of the abuses that supposedly occurred within the guide dog community prior to regulation have been attributed to service or signal dog training programs, nor to individually trained dogs.

there is a need to assure uniform base levels of performance to insure the safety and well-being of assistance dog users.

Where did this come from? Neither the testimony nor the report cites any poor performance or danger. Who could possibly determine "base levels of performance" when the needs are so diverse? Who could possibly enforce such base levels, and at what cost? Signal dog and service dog training should be based on the needs and limitations of individual clients -- not some predetermined standard. Our program strives for the optimum performance of a particular animal for a particular client. The dog is not "certified" as trained unless it meets at least our minimum for that client (consistent response to four or more sounds).

What about the individual deaf person who trains her own dog to alert her to a baby's cry? She can rightfully claim that the dog's service is necessary to her well-being, even if the dog responds to no other sound.

Even if an arbitrary standard existed, it could in no way "insure the safety and well-being of assistance dog users."

- C. The general public must be better informed about the rights of assistance dog users.
- D. The general public needs a reliable method of determining which persons with dogs have valid accessibility rights, and if these dogs will be under control at all times while in public places.

Actually, the general public probably does not care or notice. Certainly increased public awareness would be advantageous to users and programs alike.

The real need for identification is among those entities that must legally provide access. We agree that a recognized form of identification is desirable.

However, the testimony you compiled shows that employees of public entities, particularly transit providers, have refused to grant access to even those users bearing specific identification -- citing inconvenience. This action is totally in violation of their employers' own regulations and directives.

Please note that the objections at the Southern California hearings came from a representative of a bus drivers' union, not from the transit agencies. The union is representing its members, some of whom have been chastised by their employers for denying access to handicapped patrons (including driving right past wheelchair-bound persons at bus stops because drivers didn't want to take the time to operate the chair lift).

If bus drivers have a problem meeting their schedules that is an internal matter between them and the transit operator, not a basis for regulating assistance dogs. Bus drivers and drivers' unions should not be determining who is disabled and who is eligible for assistance dogs. No instances of misbehaving assistance dogs or attacks on other passengers were cited. Instead, you received a union rep's perception of potential misbehavior and potential inconvenience to drivers or other passengers.

No amount of identification, including flashing lights, no amount of regulation, is going to change such attitudes. Assistance dog users cannot be the scapegoats for violation of the intent, spirit or letter of the law regarding handicapped access -- just because some bus driver, landlord, or merchant deems such access inconvenient.

**IF THIS IS A NEEDS ASSESSMENT, THE ONLY CONCLUSION POSSIBLE IS THAT THERE IS NO NEED FOR REGULATION. THERE IS ONLY A NEED FOR COMPLIANCE BY THOSE STATUTORILY REQUIRED TO PROVIDE ACCESS!**

## II. FRAMEWORK FOR IMPLEMENTATION

- A. Legislative proposals to be ready for action in the 1991 session.
- B. If the required legislative changes are accomplished in the 1991 session, the needed statutory changes would be in place by January 1, 1992.
- C. Following steps A and B, all regulations could be in place no later than January 1, 1993, permitting complete operations.

Since we object to the proposed regulations, indeed the whole issue of further regulation, naturally we also object to the "Framework."



It's interesting that the "Framework" makes no mention of the staffing requirements, institutional arrangements, or funding necessary for implementation. An oversight?

Given the inaccuracies and omissions of the draft Report, the timeline is unreasonable.

III. COMPLETE DEFINITIONS OF ASSISTANCE DOGS AND OTHER APPROPRIATELY TRAINABLE ANIMALS

(Definitions here are referenced to the accessibility provisions in Civil Code Section 54; please refer to Section VI for further defining of these dogs.)

A. Assistance Dogs

1. Guide Dog: Any guide dog or seeing eye dog which was trained by a person licensed under the provisions of Chapter 9.5 (commencing with Section 7200) of Division 3 of the B&P Code. Please refer to VII below for description of functions.
2. Hearing Dog: Any hearing dog or signal dog which was trained by a person licensed under the provisions of Chapter 9.5 (commencing with Section 7200) of Division 3 of the B&P Code. Please refer to VII below for description of functions.
3. Service Dog: Any service dog which was trained by a person licensed under the provisions of Chapter 9.5 (commencing with Section 7200) of Division 3 of the B&P Code. Please refer to VII below for description of functions.

The draft Report does not note that these are the Board's proposed definitions. Trainers of hearing dogs, signal dogs, and service dogs are not included in Chapter 9.5, commencing with Section 7200, of Division 3 of the B&P Code.

If the Board is proposing that Chapter 9.5 be amended, the Report should at least include the applicable language.

Contrary to 1, 2 & 3 above, Section VII of the draft Report does not give any description of functions.

It appears that the Board intends to define assistance dogs by trainer requirements. This is not valid definition.

Rather, the definitions contained in Civil Code 54.1 (5) relate to function: "... 'signal dog' means any dog trained to alert a deaf person, or person whose hearing is impaired, to intruders or sounds." And "... 'service dog' means any dog individually trained to the physically disabled participant's requirements including, but not limited to, minimal protection work, rescue work, pulling a wheelchair, or fetching dropped items."

- B. Another category of dog: A social dog is a dog which is used to assist with the care of the profoundly disabled, often the child of the caregiver. Such care is usually provided in the home setting. The number of such uses is unknown; some of these dogs are trained by the state's service dog provider, but some are trained privately. No California organization certifies such dogs for accessibility to public places. However, housing rights must be protected, and an appropriate amendment should be made to the Civil Code to extend housing rights to persons utilizing this kind of dog.

Actually, we agree on the importance of "social dogs," including them among all pets who provide essential support; we believe housing access should be protected. But, this essential support is not limited to the profoundly disabled, and should not be limited to owners/users of dogs. The frail or isolated elderly are often co-dependent on pets (including cats, birds, and others) for their mutual health and well-being. Who defines "profoundly disabled?"

Certainly, the functions of such "social animals" could be extremely varied, demonstrating one of the dangers of trying to codify specific, intractable definitions.

Who is "the state's service dog provider?" Are you referring to Canine Companions for Independence?

- C. Other appropriately trainable animals

1. Monkeys. There is one training program for monkeys to be taught to assist paraplegics and quadriplegics; it is in Cambridge, Mass. There are no more than 25 monkeys in present use, none in California. This program is controversial.

Very controversial. The appropriateness of primates or monkeys for help to the disabled is being seriously

debated. It is extremely doubtful that any humane society or SPCA would involve itself in, or even condone, an animal training program where the primary training technique appears to be the infliction of pain or electrical shock (negative rather than positive reinforcement).

2. Cats. While there is some anecdotal information about the exploits of cats, there is no training program using cats for any helping function and no instances can be found where cats are so used.

3. Various. A number of animals are being used in therapeutic ways with disabled persons, but there is no suggestion that any of these animals (ranging from saddle horses to lizards) would be appropriate for uses under discussion here.

Except, the Board just identified an assistance classification of "social dogs." Why not "social cats" or "social lizards?"

We do not believe the Board, and the legislature, should be so quick to close the doors on other possible human-animal partnerships. Just because something is not being done now does not mean that the horizon should be legislatively limited.

#### C. (sic) Limitations

While the use of animals in a variety of therapeutic and educational ways obviously is beneficial and should be encouraged, there is no reason to extend special rights in such cases. There are limitations of size, other physical characteristics, trainability, and so forth, which would preclude the use of most animals for any effective mobility or assistance purpose. For instance, some years ago there was a serious proposal that Macaws be trained for guiding the blind, based upon the amusing though mistaken belief this bird would be able to verbally relate topography to blind persons.

Amusing or not, we do not believe the Board, and the legislature, should be so quick to close the doors on other possible human-animal partnerships. Just because something is not being done now does not mean that the horizon should be legislatively limited. Would the Board be qualified to dismiss the concept of a "signal pig," untried, should

someone attempt to train one? Or, again, is the Board only thinking of public access?

#### IV. COSTS OF ASSISTANCE DOGS; CHARGES TO USERS

- A. Costs of assistance dogs vary widely, reflecting differences in procuring animals for training, length of training, location of training, and other variables.
1. Costs range from an estimated low of \$1,500 for one hearing dog/person unit to in excess of \$30,000 for one guide dog/person unit.
  2. In all cases, the California organizations providing assistance dogs are charitable, non-profit organizations dependent upon donations.

Riverside Humane SPCA's costs of training one signal dog/person unit is between \$1,000 and \$1,500 depending on the amount of services the unit requires. These costs are so low because persons and dogs are trained together in weekly sessions, generally over a period of 14 weeks, with the users reinforcing training in their own homes under actual "working" conditions. Dogs, equipment, supplies, and veterinary services are provided by the program to the client/student (though an existing family pet may be accepted for training under certain circumstances). Indeed, the three programs mentioned in the Report are non-profit organizations. Riverside Humane SPCA must continually solicit sponsorships and donations for its signal dog program, as it does for its other charitable endeavors.

The Report does not mention if any effort was made to determine whether or not any private individuals in California are engaged in assistance dog training.

- B. Charges to guide, hearing and service dog users.
1. Present practices
    - a. By law and tradition, guide dog schools do not charge any fees to their students
    - b. Hearing and service dog organizations charge modest fees for applications, etc.

Riverside Humane SPCA charges program applicants a \$25 application fee, to demonstrate applicants' commitment and to discourage frivolous application. This fee may be

waived under some circumstances, and is always refunded if a student is denied admission to the program.

2. The issue: should the law permit any charge?

a. Pro charge: a modest fee in no way defrays the cost of training helping dogs, but it does serve as an indicator of the motivation of the client. Also, should CCI, the service dog provider, carry through on potential funding sources such as Rehabilitation, it would be necessary for them to have a fee schedule established for their clientele.

b. Con charge: as organizations supported by donations, training schools should provide all services free of charge to their clientele.

3. The answer: Change the law to provide that, at the discretion of the licensed school, a modest fee (no more than \$200 in any five year period) may be charged. The fee schedule, if any, shall be reported to the Board.

Riverside Humane SPCA objects to this subject being legislated. Many charitable institutions charge fees for service--without legislative or regulatory review. Many funding sources, including individuals, ask that the beneficiaries of their donations be truly needy. This is the whole basis of "sliding scale" fees established by many, many non-profit organizations.

Though we have no plans to increase our \$25 application fee, and continue to provide the most cost-effective service at no charge to our deaf and hearing-impaired clients, the increasing competition for charitable contributions may someday require that services be provided on an "ability to pay" basis.

As any other non-profit, charitable corporation, our obligation to our donors is to provide quality, cost-effective, necessary services that reflect our charitable purposes. To maintain our tax-exempt status we must comply with the various provisions of the federal Internal Revenue Code and the California Corporation Code governing non-profit, charitable organizations.

Are you suggesting that the state begin subsidizing assistance dog placement and training. There is no other way that the state could dictate fees. (Medi-Cal does not

determine how much non-profit visiting nurse associations can charge private patients, only how much Medi-cal is willing to reimburse for various services to eligible clients. The visiting nurse associations must solicit charitable dollars to provide services, and must still charge other clients based on a sliding scale.)

V. USERS OF ASSISTANCE DOGS: DEFINED

A. Guide dog users:

Blind, totally blind, visually handicapped, and partially blind mean having central visual acuity not to exceed 20/200, in the better eye, with corrected lenses, as measured by the Snellen test, or visual acuity greater than 20/200, but with a limitation in the field of vision such that the widest diameter of the visual field subtends an angle not greater than 20 degrees.

B. Hearing dog users:

Deaf or hearing impaired means the individual has been diagnosed by a licensed physician or licensed audiologist as having a severe hearing impairment.

