

Kansas Administrative Regulations

Kansas Human Rights Commission

Article 70.—Nondiscrimination on the Basis of Disability by Public Accommodations

21-70-9. Direct threat.

(a) The act and these regulations shall not be interpreted to require a public accommodation to permit an individual to participate in or benefit from the goods, services, facilities and accommodations of that public accommodation when that individual poses a direct threat to the health and safety of others.

(b) "Direct threat" means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or services.

(c) In determining whether an individual poses a direct threat to the health or safety of others, a public accommodation shall make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain:

- (1) the nature, duration, and severity of the risk;
- (2) the probability that the potential injury will actually occur; and
- (3) whether reasonable modifications of policies, practices, or procedures will mitigate the risk.

(Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009; effective Dec. 19, 1994.)

***** Authenticated Kansas Administrative Regulation *****