

# Senate Health and Human Services Committee

*Cameron Lapine 271-2104*

**HB 1327**, including diabetes in the conditions listed for eligibility for a service animal.

**Hearing Date:** March 16, 2022

**Time Opened:** 9:04 a.m.

**Time Closed:** 9:26 a.m.

**Members of the Committee Present:** Senators Bradley, Gray, Avard, Sherman and Whitley

**Members of the Committee Absent:** None

**Bill Analysis:** This bill includes diabetes in the conditions listed for eligibility for a service animal.

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**Sponsors:**

Rep. Schuett  
Rep. Graham  
Rep. Booras  
Sen. Carson

Rep. Moffett  
Rep. Goley  
Rep. Baldasaro

Rep. Sullivan  
Rep. Rogers  
Sen. Whitley

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**Who supports the bill:** Representative Dianne Schuett (Merrimack County District 20), Katelyn Gagnon, Stacey Patterson, Senator Sharon Carson (Senate District 14), Candace Bouchard, and Representative Efstathia Booras (Hillsborough County District 33).

**Who opposes the bill:** None.

**Who is neutral on the bill:** Chantal Cole.

**Summary of testimony presented in support:**

**Representative Dianne Schuett**

**Merrimack County District 20**

- Representative Schuett said that HB 1327 is a simple bill that adds diabetes to the list of specific reasons someone can have a service animal, which, under New Hampshire law, can only be dogs, trained to perform specific services or tasks.
- Rep. Schuett said that a constituent of hers had asked her to file HB 1327 because she was experiencing difficulties with her employer as someone who has a service dog for Type 1 diabetes.

- Rep. Schuett provided a Frequently Asked Questions page from the Governor's Council on Disability which explained the difference between a service animal and a comfort animal.
- Rep. Schuett said that the Governor's Council on Disability specifically mentions dogs that alert their handlers to drops in blood sugar, but those types of dogs are not included in the specific list of allowable service dogs in New Hampshire.
- Rep. Schuett spoke about a cruise line company that was founded with the pledge to donate proceeds to providing service dogs for young children with diabetes, after the founder's daughter died due to her diabetes.
- Rep. Schuett said that, despite concerns that if the General Court adds one more type of service animal to RSA 167-D:2 then the flood gates will open to others being added, RSA 167-D:2 specifically says "the crime deterrent effect of an animal's presence and the provision of emotional support, well-being, comfort, or companionship does not constitute work or tasks for the purposes of this chapter."
- Rep. Schuett said that some service dogs have been trained to detect different types of cancers.
- Rep. Schuett spoke about Senator Jeanne Shaheen's granddaughter, Elle, and her diabetes service dog, Coach, and the book *Elle & Coach* by Stefany Shaheen.
- Rep. Schuett said that there are 97,000 diagnosed cases of diabetes in New Hampshire. She said that using an alert dog will make dealing with the disease easier. She said that dogs are used in conjunction with a wired glucose monitor as, in many cases, the dog is faster and more reliable, and does not require an electronic signal to operate.
- Rep. Schuett said, anecdotally, that physicians recommend exercise to address and manage diabetes and dogs need to be walked, while glucose monitoring devices do not.
- Senator Avard asked, in states that allow diabetic service dogs, if they are required to have some kind of a medical card to prove they provide a service.
  - Rep. Schuett said that most dogs have some kind of vest or other identifier that indicates that they are service dogs.
- Senator Bradley said that HB 1327 passed the House Health, Human Services, and Elderly Affairs Committee 16-0 on the consent calendar and had no opposition in the House.

## **Katelyn Gagnon**

### **Pembroke**

- Ms. Gagnon, addressing Senator Avard's question to Representative Schuett, said that the Americans with Disabilities Act of 1990 (ADA) does not recognize any certifications for service animals, so there are no papers involved and vests are not required, although most do choose to use them. She said anything purchased online is a scam.
- Ms. Gagnon said that she does not require a diabetes alert dog but does have a service dog for a separate disability and knows how hard it is to attempt to function in society with a service dog.
- Ms. Gagnon said that her spouse has a diabetic service dog because she has a condition where she cannot feel when her blood glucose level is dropping.