Be very careful with this definition. Our application procedure does require a doctor's report. But, a hearing loss or impairment can be characterized as functional, frequency, decibel, degenerative and/or fluctuating or sporadic (and probably other adjectives).

Any test should be by observation checklist related to functional loss, not just decibel loss.

We have had well-qualified clients

1. Who suffer from diseases which cause fluctuating hearing loss, from mild to severe,
2. Whose hearing is deteriorating,
3. Who are profoundly deaf in one ear only,
4. Whose hearing loss is confined to certain essential frequencies, or
5. Whose hearing loss is caused by medication necessary to treat a life-threatening illness.

The application review process determined that each of these needed the assistance that could be provided by a signal dog. For instance, a client deaf in only one ear had absolutely no hearing when sleeping on her "good ear" and had markedly reduced hearing when her head was turned.

C. Physically disabled:

Physically disabled means any person who has a physical impairment which severely and permanently restricts the mobility of two or more extremities, or who is so severely disabled as to be unable to move without the aid of a wheelchair.

**This could hardly suffice as the "complete definition of physically disabled" called for in B&P 7218. It certainly does not even closely resemble the criteria established by the Department of Motor Vehicles for issuance of disabled persons placards.**

**Where did "permanently" come from? Who decided on "two or more extremities?" Some people are using service dogs so they can "move without the aid of a wheelchair."**

**We strongly suggest that you seek the input of the California Association for the Physically Handicapped and other advocacy groups before you suggest a "complete definition of physically disabled."**

- D. Special circumstance disability refers to any individual who is under the care of a board eligible or board certified psychiatrist, and has the written verification of the treating psychiatrist that utilization of a dog with access to places of public accommodation is part of a treatment plan, is crucial to the patient's physical health and safety, and the patient is able to use the dog safely and appropriately. The user of such a dog must be at all times in control of the animal. This requirement is for the health and safety of the special circumstance dog user and for the health and safety of others in public places.

**The Civil Code already provides that the behavior of assistance dogs is the responsibility of the user, in public or private. Why not just add "special circumstance dog" to Calif. Civ. 54.1 and 54.2?**

VI. LICENSING SIGNAL AND SERVICE DOG PROVIDERS

- A. Substantial community opinion favors licensing of hearing and service dog providers.

**This statement is totally unsubstantiated. "Substantial community opinion" had better be more than bus driver union representatives seeking to limit the compliance required**

of their members in granting access to public transportation -- or more than a restaurant owner who wants no dog in his establishment.

Were any members of the public, who supposedly expressed this opinion, given any idea of the costs to the existing programs of meeting proposed licensing requirements?

1. Hearing and service dog users who express an opinion favor licensing.

Signal and service dog users who express an opinion favor licensing of dogs, not providers!

2. Donors to hearing and service dog programs who express an opinion favor licensing.

Which donors? Not one contributor to our program has ever indicated to us an interest in having either the program or the trainer/coordinator licensed by the state. Neither your "Needs Assessment" nor the testimony you sent gives any indication of dissatisfaction on the part of donors. If anything, donors should be concerned of the potential added costs, hence reduced services, involved in licensing. Were donors perhaps also favoring the licensing of dogs?

3. Persons involved with admitting assistance dog users into public accommodations are asking for greater reliability of behavior and expectation for assistance dog/user teams and these would be improved through licensing.

Which persons? The testimony of a few persons showed an objection to granting access to dogs, period. How representative are these of "persons involved with admitting assistance dog users into public accommodation?"

"Expectation" is subjective.

If no cases of misbehavior or damage have been documented, how is licensing providers going to improve "reliability?" The Board is citing its opinion as fact.

4. Current licensees of the Guide Dog Board support extension of licensing to hearing and service dog providers as a means to improve the field.



What are the desired improvements? No problems with programs or providers have been identified.

Isn't this rather self-serving?

- B. California's service dog provider expresses interest in a licensing program, but is apprehensive about workload requirements which might be imposed.

If "California's service dog provider" is Canine Companions for Independence, we last heard that they were interested in licensing dogs.

1. Current licensees of the Board report no workload problems and support licensing as a means to improve services.

Irrelevant to other programs' or providers' anticipated "workload," costs, adjustments, services. Current licensees (guide dog providers) are in no position to estimate impact of dissimilar programs/services/needs.

- C. Two of three hearing dog providers in California are concerned that any licensing program might interfere with their ability to bring relatively low cost services to their clientele, point out there seems to be little if any abuse in hearing dog usage, and question the need for licensing hearing dog providers.

You bet! Except we will state it much stronger: This signal dog provider in California is very concerned that this licensing program will interfere with our ability to bring any services to our clientele; that any licensing program (other than the certification of dogs) will greatly reduce the level of service and increase the costs to our clientele and donors; and that the Board is intent on preventing any disabled person from training his or her own dog or soliciting the help of other professionals to do so.

1. The chief problems surrounding hearing dog usage involve access to public places, and there are indications some hearing dog users do not control their dogs appropriately at all times while in public places.

a) The chief problem is not public access! As stated earlier, the chief problem is meeting the need for

trained signal dogs, with minimal funding. Ninety percent of our clientele have not sought public access. Access to housing constitutes a proportionately much greater problem for our clients.

- b) Not one signal dog has been identified as being out of control in public. Which "hearing dog users do not control their dogs appropriately at all times while in public places?" What are the "indications" that trained signal dog/user teams do not function appropriately?
- c) Has licensing guide dog providers prevented every guide dog in California from ever misbehaving in public? Have all guide dog users in California controlled "their dogs appropriately at all times while in public places?" How does licensing providers guarantee user responsibility?

#### D. History

1. Licensing guide dog providers was instituted because of clear record of abuses by many so-called "schools." Training was poor, even non-existent in some cases; some "schools" were little more than fundraising schemes. Establishing the Board resulted in closure for 18 "schools." There are three licensed schools today.

We fail to understand the relevance of this "History" to the study, especially given the Board's disclaimer in the next paragraph. The intended effect may be to create credibility for the Board so that one would not question its unsubstantiated conclusions and recommendations in this Report. The history does not state if all of the 18 closed schools were substandard, or if some were merely unable to contend with the new bureaucracy. Incidentally, recent history shows that licensing of guide dog schools has not prevented some fiscal abuse in that realm.

2. Formal hearing dog training began in the mid-'70's, and by 1977 hearing dog training commenced in California. Aside from fragmentary anecdotal reports there is no evidence of abuse in training or fundraising.

No evidence of abuse in training or fundraising, yet we have a 25-page report delineating suggested corrections. We would be interested in receiving those "fragmentary anecdotal reports," especially if that is all the Board has

**on which to base its recommendations.**

3. The first formal training program for service dogs began in 1975, in California. There is no evidence of abuse in the training of or fundraising for service dogs. There is a perception that at least some persons claiming to use "service" dogs do not have adequate training or are totally untrained, and should not be entitled to access to public accommodations. At the present time there are no statutory standards about who is eligible to use service dogs.

- Again, you admit there is no evidence.
- "Perception" is not a good enough reason to regulate!
- Whose "perception" is this, anyway?
- There are statutory standards for the use of a service dog, to wit: Calif. Civil Code 54.1 (5) "...'service dog' means any dog individually trained to the physically disabled participant's requirements including, but not limited to, minimal protection work, rescue work, pulling a wheelchair, or fetching dropped items."

E. Should providers of service and hearing dogs be licensed?

1. The positives

- a. Licensing of providers would assure a baseline standard of performance for these dogs and their users.
  - 1) Assistive functions
  - 2) Obedience
  - 3) Preparation for, and performance in, public circumstances and management of problems which may arise.

The three California programs referenced throughout the Report maintain professional standards for successful completion of training, incorporating at least 1, 2 & 3 above. This is done by program design and would not be protected by licensing providers.

- b. Charity benefactors would be assured that donations would be used by legitimate organizations. The Guide Dog Act is designed not to interfere with the fundraising operations of guide dog schools, while assuring that such fundraising as occurs is conducted by organizations which are qualified to train the blind with guide dogs.

- The Riverside Humane SPCA has been a "legitimate organization" since 1902! Is it the Board's intent to challenge RHSPCA's tax-exempt, charitable status?
- Has any benefactor questioned our qualification or ability to train signal dogs? We think not.

c. Identification of properly trained person/dog units would be possible, enabling the public to act with assurance in access and other matters involving person/dog teams.

Identification would be entirely possible without licensing providers or programs. All that is necessary is a means of identifying a trained team. We use a laminated, picture ID for dog/person teams who have completed our requirements for certification; but we are amenable to a standardized form of ID card, with or without a specified leash.

## 2. The negatives

a. Why extend governmental supervision to service and hearing dogs

- 1) No showing of substantial abuses
- 2) Providers of hearing dogs (two of three) express negative attitudes toward licensing

**Why indeed!**

Yes, there is no showing of any (let alone "substantial") abuses.

Yes, at least two of three identified providers express negative attitudes.

Why are the basis of these negative attitudes not listed as additional "negatives."

Has no one but us considered the costs in dollars

- 1) to the State of California? (What would the Board's annual budget be?)
- 2) to the established programs?
- 3) to potential new programs?
- 4) to the donors or benefactors?
- 5) to the disabled clients?

There is some provision in state law about the legislature not mandating a local government program without providing necessary funding. Does the state extend the same protection if it mandates a non-profit

program to unnecessarily expend resources to meet a state requirement -- or is it "sink or swim, folks?"

Has no one but us considered the impact on what we consider the "critical need," namely providing signal dogs?

How can you so easily gloss over "The negatives?"

F. A licensing program for hearing dog providers

1. Present hearing dog provider programs

a. San Francisco SPCA Hearing Dog Program

The program has four staff including a Director and two additional instructors. Suitable dogs are obtained from animal shelters and receive two to three months of training. Placement of dogs with deaf person occurs in a one week intensive course at the hearing dog facility. This produces from 24 to 48 person/dog units per year.

b. Riverside Humane Society Hearing Dog Program

This is a one person program which takes the training classes into area communities. Suitable dogs are obtained from animal shelters but in some cases family pets are already in homes can be utilized. The instructor meets with classes of deaf persons where the dogs are trained; 14 class sessions are required for successful completion. This program graduates from 30 - 60 person/dog units per year.

Riverside Humane Society for the Prevention of Cruelty to Animals operates a signal dog program ("Companion Animal Program for the Deaf"). The one coordinator/trainer also arranges placements and veterinary care, provides public education, and solicits donated services, designated contributions and sponsorships. Administrative support, and facility fixed charges are provided by the Society's general fund. There are currently three classes underway in three Southern California counties. In addition, some clients are enrolled in the pre-training "puppy program" establishing underage dogs in their home settings prior to involvement in classes.

c. Canine Companions for Independence

This program includes special breeding, sixth months of training for the dog, a two week "boot" camp for the

person/dog unit. Part of a comprehensive program for provision of assistance dogs to the disabled. Includes a number of instructors for both hearing and service dogs at two California locations and in other states. There are presently four instructors working in two training centers in California. CCI produces about 15 hearing dogs per year in its California training centers.

2. While the three hearing dog programs in the state have the same results as goals, their operations differ greatly: CCI places great importance on its overall dog training program and genetic soundness; the SPCA works hard to find suitable dogs from the pool of animals shelters around the region; and the Humane Society finds dog candidates in the same manner as the SPCA or is able to use family pets already in deaf persons' homes. Graduates of all three programs express satisfaction with the results.

