

HOUSE BILL NO. 5486

February 11, 2020, Introduced by Reps. Brann, LaGrand, Hertel, Shannon, Warren, Sowerby, Yaroach and Gay-Dagnogo and referred to the Committee on Regulatory Reform.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 502c (MCL 750.502c), as amended by 2015 PA 144.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 502c. (1) Except as ~~otherwise~~ provided in subsection ~~(2)~~,
2 **(3)**, a public accommodation shall modify its policies, practices,
3 and procedures to permit the use of a service animal by a person
4 with a disability. If the service animal is a miniature horse, a
5 public accommodation may use the following assessment factors to
6 determine whether the miniature horse can be accommodated in its



1 facility:

2 (a) The type, size, and weight of the miniature horse and
3 whether the facility can accommodate these features.

4 (b) Whether the handler has sufficient control of the
5 miniature horse.

6 (c) Whether the miniature horse is housebroken.

7 (d) Whether the miniature horse's presence in a specific
8 facility compromises legitimate safety requirements that are
9 necessary for safe operation.

10 (2) Except as provided in subsection (3), a public
11 accommodation shall modify its policies, practices, and procedures
12 to permit the use of a service animal by a trainer or animal
13 raiser, if the trainer or animal raiser is being accompanied by the
14 service animal for the purpose of training or socializing the
15 service animal.

16 (3) ~~(2)~~—A public accommodation shall not ask a person with a
17 disability, **trainer, or animal raiser** to remove a service animal
18 from the premises ~~due to~~ **because of** allergies or fear of the
19 animal. A public accommodation may only ask a person with a
20 disability, **trainer, or animal raiser** to remove his or her service
21 animal from the premises if either of the following applies:

22 (a) The service animal is out of control and its handler,
23 **trainer, or animal raiser** does not take effective action to control
24 it.

25 (b) The service animal is not housebroken.

26 (4) ~~(3)~~—If a public accommodation properly excludes a service
27 animal under subsection ~~(2)~~, **(3)**, it shall give the person with a
28 disability, **trainer, or animal raiser** the opportunity to obtain
29 goods, services, or accommodations without having the service



1 animal on the premises.

2 (5) ~~(4)~~ A service animal ~~shall~~**must** be under the control of
3 its handler, **trainer, or animal raiser**, and ~~shall~~**must** have a
4 harness, leash, or other tether. ~~, unless~~**If** the handler is unable
5 because of a disability to use a harness, leash, or other tether or
6 the use of a harness, leash, or other tether would interfere with
7 the service animal's safe and effective performance of work or
8 tasks, in which case the service animal ~~shall~~**must** be otherwise
9 under the handler's control. As used in this subsection, "otherwise
10 under the handler's control" includes, but is not limited to, voice
11 control or signals.

12 (6) ~~(5)~~ A public accommodation is not responsible for the care
13 or supervision of a service animal.

14 (7) ~~(6)~~ If it is not obvious what service a service animal
15 provides, staff of a public accommodation shall not ask about a
16 person with a disability's disability, require medical
17 documentation, require a special identification card or, **except as**
18 **provided in subsection (9)**, training documentation for the service
19 animal, or ask that the service animal demonstrate its ability to
20 perform work or a task. Subject to subsection ~~(7)~~, **(8)**, staff may
21 make the following 2 inquiries to determine whether an animal
22 qualifies as a service animal:

23 (a) Whether the service animal is required because of a
24 disability.

25 (b) What work or task the service animal has been trained, **is**
26 **being trained, or is being socialized** to perform.

27 (8) ~~(7)~~ **Except as provided in subsection (9)**, a public
28 accommodation shall not do either of the following:

29 (a) Require documentation when making an inquiry under



1 subsection ~~(6)~~-(7) .

2 (b) Make an inquiry under subsection ~~(6)~~-(7) if it is readily
3 apparent that the service animal is trained, **is being trained, or**
4 **is being socialized** to ~~do~~ work or perform tasks for ~~an individual a~~
5 **person** with a disability.

