



Senate Fiscal Agency
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BILL



ANALYSIS

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House Bill 4052 (Substitute S-1 as reported)
Sponsor: Representative Penny Crissman
House Committee: Regulatory Affairs
Senate Committee: Local, Urban and State Affairs

Date Completed: 6-5-95

RATIONALE

Under the Michigan Penal Code, it is a misdemeanor for the owner or operator of a public or private accommodation or housing (such as a hotel, motel, apartment building, restaurant, store, theater, or educational institution) to deny access to a handicapper because he or she is accompanied by a guide, hearing, or service dog, as long as the dog is wearing a harness or a blaze orange leash and collar and the handicapper has a pictured identification certifying that the dog was trained by a qualified organization or trainer. The Department of Labor is required to maintain a list of organizations or trainers that train leader, hearing, and service dogs. While these provisions protect handicappers' access to public and private places, they do not address access by individuals who are training guide and service dogs. Apparently, some trainers have been denied access to public places, such as shopping malls, because the dogs being trained were not yet certified. Since dogs need to be trained in public places if they are to perform as service or guide dogs, it has been suggested that access by trainers also be statutorily protected.

CONTENT

The bill would amend the Michigan Penal Code to require owners and operators of public and private accommodations to allow access by trainers of guide or leader dogs who were being led or accompanied by an adult dog for the purpose of training the dog. ("Adult dog" would mean a domestic dog of the species *Canis Familiaris* that was 12 months of age or older.)

Under the bill, an owner, lessee, proprietor, manager, superintendent, agent, or employee of any public or private housing, accommodation, amusement, or recreation would be guilty of a

misdemeanor if he or she refused to permit a trainer of guide or leader dogs, hearing dogs, or service dogs to enter or use the place when it was available and the trainer was being led or accompanied by one of these dogs. The guide or leader dog would have to be wearing a harness, a hearing dog cape, or a service dog backpack, and the trainer would have to possess picture identification and identification stating that he or she was a representative or employee of an organization or trainer, or was a trainer, included on the Department of Labor's list of organizations or trainers that train guide or leader dogs, hearing dogs, or service dogs.

Under current provisions that require public and private accommodations to allow access by handicappers accompanied by a guide, hearing, or service dog, the dog must be wearing a harness or a blaze orange leash and collar. Under the bill, a dog would have to be wearing a harness, blaze orange leash and collar, hearing dog cape, or service dog backpack.

The bill would take effect January 1, 1996.

MCL 750.502c

SENATE COMMITTEE ACTION

The Senate Committee adopted a substitute (S-1) that added a definition of "adult dog" and an effective date.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

A well trained guide dog needs to be familiar with the types of environments in which it will be assisting a handicapped person. The bill would ensure that trainers accompanied by adult dogs had the same legal access to places that handicappers accompanied by their dogs currently enjoy. While a dog itself would not have to be certified as trained, a trainer would have to have identification showing that he or she was on the Department of Labor's list of organizations or trainers that train guide and service dogs.

Legislative Analyst: S. Margules

FISCAL IMPACT

The bill would have an indeterminate, although likely minimal, fiscal impact on local government and no fiscal impact on State government. The expanded provisions in the bill could result in increased misdemeanor violations for individuals refusing to admit trainers of leader dogs. While there are data on the number of estimated future violators, the number of increased misdemeanor convictions is not expected to be significant. A misdemeanor is punishable by up to 90 days in jail and a fine of up to \$100.

Fiscal Analyst: M. Hansen

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.