**"Graduates of all three programs express satisfaction with the results."**

**So what was the problem that motivated this entire effort?**

**Please note:**

- 1. Deaf & hearing impaired clients are the consumers.**
- 2. The consumers express satisfaction with the results.**
- 3. The Board is part of the Department of Consumer Affairs.**

**Should not the Department be concerned with assuring deaf and hearing-impaired consumers access to needed commodities and services, rather than making it more difficult for them to obtain such services -- especially when no consumer protection issues have been identified?**

3. Baseline standards for hearing dogs:
  - a. These animals shall be specially trained to respond to auditory signals as prescribed for the hearing impaired user by the training organization, including but not limited to such functions as alerting the deaf user to telephone rings, doorbell, smoke alarms and knocking at doors.

1. You are limiting signal dogs to those trained by organizations.

2. Our program, through its individualized training, is already geared to meeting the specific needs of each client. The need for response to "auditory signals" is very individualized. There may be common or suggested "sounds," but these should not be proscribed. (Not everyone has a doorbell; which of many possible telephone "rings" should elicit response -- some deaf persons have flashing lights only as telephone signals). Dogs certified by our program must respond to at least 4 sounds needed by the user.

b. In addition to response functions, the hearing dog shall receive specialized obedience training.

Our program includes appropriate obedience training and behavior modification techniques.

4. Baseline standards for hearing dog instructors:

a. Shall have a knowledge of the special problems of the hearing impaired and how to teach them.

b. Be able to demonstrate under ordinary conditions his/her ability to train hearing dogs to perform needed services for deaf persons.

c. Be suited temperamentally and otherwise to instruct deaf persons in the use of hearing dogs.

d. Have participated in the training of six person/dog units in a hearing dog training organization.

Though our program/coordinator easily meets these criteria, we must object.

1. It is doubtful if any one person not currently employed in a signal dog training program could fulfill these requirements. This would be creating a monopoly with the currently existing programs.

2. At least two of the California programs are consistently contacted for their expertise by others wanting to get involved in signal dog training (including inquiries from foreign countries).

3. Who could possibly be qualified to issue such credentials -- teachers of the deaf? dog trainers? Who besides current program staff are both of the above. Whose standards are to be used?

4. Remember: our program teaches deaf participants to train their own dogs. One or more of the four criteria effectively eliminates all of them from eligibility. We also sometimes involve family members in training regimen. The goal is a well-functioning signal dog/user team.

5. Here again you prevent any hearing impaired persons, or a member of their families, from training their own dogs.

5. Some animal trainer licensing programs include "prescriptive" licensing, which involves a licensing program for the organization; and if the organization is licensed, it then certifies the competence of its trainers who are then licensed. This approach, with baseline standards, is a promising avenue for hearing dog programs. Under this approach, at least the Director of Training for such organizations would be required to be examined by the Board for licensing purposes.

We disagree that this is a promising avenue for signal dog programs. The field is just too small.

In our program, for instance (with one trainer who is also the "Director of Training" for signal dogs), the program would have to shut down if that one licensed person left. This happened in a "guide dog school;" graduation could not take place until another licensed director was brought in.

What qualifications does the Board have to examine signal dog trainers for licensing purposes.

6. Retraining: deaf persons wishing to obtain a replacement hearing dog must undergo the equivalent of 50% of the training received for a first hearing dog.

This is simply not applicable to our style of training. A replacement dog and its owner go through whatever amount of training, if any, is necessary to function properly.



G. A licensing program for service dog providers.....

We find it interesting that you recommend "apprentice trainer" positions and "temporary licensing in emergencies" for service dog instructors but not for signal dog instructors.

## VII. ACCESS TO PLACES OF PUBLIC ACCOMMODATION

We do not agree that "the single most difficult problem for ... users is...admission to places of public accommodation. Though public access is a very real problem for some, access to housing continues to be the single most difficult problem for those using trained signal dogs.

And, we do not agree that the "civil and criminal remedies presently in the statutes" (guaranteeing access) are sufficient at this time. We will be working on suggested language to strengthen and clarify those statutes.

We do not know that you ever heard from the "community sectors" you identified as "the public transit systems" and the "restaurant industry." You may have heard from employees or individuals, but we have seen no evidence of "industry" participation or concern. Transit operators have told us time and again how they are training their personnel to be sensitive to the needs and rights of disabled persons.

We think most would agree that the public education is endless. We equip our graduates with informational brochures and copies of the laws so that the problems of being denied access can not be attributed to ignorance.

### CAVEAT

This is all we have had time to address so far, and do not want to delay submitting a response until we can finish. The next submission will address sections VIII through XIII, and will include our suggestions for identification, etc.

Part II of the Response of THE RIVERSIDE HUMANE SPCA to  
REPORT TO THE LEGISLATURE, Working Draft II, dated March 1, 1990  
by the State Board of Guide Dogs for the Blind

To: State Board of Guide Dogs to the Blind

Date: June 5, 1990

This is a continuation of our comments on your Working Draft II.

Part I of our response was sent Express Mail on April 19, 1990.

As in Part I, the following is a reprint of your Working Draft II (beginning with section VIII.) with our comments inserted as indented, bold-type paragraphs).

Reprint of Working Draft II (beginning with Section VIII)

REPORT TO THE LEGISLATURE

Dated March 1, 1990

(RHSPCA comments inserted as indented paragraphs, bold type)

VIII. A STATEWIDE PROGRAM OF IDENTIFICATION FOR ASSISTANCE DOGS AND THEIR USERS

A. There is widespread support for such a system

1. Assistance dog users believe this kind of system would make for more acceptance of these dog users in public places.
2. Those responsible for admitting these dog users to public places support universal identification because it would be authoritative and credible if issued by an arm of state government.

There probably is considerable support for a system. It does not necessarily follow that all parties would consider identification "issued by an arm of state government" to be the most credible, especially with no demonstrated expertise. We contend that it would be excessively costly (and unnecessarily cumbersome) to institute such a program within state government, especially as further suggested in this section.

B. The statewide program would be administered by the Assistance Dog Board

1. Assistance dog users would apply to the Board for official identification, documenting their requirements.
2. Suitable identification card would be issued to users by the Board, with the dogs having secondary identification such as the regular harness for the guide dogs and such other identification for hearing and service dogs as is determined to be acceptable. In this connection, additional visual identification for the animal would be helpful: a plastic medallion, or patch might be suitable.

- Why create an Assistance Dog Board? Why not utilize the DMV which already issues ID and placards for disabled individuals?

- Apply how? In person? In writing?

- What kind of documentation would be required?

- Is there to be some scale or criteria for determining "need" or would these decisions be subjective? The Report's previous definitions are inadequate.

- A "plastic medallion or patch" is not easily seen, especially on long-coated dogs.

- In addition to our laminated picture ID card, we issue orange leashes, embroidered "Hearing Dog," to every certified graduate. Some states require only an ID card, others specify a color of leash, collar or harness in addition to an ID card, and others require no special identification at all.

Clients are issued a letter for temporary identification during training or while card is being prepared if needed--mostly for housing purposes.

C. Training organizations would provide temporary identification pending receipt of the permanent identification card.

Organizations only? What about private training?

If organizations are competent to provide temporary identification, why not accept training certification for DMV-issued identification? What time period between temporary and permanent ID? Expiration? Renewal? Renewal based on what? Who tests an animal year after to year to see if it is still performing

as trained?

The identification you propose is no guarantee of anything other than initial training.

D. A posting law

1. Given the turnover rate in certain service occupations (i.e., food service) and the failure of many persons to observe the access laws, many assert that identification is not sufficient.
2. Mandatory posting of a brief notice at the entrances of places of public accommodation would serve not only to inform the public of this law, but would also advise personnel of the establishments of their responsibility to admit assistance dog users.
3. Initially, posting would be required only at food service establishments and public transit facilities (buses, etc.)
  - a. Problems are reported with great frequency at these sites.
  - b. Experience with posting at these two types of facilities will give direction for future needs.
4. Five years after the enactment of a posting law, it shall become mandatory at all places of public accommodation.

Posting public places would certainly enhance awareness of rights to access. However, we believe a mandatory law could be very costly to enforce, and are concerned about funding such a program. Is this another expense to be passed on to the assistance dog providers? To the users?

Suggestions:

1. Consider having access information printed on the Health Department rating placards for food service establishments. Then, every restaurant in the state would automatically have a visible access statement on a placard they are already required to post.
2. Since most transit providers are public entities, or receive public funds, compliance could easily be accomplished with a sticker similar to that produced by the American Humane Association.

3. The DMV could issue window stickers to private transportation providers (taxis, etc.) with the annual vehicle license.

4. Cities or other jurisdictions could issue window stickers with business licenses.

These suggestions could be implemented without a new posting law requiring compliance in the private sector, and without creating another bureaucratic, costly task for the Guide Dog Board.

E. Eligibility for access rights identification

1. The user must have the disability appropriate to the kind of dog being used, have completed a relevant training course including specialized obedience work, and possess valid identification.

No. This would disallow all those assistance dogs who have been trained privately, and who are performing necessary tasks for their owners. That would be a serious disservice to some of the very people whose rights to assistance should be protected.

Who determines "disability appropriate to the kind of dog being used"... "relevant training course"... and "specialized obedience work...?" Is the legislature going to set a standard? Our experience is that all training must be "relevant" and personalized to the need(s) of the individual. Standard obedience work is irrelevant for those dogs that remain in the home.

2. The dog:
  - a. Must be neutered

Though dogs we place with hearing impaired clients are surgically altered, many clients' own dogs have undergone our training. And, if the fertility of a client's dog has posed no problem to function or behavior, sterilization has not been required.

Future clients could be required to have their own dogs neutered for acceptance into our program, but we must insist on "grandfathering" those previously trained, certified dogs, neutered or not.

Incidentally, it is our understanding that dogs undergoing guide dog puppy training are not altered until after being returned to the school for specialized training, at approximately 18 month of age. A dog can be fertile as early as 6 months of age. Are you suggesting denying public access to guide dog puppies?

Furthermore, programs that conduct their own breeding programs may wish to keep trained dogs intact.

b. Must be no taller than 26" at the shoulder with special exceptions granted to schools if prior approval is obtained from the Board

This is purely arbitrary and has no relevance to the dog's function (or the client's needs or preferences).

Item: Some exemplary signal dogs exceed this height.

Item: Some clients feel less vulnerable to outside attack when their (totally docile) dogs are larger. Indeed, some disabled clients need such a deterrent!

Item: Some service dog tasks require extremely large dogs. (See accompanying "Invitation to Bid" from the State of Oklahoma requiring a service dog with minimum height of 27".) Furthermore, it is outrageously cruel to demand that a dog perform tasks beyond its physical capability.

"Prior approval" from the Board for exceptions? What if a dog grows beyond the magic height during training, or between placement and training? Remember, we begin with placing a candidate dog, then train owner and dog together.

What about already-trained dogs?

Again, the Board is recommending regulation that has nothing to do with client-consumer needs.

c. Must be maintained in an appropriate manner at all times, including but not limited to

- 1) Having received a course in specialized obedience training in preparation for access to public places.

Whew! Again, dog users are already responsible for the conduct of their service dogs.

Every dog should be trained to the circumstances of its owner and to the situations where it is utilized.

We'd like the Board to consider that its previous orientation has been to guide dog issues. Guide dogs must function primarily in public. Signal dogs, on the other hand, function primarily at home. If a signal dog never leaves home, why should you care if it sits on command at home? Or, if the dog is small enough to be carried, or if it rides on the lap of a wheelchair occupant, why must it learn to "heel" in the standard manner?

- 2) Must not be permitted at or above tabletop in food service establishments.

Standard "tabletop height" is approximately 28". Standard shoulder height of German Shepherd dogs is 23"-26". It stands to reason that a significant number of existing guide dogs will have heads higher than 28". The tabletop height requirement is unreasonable.

- 3) Must be maintained with appropriate health care including all inoculations, etc.

