

ACCOMMODATIONS FOR ANIMAL RAISERS AND TRAINERS OF SERVICE ANIMALS

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<http://www.house.mi.gov/hfa>

House Bill 5486 as referred to second committee

Sponsor: Rep. Tommy Brann

1st Committee: Regulatory Reform

2nd Committee: Ways and Means

Complete to 12-12-20

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5486 would amend the Michigan Penal Code to apply provisions of law to a ***trainer*** or ***animal raiser*** of a service animal that now apply only to the use of a service animal by a person with a disability in a public accommodation.

Trainer would mean an individual employed by a service animal agency that is accredited by Assistance Dogs International or the International Guide Dog Federation.

Animal raiser would mean an individual who raises and socializes a young animal that may later be trained by a service animal agency accredited by Assistance Dogs International or the International Guide Dog Federation.

2015 PA 144 revised requirements in the Penal Code pertaining to conduct by a public accommodation regarding the use of a service animal in, and access to, the public accommodation by a person with a disability. However, the legislation deleted language that had extended the previous requirements to those who were training the service animals.

The bill would specifically require a public accommodation to modify its policies, practices, and procedures to allow the use of a service animal by a trainer or animal raiser who was accompanied by the service animal to train or socialize it. All current provisions regarding conduct by a public accommodation or responsibilities of a person with a disability would be revised to also apply to a trainer or animal raiser accompanied by a service animal. This would include provisions that do the following:

- Allow staff of a public accommodation to ask what work or task the service animal has been trained, is being trained, or is being socialized to perform.
- Prohibit a public accommodation from isolating a handler when with accompanied by the service animal or treating the handler less favorably than other patrons or charging a fee or surcharge not charged to others.
- Prohibit a public accommodation from requiring payment of a surcharge even if other pet owners are required to pay it.
- Require a public accommodation to allow the service animal to accompany the handler in all areas where members of the public, customers, and so on can go.
- Prohibit a public accommodation from asking the service animal to be removed from the premises due to allergies or fear.
- Require the service animal to be under the control of the handler and, with some exceptions, to have a harness, leash, or other tether.

- Allow a public accommodation to ask for the service animal to be removed if it is out of control and the handler does not take effective action to control it.
- Require a public accommodation that properly excludes a service animal to give the handler the opportunity to obtain goods, services, or accommodations without having the service animal on the premises.
- Allow handlers to be charged for damages caused by the service animal.

The bill would allow a public accommodation to request documentation from an animal raiser showing that the animal is being socialized to later perform tasks or work as a service animal.

MCL 750.502c

BRIEF DISCUSSION:

Service dogs provide a wide range of assistance to people with disabilities, and their owners rely on that assistance to maintain mobility and a higher quality of life. However, the dogs must be trained, which entails basic training and socialization by animal raisers before the custom training begins. In order to do the training, animal raisers and animal trainers must take the dogs into the types of businesses that an owner would frequent. A service dog must be trained not to react to dishes being dropped in a restaurant, its tail being stepped on in a busy store, or being poked or stared at by passersby or other patrons. However, language giving trainers that access in places of public accommodations was inadvertently removed when that section of the law was amended several years ago. This has resulted in confusion on the part of shop and restaurant owners as to which dogs have lawful standing to be admitted and which dogs must be denied access under health laws. Unfortunately, not only have dogs in training been turned away, but some dogs in service, such as those assisting military veterans suffering from post-traumatic stress, have also been refused access.

The bill would address the problem by providing that not only do all service dogs (not just guide dogs assisting sight-impaired individuals) have a lawful right to access all public accommodations, but also those in both early and custom training sessions. If an animal raiser or trainer did not have an animal under control, the proprietor could refuse access and ask them to leave. The bill should enable animal raisers and trainers to provide the type of training necessary to fill the growing need for service animals.

FISCAL IMPACT:

House Bill 5486 would have an indeterminate fiscal impact on the state and on local units of government. Under the bill, public accommodations would be required to modify their policies to allow service for the trainers and animal raisers of service animals. An increase in misdemeanor convictions could result due to public accommodations not complying with the new requirements. There is no way to know the number of convictions that would result under provisions of the bill. New misdemeanor convictions would increase costs related to county jails and/or local misdemeanor probation supervision. Costs of local incarceration in county jails and local misdemeanor probation supervision, and how those costs are financed, vary by jurisdiction. The fiscal impact on local court systems would depend on how provisions of the bill affected caseloads and related administrative costs. Any increase in penal fine revenue

would increase funding for public and county law libraries, which are the constitutionally designated recipients of those revenues.

POSITIONS:

A representative with Paws with a Cause testified in support of the bill. (9-16-20)

Attorneys for Animals indicated support for the bill. (12-1-20)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.