6 (9) **If a person is an animal raiser, a public accommodation**
7 **may request documentation that shows that the animal is being**
8 **socialized to later perform tasks or work as a service animal.**

9 (10) ~~(8)~~-A **public accommodation shall permit a** person with a
10 disability, ~~shall be permitted~~ **trainer, or animal raiser** to be
11 accompanied by his or her service animal in all areas of a place of
12 public accommodation where members of the public, program
13 participants, clients, customers, patrons, or invitees are
14 permitted to go, including public areas of establishments that sell
15 or prepare food, even if state or local health codes prohibit
16 animals on the premises. A public accommodation may exclude a
17 service animal from a facility if the service animal's presence
18 interferes with legitimate safety requirements of the facility such
19 as a surgery or burn unit in a hospital in which a sterile field is
20 required.

21 (11) ~~(9)~~-A public accommodation shall not isolate a person
22 with a disability, **trainer, or animal raiser** accompanied by his or
23 her service animal, treat a person with a disability, **trainer, or**
24 **animal raiser** accompanied by his or her service animal less
25 favorably than other patrons, or charge a fee to a person with a
26 disability, **trainer, or animal raiser** accompanied by his or her
27 service animal that is not charged to other patrons ~~without that~~
28 **are not accompanied by** service animals. A public accommodation
29 shall not ask or require a person with a disability, **trainer, or**



animal raiser to pay a surcharge, regardless of whether people accompanied by pets are required to pay a surcharge, or to comply with other requirements that are not applicable to people ~~without~~ **that are not accompanied by** pets. If a public accommodation normally charges people for damage caused, the public accommodation may charge a person with a disability, **trainer, or animal raiser** for damage caused by his or her service animal.

(12) ~~(10)~~ A public accommodation that violates subsections ~~(1), (3), or (6) to (9)~~ **(2), (4), (7), (8), (10), or (11)** is guilty of a misdemeanor.

(13) ~~(11)~~ As used in this section:

(a) "Animal raiser" means 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.

(b) ~~(a)~~ "Facility" means that term as defined in 28 CFR 36.104.

(c) ~~(b)~~ "Person with a disability" means ~~a person an~~ **individual** who has a disability as **that term is** defined in section ~~12102-3~~ of the Americans with disabilities act of 1990, 42 USC ~~12102, and 28 CFR 36.104.~~ **36.105.**

(d) ~~(c)~~ As used in subdivision ~~(b)~~, **(c)**, "person with a disability" includes a veteran who has been diagnosed with 1 or more of the following:

(i) Post-traumatic stress disorder.

(ii) Traumatic brain injury.

(iii) Other service-related disabilities.

(e) ~~(d)~~ "Place of public accommodation" means that term as defined in 28 CFR 36.104.



(f) ~~(e)~~ "Public accommodation" means that term as defined in section ~~12181-301~~ 301 of the Americans with disabilities act of 1990, 42 USC 12181, and 28 CFR 36.104.

(g) ~~(f)~~ "Service animal" means all of the following:

(i) That term as defined in 28 CFR 36.104.

(ii) A miniature horse that has been individually trained to do work or perform tasks as described in 28 CFR 36.104 for the benefit of a person with a disability.

(h) "Trainer" means an individual who is employed by a service animal agency that is accredited by Assistance Dogs International or the International Guide Dog Federation.

(i) ~~(g)~~ "Veteran" means any of the following:

(i) ~~A person~~ **An individual** who performed military service in the armed forces for a period of more than 90 days and separated from the armed forces in a manner other than a dishonorable discharge.

(ii) ~~A person~~ **An individual** discharged or released from military service because of a service-related disability.

(iii) A member of a reserve branch of the armed forces at the time he or she was ordered to military service during a period of war, or in a campaign or expedition for which a campaign badge is authorized, and was released from military service in a manner other than a dishonorable discharge.