Or what? True, all dogs should have current vaccinations. How is this enforceable? "All inoculations" include several which must be administered annually to be current. If someone is late with a parvovirus shot are you going to pull their identification? State rabies laws already demand that all dogs have current rabies vaccinations (good for up to 3 years), and that is what dog licenses are for -- proof of rabies vaccination. Assistance dogs, like all other dogs, must have rabies shots and be licensed.

- 4) Must be of a breed which is consistent with helping purposes and commonly regarded as non-aggressive toward persons or other animals.

All breeds of domestic dogs were developed to serve man. Which are the breeds "consistent with helping purposes?" That statement is relative. Common regard for non-aggression toward humans often has no basis in fact. The two characteristics can cancel each other out, if it is public perception you are citing. For instance, the breed most commonly thought of as an excellent, aggressive protection dog, the German Shepherd Dog, is also one most commonly regarded as "helping" people.

Indeed, some of the most highly trainable breeds (German Shepherd Dogs, Doberman Pinschers, Rottweillers) are often trained for protection. Representatives of these breeds are also among the most successful signal dogs trained under our program. Likewise, intelligent, trainable, willing, mixed-breed dogs make excellent signal dogs and should not be eliminated because of some arbitrary standard based on (fluctuating) public perception.

What "breed" is non-aggressive toward other animals?

As a humane society, an animal welfare organization, our responsibility is to place homeless animals in loving homes. Our signal dog training program is one avenue of accomplishing that mission. But, we only go through the time, trouble and expense of training dogs in this program who are candidates for success, who meet the needs of our hearing impaired clients, regardless of the dogs' heritage.

We select individual dogs -- not breeds -- for training.

Again, are you suggesting disallowing any trained dog of a different type?



- 5) Must be selected, and trained, to avoid/eliminate inappropriate protective or aggressive behavior.

We already select and train to avoid/eliminate inappropriate protective or aggressive behavior. However, a dog can change after training and certification. Any dog that is consistently teased or mistreated by neighbors, other persons, or their owners, may very well develop inappropriate, aggressive behavior. One of the problems encountered by deaf signal dog users is ignorance of the stimuli to which their dogs are subjected.

- 6) Must be maintained on a leash not more than 6' long while in public places.

A maximum 6' leash is appropriate in most situations, but apartment dwellers frequently, appropriately, use longer leads to exercise their dogs.

#### IX. TEMPORARY ACCESS IDENTIFICATION FOR NON-RESIDENTS

- A. A program for non-residents would provide for 30 or 60 day temporary permits to be issued to guide, hearing and service dog users who reside outside the state.
- B. Non-residents would be required to apply for such permits 30 days prior to the date they plan to enter California, providing this is in the form of a properly completed application with all required documentation.

These requirements would pose serious questions of constitutionality, and ethics. The Constitution of the United States guarantees free travel across state borders, to all persons. Discrimination against assistance dog users could easily be charged. An assistance dog is a tool required by the disability of an individual person, just as a wheelchair or crutches are tools for some disabled persons.

Imagine the State of California denying access to an out-of-state motorist whose vehicle is not licensed in California -- or requiring an out-of-state visitor to apply for temporary California vehicle license 30 days prior to bringing the vehicle into the state. And then, the

temporary vehicle license would expire 30 or 60 days later, whether their visit was concluded or not.

Or, more relative to the rights of the disabled, would a wheelchair lift-equipped van be stopped and left at the border if no California certification for the vehicle had been obtained?

What about visits longer than 60 days?

What about new residents, or visitors becoming residents? Do they have to give up their dogs? Leave the state?

How many other travelers have to notify the State of California of their intended entry? Only assistance dog users? How many travelers even know their expected date of arrival 30 days in advance?

What would be the "required documentation?"

X. THE TRAINING OF DOGS INDIVIDUALLY, RATHER THAN BY A SCHOOL

A. The significance of dog training expertise

1. The level of training expertise required to produce appropriate behaviors in the dog and its user far exceed the usual ability of most dog trainers.

This is simply not true. Granted, signal dogs must be taught specialized tasks in addition to good behavior and basic obedience, but most good dog trainers could accomplish this if sufficiently motivated to do so. More relevant is the commitment of trainers to the needs of users, understanding the capabilities of the dogs.

Though the expertise of conducting a program is limited to a few, the procedures involved in teaching tasks are fairly standard to dog training in general.

- a. There are no quantified dog training standards outside the Guide Dog Act

Wrong. All obedience competition, from novice class up (including tracking, field trials, herding, Schutzhund, etc.), is based on "quantified dog training standards." But, quantified standards have little bearing on the needs of individual clients unless they seek competition.

- b. While overall work with training guide dogs, hearing dogs, and service dogs may involve numerous months of effort, the standard obedience regimen consists of a few weeks.

Our program's "obedience regimen" consists of whatever is necessary to have a well-functioning signal dog. This may include in-home behavior training in addition to formal classes.

2. A higher standard of obedience and general performance is required of these special animals.

A higher standard of obedience is not required for home use. See our suggestions on two-level certification.

- a. For guide dogs, their performance is of such a nature that failure of training may result in danger to life and physical safety.
- b. In different ways, the same rule holds true for hearing and service dogs.

Again, guide dogs mainly assist their users away from home, in public, where the users are most dependent on the dogs for physical safety. Though there are documented cases of signal dogs protecting their users from danger while away from home, most of the dogs' training is utilized at home.

#### B. Accountability issues

1. The specialized training school prepares for, and accepts, accountability for the performance of those it has trained.

Wrong. We do not accept "accountability," responsibility, or liability for those we train.

That would be like a driving instructor accepting responsibility for the future driving habits or performance of students. An instructor can only certify that a student has learned the required curriculum and has passed the course.

We do demand a certain level of performance at graduation in order for a dog to be "certified," (and we occasionally assist a user in reinforcing training), but we cannot be held accountable for an owner's or a dog's future behavior

or performance, especially if an owner fails to allow the dog to "work" as trained.

- C. Experience shows that the so-called "privately trained" animals do not provide the same levels of service as those trained in a formal program, the users of the animals are not as adept at managing the use of such dogs as those who are formally trained, and obedience work of the level required in places of public accommodation far exceeds the usual standard for dog obedience.

Who says "privately trained" animals do not provide the same levels of service? You have given no evidence of poor performance by privately trained animals. Even if such cases exist, is it the fault of training -- or is there proof a user was not properly oriented to using a dog? Or is this your assumption based on "reports" of unidentified users and dogs?

- D. There is a need to assure the general public that those who have been granted special rights with regard to their assistance dogs have a special responsibility to assure that the public among whom they and their dogs go will be safe from harm.

Assistance dog users already have responsibility for the conduct of their dogs. If you want to further assure the general public of this fact, please do so -- but not by legislating away a user's ability to obtain and use a dog.

THE OVERALL EFFECT OF THIS SECTION IS TO DENY PRIVATELY TRAINED DOGS. WHOM ARE YOU SERVING? DO YOU REALLY BELIEVE THAT THE EXISTING PROGRAMS CAN MEET THE DEMAND?

#### XI. INCREASED PUBLIC AWARENESS OF ASSISTANCE DOGS

- A. Development of standards for service dogs and hearing dogs which are in accordance with guide dog legal standards will make it possible to develop an even-handed program to enhance public awareness.

This is opinion not based on fact. As stated earlier, guide dog legal standards are not relevant to signal dogs. (In fact, the existing standards do not always protect the public, the consumer, or the contributor -- morality cannot be legislated.) We do not share your belief that increased regulation will have any effect on public acceptance. An

**"even-handed" program of public awareness can certainly be instituted without regulating the concept to death.**

- B. A variety of approaches have been suggested to develop increased public awareness, from enclosures in vehicle license renewals to the print media.
  - 1. The most highly developed message delivering system is television.
- C. A program of televised messages on behalf of assistance dog users.
  - 1. Such a program could be put in place during that period when regulations would be developed.
  - 2. To be launched as the licensing process is completed.

**Free, public service announcements can be used to inform the public of the two pertinent facts:**

- 1. Trained, assistance dogs and users are entitled to housing access and public accommodation.
- 2. Users are responsible for the conduct of their dogs.

**Who pays the costs of any other public awareness program?**

- D. An 800 long distance number
  - 1. This would provide immediate information to persons needing assistance to understand the law, both users of assistance dogs and persons needing to determine their responsibilities under the law.
  - 2. This also would provide important information about the incidence of infractions of the public accessibility laws, especially since there is no way to quantify such incidents presently.

**Right, "there is no way to quantify such incidents presently." Yet, we have 25 pages of proposed regulations. Without quantified (or qualified) "incidents".**

**Actually, we perceive a need for a single 800 telephone number for information on all handicapped rights and/or services. Information is so fragmented among diverse departments -- a single resource for handicapped rights, and appropriate referrals, within the state would be a great help.**

- E. The Board should develop a standard publication informing assistance dog users and others of dog users' rights and

responsibilities.

**Perhaps; but again, who bears the cost?**

### XII. BOARD MEMBERSHIP

- A. Reorganization of the Board would be required to reflect changes in the Board's functions.
- B. Present structure This is a seven member board; six are appointed by the Governor and one represents the Director of Rehabilitation; at least two must be guide dog users. The six appointees may serve a maximum of two four year terms. No one with any formal or financial connection to guide dog schools may be appointed.

1. Positives: this plan has served the State exceedingly well. Combining guide dog user members with citizen members has given the Board's deliberations the benefit of a mix of experience and the ability to develop positions which stand the test of time. Board members participate actively in many phases of operations, thereby avoiding the development of a large bureaucracy. The present structure has enabled the Board to avoid problems of conflict of interest and should be incorporated into the anticipated changes which would be required by an expansion of the Board's responsibilities.

2. Negatives: none known.

**Wrong; there are lots of negatives. We cannot believe that the Board is ignorant of the "negatives" expressed before this, and are amazed at what seems to be selective "blindness" and "deafness" on the part of the Board in recognizing the negatives.**

**Let's look at some:**

1. While the needs of guide dog users are fairly standard (guiding the sightless person, generally away from home), the use of other assistance dogs is extremely varied. How are you going to adequately represent all those needs?

2. If no-one from a program can participate, where will you get the expertise on training for these varied needs?

3. If you do not presently have a large bureaucracy, you will certainly be creating one if the proposed regulations are enacted. (Please consider the bureaucratic tasks referred to in our conclusion, pages 45 and 46.)

4. Without a bureaucracy, how can you possibly expect to enforce these regulations? Public acceptance of assistance dogs will be destroyed, not enhanced, by unenforceable rules. The backlash can only harm the assistance dog user.

5. Costs. Where is the money coming from?

- B. Changes required should the Board be given responsibility for licensing hearing and service dog providers
1. Add two hearing dog users and two service dog users to the Board.
  2. Continue conditions for Board membership which are presently in place, except that these would reflect the new programs for which the Board would be responsible.

Add four Board members and how many staff members?

What increase in budget would be required?

How many legislative changes would have to be enacted to ensure some consistency in the various California codes?

### XIII. OTHER IDENTIFIED ISSUES

#### A. Instructor licensing

1. Instructor licensing shall be valid only so long as the instructor is employed by a licensed school for the sort of assistance dog involved.

This is inconsistent with section XIII, F. On the one hand you want to require licensing of individuals, and on the other state that individual licensing is only valid if the instructor is part of a licensed organization.

Should, by some miracle, the existing signal dog organizations be able to comply with these proposed regulations, the effect will be to create a monopoly enjoyed by only those three entities (triopoly?).

(We again refer you to difficulties encountered by guide dog schools when they lose licensed instructors.)

