



CHRIS KAPENGA

WISCONSIN STATE SENATOR

October 1, 2015

Testimony in Favor of Assembly Bill 169 – Assembly Committee on Judiciary

Thank you Chairman Ott and committee members for holding a hearing today on Assembly Bill 169. Senator Kapenga sends his apologies for being unable to attend today's hearing, but he had a matter to attend to in the district today.

This bill corrects an inconsistency in civil liability immunity for equine related activities. Specifically, the law is unclear whether or not Equine-Assisted Psychotherapy and Equine-Assisted Learning enjoy the same civil liability immunity as other equine activities. This bill eliminates that inconsistency and confusion by extending the same immunity to these two equine activities.

Most equine activities and facilities currently are immune from civil liability due to the inherent risk of these activities. However, under both current law and this bill, owners of these facilities are not exempt from immunity should they provide faulty equipment, fail to post warning signs of dangerous conditions, intentionally cause injury or death, or willfully disregard the safety of a rider. The law still ensures that bad actors do not get a free pass.

Equine-Assisted Psychotherapy incorporates horses for emotional growth and learning. It is a collaborative effort between a licensed therapist and an equine specialist working with clients and horses to address treatment goals. Equine-Assisted Learning is similar, but the focus is on learning or educational goals.

These treatments are relatively new and became prevalent after the current laws regarding equine civil liability immunity were written. Extending the same civil liability immunity to Equine-Assisted Psychotherapy and Equine-Assisted Learning will reaffirm the intention of the law by protecting all equine activities from frivolous lawsuits.

Thank you again Chairman Ott and Committee Members for taking the time to hold this public hearing. I ask for your support of this legislation, so we can ensure equine-assisted psychotherapy and learning facilities can continue to operate on a level playing field with other equine facilities.



Van H. Wanggaard

Wisconsin State Senator

October 1, 2015

Testimony in Favor of Assembly Bill 169

Thank you for the opportunity to testify in support of Assembly Bill 169. Assembly Bill 169 is a simple bill that adds equine-assisted learning and equine-assisted psychotherapy to the list of equine related activities that are exempted from civil liability. Equine-assisted psychotherapy is a process that includes a licensed therapist, an equine specialist, a rider, and a horse. In Wisconsin, there are at least 20 facilities that facilitate therapeutic riding. These programs are designed to treat anything from depression and PTSD to learning and behavioral disorders. Each session may include basic horse activities such as grooming, feeding, ground training, or riding. There are individuals here today that can elaborate on this process and speak about what this means to their facilities.

Because of the inherent risk and unpredictability of dealing with large animals such as horses, in 1995 the state legislature granted immunity from civil liability for various equine activities including horseback riding, boarding, training, and various other activities. Depending on how one reads of the statutes, therapeutic equine activities may already be exempt from civil liability. However, because therapeutic equine activities were not as widespread in 1995, it was not delineated in statute. This bill would simply extend this immunity to equine-assisted learning and psychotherapy activities.

It is important to note that this bill, and the current statute do not extend to individuals who provide faulty equipment, intentionally cause injury, or willfully disregards the safety of a rider.

I urge you to support this legislation, so equine-assisted psychotherapy and learning facilities can continue to operate without fear of litigation. Thank you, and I will be happy to answer any questions.

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