- Ms. Gagnon said that the technology for monitoring blood glucose levels is imperfect and sometimes too slow or inaccurate. She said that her spouse's doctor recommended a service dog as an answer to that problem.
- Ms. Gagnon said that her spouse knows that her dog, Sawyer, will alert her if the technology fails or if she doesn't notice it in time.
- Ms. Gagnon said that diabetes is already covered in the ADA but HB 1327 adds another layer of protection.
- Ms. Gagnon said that many employers are not aware of the specifics of the ADA and have made it difficult for her wife to have Sawyer at work with her, despite disclosing him in her interview process. She said that, with her wife's current employer, they have attempted reasonable accommodation requests, which have been denied. She said that the employer first said that the customers might be afraid or allergic to the dog, which is not an ADA-approved reason to deny accommodation, and then said that having the dog on the service floor is disruptive and fundamentally burdensome to their business. Ms. Gagnon said that the employer is forcing her to work from home and hiding the disabled employee. She said that there is another employee who suffers from Type 1 diabetes but he is allowed to work in the store because he does not have a service dog.
- Ms. Gagnon said that the more protections there are the better. She said that he wife has often been told that because other people have Type 1 diabetes and do not need a dog she does not need a dog, which is illogical.
- Senator Avarad asked, if diabetes service dogs are added to the statute, if insurers would be obligated to pay for the purchase of the dog as a piece of medical equipment.
  - Ms. Gagnon said that the ADA does not require it so insurers will not do it. She said that she and her spouse have an affordable payment plan to cover their dogs. She said that insurers claim service dogs are not scientifically proven.
- Senator Avarad said that his dog lowers his blood pressure.
  - Ms. Gagnon agreed that that is a general benefit to dogs. She said that being involved in the process of selecting and training a service dog makes it more affordable, as does a monthly payment plan.

## **Stacy Patterson**

### **Pembroke**

- Ms. Patterson said that she was diagnosed with Type 1 diabetes at 37 years old. She said that she was initially diagnosed with Type 2 diabetes but went to a specialist in Boston who noted a genetic marker for Type 1 diabetes.
- Ms. Patterson said that her blood glucose drops rapidly and she used to be able to feel it but does not any longer. She said that blood glucose levels are supposed to be somewhere between 80 and 120; her blood glucose levels regularly spike at 220 and plummet to 50. She said that her glucose monitor broadcasts every five minutes, so, if her blood glucose levels drop within a span of 10 minutes, her glucose monitor cannot identify the drop that quickly. She said that Sawyer can smell the decline and alert her, including by jumping on her chest in the middle of the night.
- Ms. Patterson said that Sawyer has saved her life multiple times.

- Ms. Patterson said that she has run into struggles with employers generally and has had to disclose her entire medical history in asking for a reasonable accommodation. She compared her fights to nailing Jell-O to a tree.
- Ms. Patterson said there are many factors in her blood glucose levels, including her feelings, what she's eaten, the weather, her activity level, the amount of sleep she had, etc. She compared managing Type 1 diabetes to walking a tightrope.
- Ms. Patterson said that, while Type 1 diabetes is a mystery, adding a service dog is an added layer of protection. She said that the original intent of HB 1327 was to create a more smooth on-boarding process for service dogs, which she will continue to fight for. She said that she should be allowed the same rights to walk into workplaces as those without service dogs.
- Ms. Patterson said that Type 1 diabetes is unrelenting, but a service dog adds another tool to help prevent more negative outcomes.
- Senator Sherman asked, as a doctor, if Ms. Patterson found it easier to control her blood sugar levels with Sawyer. He asked what the medical impacts have been, since it is, in the long term, cheaper to keep people healthy rather than respond when they're sick.
  - Ms. Patterson said that most people can detect when their blood sugar drops into the 50s or 40s. She said that she can only feel her blood sugar when it drops into the 30s. She said that Sawyer is trained to alert when her blood glucose level is in the 100 to 80 range. Ms. Patterson described training Sawyer by sucking on cotton balls when her blood sugar was low and teaching him to seek out those balls with that scent on them. She said that Sawyer provides better glycemic control and prevents her from passing out.
- Senator Bradley said that the Committee had heard over 40 Senate bills in 2022 but Ms. Patterson had, without a doubt, offered the most compelling testimony the Committee had heard in the session.

**Summary of testimony presented in opposition:** None.

**Neutral Information Presented:** None.

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Date Hearing Report completed: March 18, 2022