2. Continuing education shall be mandatory for all persons licensed by the Assistance Dog Board.

Certainly, every professional should keep abreast of progress in his or her field. But, what continuing education is available in signal dog training? Remember, we are the ones called upon to train others. Does the Board plan to institute courses for continuing education?

B. Miscellaneous Code revisions required

1. Vehicle Code: increase the penalty for anyone found guilty of failing to yield the right of way to an individual who is blind or physically disabled. Suggested fine, first offense: \$250; second offense, \$500; combining both with public service duty doing menial work (freeway cleanup, etc.) and/or engage in personal educational programs to increase understanding. This offense would appear on the guilty person's driver's license.

Okay, but right-of-way violations are probably not pertinent to this particular study. Do you mean "driver's license" or driving record?

2. Penal code and various: change the definitions of service and hearing dogs as required.

As stated, we strongly disagree with the definitions, breed and type specificity, etc. suggested by the Board.

3. Change the penalty for refusal to permit entry by an assistance dog user to include some public service of a substantial and menial nature: clearing trash, etc.

We believe a graduated fine scale is more appropriate.

4. Provide guide, hearing and service dogs with status equivalent to human beings in vicious dog laws.

Though the statement above is confusing, we assume the Board's intent is for protection of assistance dogs from attack by other dogs. Other than a provision for civil liability for dog bites on humans, there is no state vicious dog law, only local ordinances adopted by some



jurisdictions. The Food & Agriculture Code provides for protection of livestock from dogs attacking or "worrying," and provides for restitution to owners of livestock killed by dogs.

You may wish to consider adding assistance dogs to the protection afforded livestock in Food & Ag. 31102, et seq, 31401, 31501 (double damages), etc., and in Civil Code 3340 and 3341; and adding assistance dogs to the protection afforded humans in Civil Code 3342 and 3342.5 (related to liability and damages).

C. Training school organizations

1. Require all licensed schools to provide to the Board in a timely way copies of the Minutes of the organization's governing board and current addresses of all members of the boards of licensed schools.

Whatever for? This is totally inappropriate.

As stated earlier, our organization is a duly constituted, independent, non-profit, charitable, public benefit corporation, already subject to the requirements of California Nonprofit Corporation Law (sections 5000 through 9927 of the Corporations Code), including examination by the Attorney General (section 5250), required filings with the Secretary of State (section 6210), and required records and reports (section 6320). Additionally, we must comply with the provisions of the state Revenue and Taxation Code and the federal Internal Revenue Code for the fiscal procedures and reports required of tax-exempt organizations.

The Board of Guide Dogs for the Blind may access all materials and reports available by law to the general public, but may not be privy to that information held confidential. The Attorney General has investigative powers, and the Secretary of State may make determinations, relative to California public benefit corporations.

2. Procuring dogs for licensed schools
  - a. Specialized breeding combined with foster placement to rear potential assistance dogs provides an important element of some assistance dog programs (guide and service)

Any assistance dog training organization which has the breeding and puppy programs must submit its plan of operations for breeding and puppy foster care to the Board for its approval.

**Why? Is the Board now going to be determining what constitutes a valid breeding and puppy program. Our organization does not believe that specialized breeding is the best source of viable assistance dog candidates, but we will on occasion place a signal dog candidate into foster care. We are an SPCA, a Humane Society; our officers are State Humane Officers, certified by the state and sworn by the Superior Court; we are responsible for the enforcement of animal related statutes, including proper care and confinement defined in Penal Code 597. Is the Board going to pre-empt state and local regulation by assuming a law enforcement role for which it has no statutory authority?**

b. Rescue of the dogs from animal shelter and use of family pets are viable methods of procuring animals for training (hearing). Any assistance dog training organization which has such a program must submit its plan of operations to the Board for its approval.

**Same argument as for "a." above.**

**Why should the Guide Dog Board be approving plans? What expertise does it have in the use of either shelter dogs or family pets?**

3. Accessibility rights for assistance dog puppies
  - a. One puppy group leader has for years asserted that puppies and their raisers should have the same accessibility rights as assistance dog instructors.
  - b. Virtually everyone else with an opinion supports puppy raisers in their efforts, but believe the current legal status of puppies is working well, and special accessibility rights are neither necessary nor desirable.

**Guide dog puppy raisers already have accessibility rights (and guide dog puppies need not be neutered!).**

On the one hand, the Board is insisting on "specialized obedience training" for signal and service dogs, presumably to be trained for public access; and on the other hand, the Board wants to prohibit public access to signal or service dogs in training, including puppies. And, the Board wants the assistance dogs neutered before they can be licensed!

E. Home training

1. A recent change in the law permits guide dog schools to provide guide dog training at a blind person's home if a previous dog has failed before the end of two years' use.
2. A provision should be added to permit a licensed school to provide home training, as defined in the law, for any individual who has received at least one guide dog in a one month residential course provided that the individual has demonstrated his/her ability to effectively use a guide dog, has a demonstrated need to remain in his/her home.
3. Provisions should be added to permit the same kind of home training option for hearing and service dog providers.

Not "the same kind of home training option."

Ninety-five percent of the training of signal dogs in our program takes place in homes -- hearing-impaired masters training their dogs under the direction of our coordinator/trainer. These are not replacement dogs.

Also, you are again precluding anyone from either training his or her own dog or arranging for a dog to be trained privately.

F. The licenses, terms and fees

1. Schools which provide assistance dogs shall be licensed for a period of one year with annual renewals. Cost of the original application fee: \$500; renewals, \$100.

Great, for the privilege of being regulated we have the honor of paying first \$500, then \$100 annually.

2. The fundraising license to obtain financing to open a school to provide assistance dogs: \$1,000.

**FUNDRAISING LICENSE !?!**

First of all, creating a non-profit, tax-exempt corporation (able to solicit tax-deductible contributions) already has innumerable requirements, mainly from the IRS. It is virtually impossible to create a non-profit without expert legal advise, and then federal determination is probationary. It boggles the mind that the Board would presume to preempt first the federal government, then the state Franchise Tax Board, in "allowing" an entity to raise funds for a non-profit venture.

If the Board intends to license proprietary (for profit) entities, it has no business authorizing fundraising that would be prohibited by the codes governing tax-deductible contributions.

Why not call this what it really is: a fee to help justify the added expense of the Board's "expanded role?"

3. Assistance dog instructors shall be licensed for one year with annual renewals. Cost of the original application fee: \$100; renewals, \$25.

Prohibitive; and what expertise does the Board have in licensing instructors? Who is going to review applications? On what basis? We've already shown serious problems with the Board's suggested criteria for instructors. You are not talking about medical practitioners or cosmetologists, where there is a large peer group with an established hierarchy of expertise.

If this is enacted, the Board will probably find itself having to hire "consultants" to act as licensing agents; even then, the pool of "experts" is severely limited.

## CONCLUSION

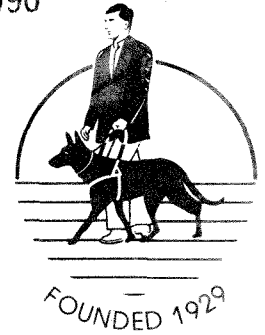
Though the Board has failed to identify any problems with assistance dogs or assistance dog providers; though the only "needs" identified in the Needs Assessment relate to failures of various entities to provide required public access to assistance dog users; the Board is recommending far-reaching powers for itself.

Let's look at your "expanded role."

- A. You will determine who "needs" an assistance dog (based on a thoroughly insufficient definition of "disabled").
- B. You will rule that no animals, other than dogs, may assist disabled persons.
- C. You will regulate the size and breeds of such dogs, regardless of clients' needs or preferences or dogs' physical limitations, and you will be called upon to make exceptions.
- D. You will determine which tasks (and sounds) will be taught (regardless of individual need?), and you will be asked to make exceptions.
- E. You will determine the qualifications of any program or school and the qualifications of trainers in programs, though you have no expertise in training signal or service dogs.
- F. You will set the fee charged to an assistance dog recipient, regardless of training costs and/or any restrictions imposed by funding sources.
- G. You will eliminate the possibility of any person training his/her own dog or hiring an independent trainer, thereby limiting assistant dogs to those users having access to the existing programs.
- H. You will designate as "illegal" any assistance dog trained elsewhere, including graduates of credible, out-of-state programs, further reducing disabled persons' access to dogs and preventing their legal movement into California.
- I. You will effectively prevent any new program from being instituted, thereby further limiting the number of persons with access to assistance animals.

- J. You will have to make determinations on existing assistance dogs (based on what? a grandfathering clause? certification? testing? testimony? doctor's affidavit?).
- K. You will get to approve who visits California and when. Or will you be able to declare their visits illegal? Are you going to eject them, or their dogs, from the state when the 30-day or 60-day visit permit expires?
- L. You will have program and/or agency oversight, in addition to the scrutiny non-profit organizations already receive.
- M. You will rule on the efficacy of training methods and the viability of programs/schools.
- N. By demanding that programs assume liability for the future behavior of dogs, you will make them commercially uninsurable, so you (via the state) will have to provide insurance.
- O. You will set up a system of identification (and review?) for dogs, and you will "pull" the licenses of those dogs not current on vaccinations.
- P. You will set up a system of licensing schools.
- Q. You will set up a system to license instructors, making sure that they are only employed by licensed schools.
- R. You will charge license fees to both schools and instructors (denying licensing to those unable or unwilling to pay?).
- S. You will charge a \$1,000 fundraising license fee. After all, funding programs is so easy, and there are so many abuses in fundraising, what's another \$1,000?
- T. You will launch a public relations campaign, noting your complete authority over assistance dogs, which must therefore assure the public the protection it is entitled to.

NOV 28 1990



# The Seeing Eye, Inc.

Morristown, New Jersey 07963-0375 • (201) 539-4425 • FAX (201) 539-0922

ROBERT H. WHITSTOCK  
VICE PRESIDENT

November 26, 1990

Ms. Joan M. Ripple, Consultant  
Senate Subcommittee on  
The Rights of the Disabled  
711 Van Ness Avenue, Suite 310  
San Francisco, California 94102

Dear Ms. Ripple:

We are writing in response to the material we received concerning a report to the legislature on guide, signal and service dogs which apparently was developed in conjunction with the State Board of Guide Dogs for the Blind. Unfortunately, the recommendations reached us subsequent to the date of the hearing which we understand was scheduled for November 15. Therefore, our reactions have been delayed.

Three areas concern us here at The Seeing Eye. The Seeing Eye pioneered the use of dog guides for blind persons in North America and have served California since the inception of our program. Also, many of our graduates from other states visit California on business or as tourists. Consequently, we welcome the opportunity to respond to the recommendations.

First, we are concerned about the vesting of authority in the State Board to determine which out-of-state schools will have their graduates protected by the legal rights guaranteed by statute. This could seriously impair the rights of Californians who attend out-of-state schools and, conversely, can interfere with the rightful use of dog guides by blind persons from other states. All states of the United States protect dog guide user rights and California is the only one that is contemplating this type of restrictive, and potentially discriminatory, legislation.

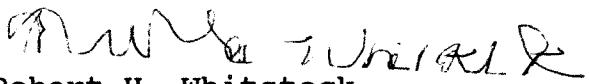
Secondly, we are concerned about the designation of breeds of dogs as dangerous or inappropriate. Although we principally use German

shepherds, Labrador retrievers and golden retrievers, we have also used dogs from many other working breeds and a good many cross-breeds. It is not the breed that is as important as the individual dog.

Finally, we are concerned about the recommendation to limit the legal protection to dogs above a predetermined height. For some very large persons, we generally train large dogs and there is no guarantee when a young dog graduates from the program that it may not continue to grow in stature for some time to come. In other words, on both grounds, size should not be considered. Furthermore, we understand some types of service dogs need to be very large in order to do their jobs effectively.

