



**Colorado  
Legislative  
Council  
Staff**

**HB16-1201**

**FINAL  
FISCAL NOTE**

**FISCAL IMPACT:**  State  Local  Statutory Public Entity  Conditional  No Fiscal Impact

**Drafting Number:** LLS 16-0932  
**Prime Sponsor(s):** Rep. Willett

**Date:** June 13, 2016  
**Bill Status:** Postponed Indefinitely  
**Fiscal Analyst:** Clare Pramuk (303-866-2677)

**BILL TOPIC:** HEALTH PROFESSIONALS COMPANION ANIMALS

<b>Fiscal Impact Summary</b>	<b>FY 2016-2017</b>	<b>FY 2017-2018</b>
<b>State Revenue</b>		
<b>State Expenditures</b>	Minimal workload increase.	
<b>Appropriation Required:</b> None.		
<b>Future Year Impacts:</b> Ongoing minimal workload increase.		

**NOTE:** This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

**Summary of Legislation**

This bill requires certain medical professionals, when approached in person by a patient seeking a companion or emotional support animal as a reasonable accommodation in housing, to either make a determination as to whether the patient has a disability as defined by the federal Americans with Disabilities Act of 1990 (ADA), or to make a finding that there is not enough information available to make a determination regarding disability. The medical professionals covered by the bill include:

- physicians and physician assistants;
- anesthesiologists;
- nurses;
- psychologists;
- social workers and clinical social workers;
- marriage and family therapists; and
- licensed professional counselors and addiction counselors.

**Background**

The ADA defines a disability as a physical or mental impairment that substantially limits one or more major life activities. It includes a person who has a history or record of such an impairment, or is perceived by others as having such an impairment.

Housing providers are required under federal housing laws to provide an exception to a "no pets" policy if a person with a disability makes a request for a reasonable accommodation to live with an assistance animal, and has a disability-related need for the assistance animal. Federal regulations refers to an animal that provide assistance or emotional support to a person with a disability as an assistance animal to avoid confusion with the ADA definition of service animal. The fiscal note assumes that a companion or emotional support animal qualifies under the definition of assistance animal. A request for a reasonable accommodation can be denied if:

- allowing the animal imposes an undue financial and administrative burden on the housing provider;
- the specific animal poses a direct threat to the health or safety of others; or
- the specific animal would cause substantial physical damage to the property of others.

## State Expenditures

This bill will increase workload for the Department of Regulatory Agencies (DORA) by a minimal amount beginning in FY 2016-17. This bill affects DORA workload in two ways.

***Division of Professions and Occupations (DPO).*** The DPO regulates all of the medical professionals covered by the bill. The DPO will conduct education and outreach to make medical professionals aware of the requirements of the bill and respond to complaints from individuals who disagree with the findings of medical professionals. This is expected to be a minimal increase in workload that can be addressed within existing appropriations.

***Colorado Civil Rights Division (CCRD).*** The CCRD enforces the state's anti-discrimination laws in housing, so it may receive inquiries and complaints about the interpretation of the law. This is expected to be a minimal increase in workload that can be addressed within existing appropriations.

## Effective Date

The bill was postponed indefinitely by the House Health, Insurance, and Environment Committee on March 3, 2016.

## State and Local Government Contacts

Information Technology

Law

Regulatory Agencies