We hope the above is helpful. If we can be of further assistance, please do not hesitate to contact us. Our best wishes to you.

Sincerely yours,

  
Robert H. Whitstock

RW/ncn

cc: Senator Milton Marks, Chair  
Senator Ed Davis  
Senator Diane Watson



Ms. Joan Ripple  
C/O Senator Milton Marks, Chairperson  
Senate Subcommittee on the Rights of the Disabled  
711 Van Ness Avenue, Suite 310  
San Francisco, CA 94102

NOV 29 1990

November 24, 1990

Dear Senator Milton Marks,

**This is to state my opposition to SB 2229 regarding:**

- 1) Breed of specific dogs,
- 2) Limit of height of assistance dogs
- 3) Prohibit assistance dogs not trained at schools approved by the Board, including out-of-state trained dogs
- 4) License all assistance dog schools
- 5) Severely restrict those able to use service dogs
- 6) Prevent those who lose consciousness from having an assistance dog
- 7) Establish an identification program for assistance dog users
- 8) Expand the Board by adding 4 additional members

**My reasons are as stated:**

1) I support the right of a disabled person to have the right to select their own breed of dog. Disabled people are citizens in the United States and in California and have a right to peace and tranquility. It needs to be the choice of the user to determine the breed of dogs they are most comfortable with. It is the Boards responsibility to train the public at large to understand these dogs are not attack dogs but signal dogs that have been specifically trained to signal.

2) To limit the height of a an assistance dog is a thinly disguised prohibited breed specific we would be imposing.

3 & 4) To pass a law that would not allow the disabled community the freedom of selecting a private school that is not state licensed but yet competent to the user is creating a double standard. In addition it would prohibit individuals from bringing signal dogs from another state into this state.

5 & 6) If an individual is considered disabled by a physician we should recognize it as well in our laws. It should not matter whether they have, cerebral palsy, emphysema or even high blood pressure if it a disabling factor it warrants protection in the law for them to have an assistance dog when and if they become suddenly disabled and will need the assistance of a properly trained dog when they lose consciousness or unable to exercise physical control.

7) Having an identification process will hinder the rights of all disabled U.S. citizens to travel among the 50 states and to enjoy all public facilities including public transportation. These rights were recently reinforced with the passage of the American with Disabilities Act (ADA).

8) To increase the number of Board members is an unfounded and unnecessary cost. The Boards function should be to educate the public not limit the disabled persons already tenuous situation by proposing legislation such as this.

In summary, the "disabled" community should not be excluded from any rights the "able-bodied" community has regarding animals. The "able-bodied" community is able to have their dogs trained in obedience schools, which does not require licensing by the state; they are able to transport their dogs across state lines without re-training or re-licensing; nor comply with regulations stating that he/she "must be at all times in control of the animal"; they are not prohibited in the size or breed of a dog; nor are they required to establish an identification process other than dog licensing as required by each individual city for all citizens.

Why does this law try to impose regulations on the "disabled" community and not enforce the same laws upon the "able-bodied" community?

Is it because the "able-bodied" community do not bring their animals into a public place? Is there valid statistical findings showing assistance dogs are a threat in public places? Is it because we think they are not able to make these decisions by themselves?

I lived my childhood and adult life with my "disabled" family and believe me Senator they are very competent in knowing what their needs are at all times and have adapted to live in this hearing world with or without an assistance dog. But the choice was theirs to make.

Let us instead enforce the accessibility laws on behalf of the "disabled" community. There is no current threat except stripping away their equality in their pursuit of life, liberty and happiness. To think we would violate our constitution is shocking and in direct contradiction to the recent passage of the ADA.

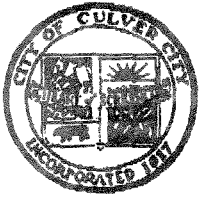
Senator, we have heard you express concern for our nation's disabled. Please take this time to hear your disabled constituents and demonstrate the value of your words on this very important issue.

Sincerely,

A handwritten signature in cursive script that reads "Suzanne J. Washington".

Suzanne J. Washington,  
Certified Sign Language Interpreter

*The Washingtons*  
4661 Meyer Ave. #1  
Castro Valley, CA 94546



# CITY OF CULVER CITY

4095 OVERLAND AVENUE • P.O. BOX 507  
CULVER CITY, CALIFORNIA 90232-0507

November 27, 1990

Senator Milton Marks, Chair  
Senate Subcommittee on The Rights of the Disabled  
711 Van Ness Avenue - Suite 310  
San Francisco, CA 94102

To The Honorable Members of the Senate  
Subcommittee on The Rights of the Disabled:

The City of Culver City is concerned about issues relating to the credibility of service animals and their rights to access in public places. Our city prides itself in being a national leader in providing equal access, programs, and services to the residents of our community with special needs because of disabilities. We have service animals residing with their owners in Culver City and are committed to assuring that they, and other legitimate assistance animals, are given the respect and full rights that they are entitled to by law.

Unfortunately, in recent years some of our local businesses have experienced what they consider abuse of service animal privileges by owners of self-proclaimed assistance dogs. We, as a city, have a responsibility to protect both business establishments as well as these animals within the constraints of the law.

In previous correspondence to the State Board of Guide Dogs for the Blind, we made recommendations which we are now reconsidering since the hearings and the subsequent Report to the Legislature was submitted. Although rigid guidelines seem to be the ideal solution to the problems encountered with service animals, the objections raised by the hearing dog programs are valid and justify careful reconsideration. Of major concern to us is their pointing out that no other state in the nation requires licensing/certification of their programs, trainers, or animals. We agree that this will put a costly and unfair burden on California's service animal programs and also create inconsistent and inequitable policy governing interstate service animal relocation - both temporary and permanent.

In searching for a fair alternative to being singled out for licensing/certification, we became aware of the policy implemented in the State of West Virginia to ascertain a dog's qualification for service animal privileges. Basically, this is how we were informed it operates:

1. Applicant receives form from designated official that requires verification of animal's having received some type of specialized training. "Designated Official" could be an employee of the Department of Rehabilitation in Sacramento or another agency that serves the disabled. This person should have a working knowledge of service animals and the programs that train them. We suggest that the person selected to oversee this program visit each of the major California service dog training facilities as part of the job preparation process.
2.
  - a. If training was received by a program recognized for its quality and experience in this country (animals usually have I.D. from these programs), service animal certification will be automatic and appropriate State I.D. issued. The cost of the card should be comparable to that of a Senior Citizen's non-drivers license I.D. card.
  - b. If the animal was trained by a private trainer, documentation is requested from that trainer verifying professional qualifications. An administrative decision is made based on this information.
  - c. Animals trained by owners themselves with no professional expertise do so with the understanding that the animal is restricted to the home environment only and is not issued State I.D.
  - d. Social dogs "prescribed" for patients with psychological conditions, in our opinion, have no need to be taken to public places.
3. Upon qualifying, photo I.D. showing both the disabled individual and the service animal is issued by the Department of Motor Vehicles. We recommend 2 cards - one to be carried by the owner and the other (laminated) to be displayed on the dog's harness or jacket in a specially-designed receptacle visible along the animal's side or back.
4. Reversing our previous position, we see no need to renew this I.D. during the lifetime of the animal.

A system such as this could be efficiently implemented for California's programs and has the flexibility of being applicable to ascertaining the qualifications of out-of-state animals as well. It seems fair and places no financial hardships on any individual program. It would also preclude the need to expand the Board, which we had previously supported.



## CITY OF CULVER CITY

9770 CULVER BOULEVARD • P.O. BOX 607  
CULVER CITY, CALIFORNIA 90230-0507

July 21, 1989

State Board of Guide Dogs for the Blind  
830 K Street Mall  
Sacramento, California 95814

To The Board:

The City of Culver City enjoys a reputation of being in the forefront in providing services and accessibility to its residents, employees, and visitors. In keeping with our commitment of continuing to provide and maintain an exceptional quality of disability-related programs and services, we have concerned ourselves with the issues relating to the licensing and certification of service animals. We are making the following recommendations in accordance with the study being conducted by the State Board of Guide Dogs for the Blind:

We recommend expansion of the Board to include qualified professionals from other dog training programs to oversee licensing and credentialing standards as a way of ensuring quality and consistency in service dog placements. All service animals must be certified by an accredited training program. The Board should have equal representation from every major category of service animal programs.

**Definition:** A service dog is an animal that provides assistance to a disabled person, much the same as a personal attendant would for a person who uses a wheelchair, as a flashing light system would to alert a hearing-impaired person, and as a medically-prescribed white cane would aid a person who is blind. A service dog is specially trained by a licensed instructor of an accredited school.

A service dog is NOT an animal who solely guards and protects, regardless of whether the owner is physically/mentally disabled or not, nor is a service dog solely a social companion, regardless of whether the owner is physically/mentally disabled or not.

A physically disabled person can be defined as an individual whose capacity to participate completely in all aspects of daily living is limited because of an orthopedic, systematic or sensory impairment. A physically disabled person must employ mechanical devices, animals, auxiliary senses, or other people to accomplish tasks they most likely would not otherwise be able to do. The disabling condition must be permanent.

All schools that train animals to assist the disabled must be licensed and certified.

Animals trained to assist the disabled must meet minimum requirements for performance, behavior and obedience. Ideally, such animals will be selected for the training program by professionals using tests and other criteria that effectively identify preferred traits. This will help to ensure a successful training experience for the chosen animal.

Guide dogs for the blind and service dogs for people with orthopedic disabilities are frequently called upon to render services outside the home environment. Signal dogs for the hearing-impaired, however, are most useful in the home, and many owners prefer not to take them into the community. Some hearing-impaired people feel that they need to have their signal dogs around at all times, however, especially when they go on trips. For this reason, we would like to see implemented the two-tier certification system proposed by the San Francisco S.P.C.A. Under this method, an applicant for a signal dog would specify a preference for either a "home only" or a "home/community" dog. The "home/community" dog would be trained under more rigid standards and be of exemplary behavior.

Certification should come from the training school only, after having met minimum Board-established criteria. The present system of special harness for guide dogs, blue jacket/packs for service dogs, and orange collar/leashes for signal dogs should be maintained. The proposed orange jacket with an identifying emblem is also worth consideration as a more highly visible symbol of a signal dog.

Every individual city should establish a policy of distributing their regular dog licenses at no cost to the owners of assistance animals. It is important that these animals continue to be registered locally in their own communities.

We recommend that each animal's school provide a universal I.D. tag to be worn at all times on a collar/harness. These metal tags should all be of the same color, shape and size, and should include the animal's name, a control number, and a telephone contact number for the training school. In most cases, wording in the school title should be sufficient to identify the animal as being trained for the disabled, so there is no need to include such additional information.

Assistance animals used in the community should be required to register with the DMV and receive a photo I.D. card of the animal and owner that includes the law regarding service animals printed on the reverse side. The card should be honored in other states as valid identification.

Just as a driver's license is, and be subject to suspension or revocation if an animal fails to publicly demonstrate the standards of behavior under which it has been trained. A penalty such as a pre-determined fine should be imposed on all individuals who fail to display the I.D. card upon request by a law enforcement officer. The card, which should be laminated, could also be worn on the animal similarly to the clip-on photo I.D. badges worn by many company employees. Using a more secure clip method, the card could be attached to a guide dog's harness or slipped into a "window pocket", like those commonly seen on suitcases, in the case of a dog that wears an identifying jacket. Failure to display the card would be grounds for a business or service provider to contact law enforcement authorities. As with a driver's license, we recommend renewal of the card every four years, with owners having the responsibility to notify the DMV of change of name/address, death or return of the animal to the training facility. A nominal fee could be charged for this card.

There is a great need for publicity as the placement of service animals increases, with more visibility in public places. We suggest an annual recognition month for service animals, with a proclamation from the City Council, newspaper and television media coverage, and demonstrations of service animals when appropriate to a program, festival, etc. Local residents who have service animals should be "spotlighted" by their communities during the recognition month in local newspaper and/or cable television coverage. Disability organizations should lobby the movie and television industries to have situations portrayed in scenes that educate the public about these animals, as well as creatively using a service animal in commercial skits as a public service.


The City of Culver City believes that service animals are entitled to full access of the community including, but not limited to, restaurants, hotels, lodging places, places of public accommodation, amusement or resort, transportation, and other places where the general public is invited. The mere assertion by the owner that a dog or other animal is a service provider is not sufficient, however, to obtain these privileges granted under the protections of Section 365.5 of the Penal Code and Sections 54.1 - 54.3 of the Civil Code.

Verification that determines whether or not each animal meets the language and intent of the Penal and Civil Codes must be established through a consistent application of uniform rules and regulations developed by a multi-faceted Board that represents each major category of service animal. This seems to be the only logical way to address the issues pertaining to the diversity of services performed by these animals. In order to secure and maintain public confidence in the service animal programs, there must be



conformity in the application of these laws, taking into consideration the well-being of the disabled individual, the service animal, and the general public.

Respectfully submitted,

A handwritten signature in cursive script that reads "Camille Jones". The signature is written in black ink and is positioned above the typed name and address.

Camille Jones, Coordinator  
Disability Services  
City of Culver City  
4153 Overland Avenue  
Culver City, California 90230

November 7, 1990

NOV 19 1990

Senator Milton Marks, Chairperson  
Senate Subcommittee on the Rights of the Disabled  
Attn: Ms. Joan Ripple  
711 Van Ness Avenue, Suite 310  
San Francisco, California 94102

Dear Senator Marks:

It has recently come to our attention that the California State Board of Guide Dogs for the Blind has recently prepared a Report to the Legislature which can have far-reaching and detrimental effects on the many blind and disabled people in California if made into law. Some of us have worked with the blind and disabled, some have dogs of our own, all of us are concerned about the effects these hearings will have on the disabled and the animals.

One of the proposals would limit the breed of assistance dog (including guide dogs) to what the Board determines is a non-aggressive breed. This would quite probably exclude breeds such as German Shepherds (which have been successfully used for many years as guide dogs for the blind), Doberman Pinschers and Boxers, to name a few. It is well-known that any breed of dog can exhibit aggressive behavior. It is the individual personality of the dog which must be considered. German Shepherd guide dogs have, for years, been selected this way. Limiting the breed of dog to certain types trespasses on a disabled person's right to choice. To analogize, suppose you wanted a Doberman Pinscher for a pet, but a Board of Pets dictates that a Doberman is too aggressive to be allowed as a pet. You may have only a dog of breed X, Y or Z. The Board has taken your freedom of choice from you. If you have ever had a pet, you know that every type of animal differs in personality, some are aggressive, some are steadfast and calm and some are shy. And, often an animal of mixed breed is more intelligent and social-natured than some pure breeds. Limiting to certain breeds has no basis in reality. The Board is relegating the disabled to second class citizens by limiting their choice of assistance dogs to certain breeds the Board selects.

The Board also recommends that dogs more than 26 inches at the shoulders or whose heads are above a restaurant table should not be trained as assistance dogs. This is ridiculous. It is not a dog's height, but its behavior in restaurants and public places that should be of consideration.

Many dogs which are now trained for the hearing impaired and people in wheelchairs are taken from shelters. This saves many dogs from being destroyed and puts them into useful service. If limited to certain breeds and heights, many of the dogs being saved now will instead be destroyed.

No other state in America limits assistance dogs to specific breeds. If a person from New York, using a breed of assistance dog considered by California to be an aggressive breed, wanted to move to California, what would he do? He would have to leave his assistance dog behind. He would have to either have it destroyed or find it a home, which sometimes is impossible to do, not to mention the attachment which has formed between dog and master. He would then have to get a new dog from a Board approved school. In effect, these hardships would prevent many disabled persons from moving to California if they wanted to.

Another proposal of the Board is that only a dog trained at a school the Board chooses can be recognized as an assistance dog. This limits the disabled from engaging private trainers (which in some cases might be necessary) or from attending a school which might be nearer their home. Again, the disabled's right to choice is being taken away. No other state in America limits the disabled to certain assistance dog training schools. This proposal means that a disabled person would have to travel to where an approved school is and reside there for a period of time in order to receive training working with their assistance dog. This could place a great hardship on many disabled persons (especially elderly who must be near their doctors or spouses), whereas being able to engage a private trainer or choose a school closer to them would benefit many. The disabled person still has the right to choose to go to the Board approved schools, but it does not limit him to those schools only. I believe that assistance dog trainers should be certified as such, but to limit the disabled only to trainers at certain Board approved schools infringes on the disabled person's right of choice.

The Board's very limited and narrowly focused proposals will affect many of the disabled in California and other states. In the age group of people over 55, one of the most common health problems is deafness. In the years to come, the largest group of people in the nation will fall into this over 55 category. Many of those residing in California may opt not to avail themselves of an assistance dog which could greatly enhance their lives, because of the Board's limiting assistance dogs to specific breeds and making it impossible for them to engage a private trainer or attend a school nearer their homes. No Board should be allowed to dictate such things to the disabled. Their lives are handicapped enough by their problems.

Another portion of the Report bears looking at more closely. The Board's definition of an assistance dog user as someone who has two limbs affected or is confined to a wheelchair. Does this mean that a person who has lost only one leg (for example) will not be allowed an assistance dog? What of those people with cerebral palsy, muscular dystrophy or brain injuries? Many of these people may need and want an assistance dog. Again, the Board's limited and narrowly focused views do not take this into

consideration. Anyone with a disability for whom an assistance dog would enhance their quality of life should be eligible to have one. This is blatant discrimination of disability.

As we all know, the disabled have enough problems to deal with without adding those above. It should be the goal of the Board to help the disabled in any way possible and to enhance their quality of life, not to set limits and barriers which are insurmountable for them. Nor, should any Board set itself up to make choices for the disabled. The disabled are already limited in their lives, some only have their freedom of choice left, to take that away too is criminal.

We are all hoping that good common sense be shown and that freedom of choice for the disabled will prevail, and that neither type of disability, nor breed of dog will be discriminated against. Your help in bringing this about will be greatly appreciated and duly noted.

Sincerely,

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Senator Milton Marks  
Senator Dianne Watson  
Senator Ed Davis

I wholly support the attached letter regarding the issues on assistance dogs for the disabled.

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Senator Milton Marks  
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I wholly support the attached letter regarding the issues on assistance dogs for the disabled.

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Senator Milton Marks  
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Cynthia Marjani  
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since 1868

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# The San Francisco Society for the Prevention of Cruelty to Animals

2500 Sixteenth Street San Francisco, CA 94103-6589 (415) 554-3000

November 16, 1990

The Honorable Milton Marks  
State Capitol, Room 5035  
Sacramento, California 95814


Dear Senator Marks:

On behalf of The San Francisco SPCA and its 48,879 members, I want to thank you for conducting a fair and impartial hearing yesterday on the State Guide Dog Board's Report to the Legislature. Because of your leadership, we feel that all points of view on the important issues raised by the Report were given the attention they deserved.

I enclose a copy of our written comments on the Report. These comments provide more detail on the concerns we expressed at the hearing. If you or your staff have any questions or would like any further information, please do not hesitate to contact me at (415) 554-3019.

Senator Marks, thank you again for the opportunity to present our views to you. And thank you for the help you have given in the past to our efforts to assist the hearing impaired. As a champion of the rights of disabled people, your support and kind words mean a lot to us.

Sincerely,

  
RICHARD AVANZINO  
President

RA/pr  
encl.

cc: Ms. Joan Ripple

Today's  
San Francisco  
SPCA...  
Protecting Life,  
Providing Love

Comments on State Board of Guide Dogs for the Blind's  
Report to the Legislature:  
Guide, Service, and Signal Dogs  
June 30, 1990

Submitted by  
The San Francisco Society for the Prevention of  
Cruelty to Animals

July 27, 1990

I. The San Francisco SPCA Perspective.

The San Francisco SPCA\* believes that people with disabilities, like all other citizens, are entitled to seek a productive and independent life. They are not a public danger, requiring intense government regulation. They may, in some cases have special needs, including the need for an assistance animal. If such an animal will help a blind, deaf, physically, or otherwise disabled person to live productively and independently, we believe that society and the State should facilitate, not hinder, this choice.

We also believe that people with disabilities, like all other citizens, are entitled to the presumption that they will act responsibly. Regulations which impose restrictions and conditions on the choice to use an assistance animal presume the opposite: they presume that the disabled will use poorly trained animals and/or fail to control them in public, and they presume that all disabled people should be monitored, because one might not act responsibly. We have seen no evidence, either from our own experience in the field or from the Board's yearlong investigation, which would provide any justification for imposing this stigma on the disabled.

---

\* The San Francisco SPCA is a 122 year-old private non-profit animal welfare organization with 48,381 members. Our organization pioneered the training and use of signal dogs in the State over 12 years ago. We have operated our Hearing Dog Program as a model for the nation, and we have placed over 350 dogs with deaf and hard-of-hearing people throughout California.

II. The Licensing Scheme Limits the Options Available to the Disabled, Establishes a Monopoly, Hinders Innovation, and Reduces the Number of Working Partnerships Between the Disabled and Assistance Animals.

The licensing scheme proposed in the Report, far from assisting the disabled in their effort to lead a productive and independent life, would burden this effort with unnecessary government regulation and hinder the innovation and flexibility necessary to provide the disabled with assistance animals trained to meet their individual needs.

To our knowledge, no other state in the country has imposed any licensing requirements on assistance dog providers, including guide dog providers. Nor is there any evidence which would justify imposing burdensome requirements on signal dog providers in our own State. We note, at the outset, that the Board's proposal is not a response to any alleged abuse by the signal dog training schools. Indeed, it could not have been since there is no evidence of any such abuse, and the Report clearly acknowledges this. (p. 11.)

Since there are no past or current abuses to remedy, the only justifiable rationale for imposing a licensing scheme on the signal dog schools is to prevent future fictional abuses. We submit, however, that a licensing scheme administered by the Board--a scheme which we understand could cost California taxpayers well in excess of \$100,000 annually--is neither a necessary nor an effective approach. Laws governing non-profit corporations and consumer protection have been in effect for decades and are backed by the enforcement powers of state and federal agencies with far greater resources and much more experience in monitoring and investigating these matters. There can be little justification for imposing a costly and ineffective layer of additional regulation on top of these already well-established mechanisms.

What the proposed licensing scheme will do effectively is grant a virtual monopoly to signal dog schools able to survive the bureaucratic red tape and

major increases in operating costs forced upon them by government regulation. Dedicated people and organizations with new and innovative ideas will find it almost impossible to enter the field.

The Board's refusal, for example, to consider privately trained assistance dogs as eligible for housing and public access rights will cut off important options now available to the disabled in obtaining much needed assistance animals. The Report asserts that "(e)xperience has shown that the so-called 'privately trained' animals do not provide the same levels of service as those trained in a formal program. The users of the animals are not as adept at managing such dogs as those who are formally trained, and obedience work of the level required in places of public accommodation is at best difficult to achieve." (p. 19.) We strongly disagree. The Board presents no evidence for this bias, and it runs solidly counter to our own experience.

The hearing impaired have been training their own dogs to assist them for decades. They pioneered the concept and methods for training signal dogs, and the dogs they trained have proven to be invaluable working companions.

And it was a private trainer in Minnesota who provided the impetus for our own program and worked with our Director to enable him to begin training signal dogs for us. Furthermore, if our Director, with his 12 years of dedicated work in the field, were to go out and train signal dogs privately, we do not think the quality of the training would be in doubt. Nor do we think it would be in doubt if one of our current or former trainers, with their many years of experience, were to go out and do the same. Nevertheless, under the "prescriptive" licensing scheme which the Board states "may be most appropriate for signal dog programs" (p. 14), these trainers would lose their licenses and be prohibited from training signal dogs upon leaving our organization. Only trainers working in a licensed school would be allowed to train assistance dogs. This bias against private training only serves to limit the options available to the disabled, grant a monopoly to existing organizations, hinder innovation and flexibility, and reduce the number of dogs trained to serve the deaf.

The same results can be expected from the application of "baseline standards" for the performance of signal dogs (p. 13). With this concept, the Board appears to be moving towards a standardized set of performance requirements which a dog must meet before becoming eligible for public access and housing rights. While we agree that all signal dogs should have basic good manners and obedience training, we believe that imposing a standardized set of training and/or performance requirements will stifle innovation in the field and prevent the disabled from obtaining dogs which meet their unique needs and can assist them in overcoming their individual disabilities. Of the three existing California signal dog providers each uses a significantly different method of acquiring, training, and placing dogs. And each of these methods has proven to be successful and of real benefit to the deaf and hard of hearing who use signal dogs from these schools. Attempts to "standardize" these programs would only be counterproductive.

### III. Licensing Scheme is Ineffective, Arbitrary, and Would Jeopardize the Rights of the Disabled.

Even if a decision were made to grant existing schools a virtual monopoly on providing assistance dogs, licensing providers would accomplish nothing in terms of remedying the very problem the Board set out to cure--the problem of ensuring the right of public access that the disabled and their assistance animals have been granted by California law. The Report states that "the critical need in the provision of these assistance dogs is better methods of insuring public access to places of public accommodation." (p. 5; see also p. 15.) (We do not agree, by the way, that this need is the critical one--as we explicitly testified at the Board's hearings, for signal dogs, housing and not public access is the critical issue--but we agree that public access is one of the problems that assistance animals and their users face.)

It seems obvious, however, that licensing providers will not help identify assistance dogs and their users, nor will it help educate about the rights of the disabled. Indeed, guide dogs have been licensed for decades and still have problems obtaining their public

access rights, as the Board's Report acknowledges. (p. 15.) (Public access problems would perhaps best be addressed by measures such as enhanced employee training programs, public awareness campaigns, and a simple uniform identification scheme for assistance dogs and their users. To the extent that the Board's proposal supports such measures, we are in agreement with it.)

The Report also asserts that "licensing of providers would better assure a baseline standard of performance for these dogs and their users." (p. 12.) This is just not true. A dog which graduates with top honors from our program or any other may eventually lose its basic training, if the user does not reinforce it. It is simply not possible to make a dog into a machine. Moreover, the enormous benefits these animals give to the disabled far outweigh any potential difficulties. We stress the word "potential," for even after a year of hearings, the Board did not uncover any instance where an assistance animal had caused any damage in public.

Assuming, however, that the proposed licensing scheme were in place, what would the Board do to enforce a "baseline standard of performance?" For instance, if one of our users allows his or her dog's head above the tabletop in a restaurant, as would be prohibited by the Board (p. 18), will the Board withdraw the right to housing for this dog, thus forcing the user to choose between surrendering his or her working companion or facing eviction? Any action to withdraw such rights would require extensive administrative and judicial hearings. Would the Board, as the administrative hearing body, hire an administrative law judge to ensure that due process requirements are met? And will the State, to protect the rights of the disabled, provide them with free legal counsel, sign language interpreters, and court reporters? Where would the hearings be held? And who will pay the transportation and lodging costs necessary for the user to attend? If the decision adversely affects the rights of the deaf, will there be access to the judicial system for purposes of appeal? Who will pay the costs of counsel and interpreters at these proceedings? Will witnesses and complainants appear at either the administrative or judicial hearings and who will pay the costs for their time and travel? If, after the case is finally concluded, it is determined that the dog or user acted inappropriately, will the Board seek to

revoke the license of the school that trained the dog? Will it do so after two cases? Three cases? And, again, who will bear the costs of these proceedings? The users? The schools' contributors? The California taxpayers?

We believe that Board enforcement of a "good behavior" requirement is neither necessary nor effective. The reality is that those who grant public access, like restaurant owners and transit workers, would probably ask the user to control his or her dog or leave, and this would probably solve the problem. For cases where this is not enough and where the user does not act responsibly in controlling his or her animal, the law should give restaurant owners, transit workers, and others like them the discretion to demand that the animal leave. For animals that cause actual damage, Section 54.2 (a) of the Civil Code already provides a remedy: it clearly states that a disabled person using an assistance dog is liable for any damage done to the premises by his or her animal.

The problems with enforcing the Board's scheme in the real world are not, however, limited to the "good behavior" requirement. For example, the Board's scheme would require that we submit our "plan of operations" for obtaining dogs to the Board for its approval (p. 21). If this is more than a paperwork requirement, what standards will the Board apply in approving our program? If they disapprove, and we are unwilling to modify our plan, will we be forced to discontinue our program? If that happens, will all the dogs we have placed be denied housing rights?

Also troubling under the Board's proposal is the treatment of assistance animals that are either already in use or that come from out-of-state. There is no "grandfather" provision in the Report for signal dogs that are now assisting the deaf. Will these dogs and their users lose their housing rights?

And what if there are deaf people who wish to move to California with signal dogs that they have trained themselves? Or a deaf person wishes to move here with a signal dog trained by a private trainer? Or the individual has a dog trained by an out-of-state school not deemed by the Board to be "substantially equivalent" to a California licensed school (p. 7)? The proposal

would deny these disabled people housing and public access rights for their working companions. This seems particularly unfair for people who have had these rights in other states which do not require school licensing.

And what of dogs that are trained in out-of-state schools that the Board does deem "substantially equivalent" to licensed California schools? The Report proposes to grant these dogs the same housing and public access rights that dogs from licensed schools would have (p. 7). What, then, becomes of the rationale for imposing burdensome regulation on California providers? We submit that a proposal which burdens rights for some with cumbersome, costly, and ineffective licensing, while giving the same rights to others who are totally unregulated, is nothing less than arbitrary and capricious.

#### IV. Licensing Scheme is Inconsistent with our Mission Statement and Could Lead to Shut Down of The San Francisco SPCA Hearing Dog Program.

As declared in our Mission Statement, The San Francisco SPCA seeks, among other things, "to promote a bond of mutual assistance between people and animals," and "to offer homeless pets refuge, medical care, nourishment, and life in loving homes." It is with these goals in mind that we pioneered the Hearing Dog Program. As noted in the Report (p. 13), we obtain suitable abandoned dogs from animal shelters. Our training gives these previously lost and unwanted animals a second chance at finding a caring home. Most, if not all, are of mixed-breed origins: our trainers select for temperament and ability, not pedigree.

The Board's proposal, however, would require that the dogs used be of a specific breed (p. 18). Although a few breed dogs with suitable temperaments and abilities may occasionally be found at the shelters, we could certainly not continue our program at the current levels with a breed requirement in place. We would be forced to either begin our own breeding program or purchase dogs from a breeder, and this would make it impossible for us to work within our Mission Statement.



In addition, we estimate that the annual cost of complying with the proposed licensing scheme would be in excess of \$30,000 for our program alone. (Indeed, based on our financial analysis and assumptions, we believe that these costs could well run to over \$70,000 per year, which represents approximately 20% of our total operating costs for the Hearing Dog Program. We have already spent over \$20,000 just responding to the Board's requests for information and comments on the licensing scheme. This figure represents the combined contributions of hundreds of individuals whose average donations to us range from \$10 to \$15 dollars.) If there is no state funding to cover the costs of additional government regulation, and if our contributors do not donate enough to underwrite the added expense, we would be forced to reallocate our resources by reducing the number of dogs trained, and thus be of far less assistance to the hearing impaired who want and need our dogs' help.

Another option would be to pass these costs onto our users. The Report, however, states that the "best solution" is that "[n]o fees should be charged by assistance dog providers." (p. 9.) We object to this effort to dictate how we are to underwrite the costs of our program, and we believe it is unfair for the State to impose a costly licensing scheme without providing the funding itself or, at least, allowing us to allocate these costs in a manner that best ensures that the greatest possible number of dogs go to those in need. Indeed, some foundations that have expressed an interest in donating to our program have told us they believe at least some of our current costs should be passed on to users who have the means to pay. If we cannot pass on costs to these people, we will, at a minimum, have to take away important benefits which we currently provide to all our users at no charge. For example, we now pay the costs of hotel rooms in San Francisco for people undergoing our week-long intensive training program. We also provide free lifetime medical care at The San Francisco SPCA hospital for all of our assistance dogs. If we had to absorb the costs of the licensing scheme without additional funding, the best that could be expected is that we would train fewer animals and no longer be able to provide these benefits. More likely is that we would have to abandon our program altogether.

V. Conclusion

In short, we object to the proposed licensing scheme because it serves neither the disabled nor the animals assisting them: it does nothing to ensure the rights guaranteed to them by law; it is likely to limit the number of assistance animals available and the types of service they can provide; and it may well drive us out of the business of providing signal dogs to the deaf.

We believe that the rights of the disabled to seek a productive and independent life--the kind of life which a partnership with their assistance dogs can help them achieve--should be facilitated and enhanced. In this regard, we applaud the Board's recommendations that housing rights be extended to social dogs and that a campaign of public education and awareness be instituted. We would also support a simple, inexpensive, and uniform identification system to be administered through an agency such as the Department of Motor Vehicles, which has local offices close to users. If properly implemented, we believe such a system could provide these people and their animals with a better means of securing their housing and public access rights.

NOV 26 1990

Mr. Dan McConquodale  
California State Senate  
PO Bx. 6464  
San Jose, Calif. 95150

Re: Senate bill 2229

Dear Dan

Barbara and I agree that there is a need to insure good training of good quality dogs for guide dog work. We agree that it could include certain signal and service dogs as defined in the report. We are not certain that the licensing of dog schools and dog trainers with the exclusion of privately owned dogs and independent trainers would accomplish the desired results. We are concerned that some of the bad effects of legislation imposing restrictions such as on height and breed might be unfair. We would not like the legislation to be expanded to include the service dogs we train.

Barbara and I are both members of (PAFTA) Palo Alto Foothills Tracking Association a dog sport organization, and members of (CARDA) California Rescue Dog Association, a volunteer dog, service organization. Specifically using dogs in search and rescue.

We train our privately own dogs individually. We do not train dogs for sale, and presently do not hire a professional trainer; Although, many of our individuals are of the professional calibre. We fear that the licensing of only certain schools and trainers would create a monopoly for established schools. It might even make it take longer and be more difficult for the disabled to obtain canine help. We would rather see that assistance dogs are readily available at a low cost, if any, to those that need them even if the dogs are privately owned, or trained by independent trainers, in or out of state.

We do not see a need to limit height of dogs used.

Restricting the dogs used to members of non aggressive breeds is subject to interpretation of which is an aggressive breed. Any dog, could be considered aggressive under certain conditions. Excessive aggression should be judged of the individual dog rather than a certain breed in general.

Sincerely!!

22 Nov. 90  
Winston Adcock

cc Mrs Jean Ripple

Winston + Barbara Adcock  
4444 Lazy Ln.  
San Jose, Ca. 95135