

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4256

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 **subsections** (2) ~~—and~~ (3), a public accommodation shall modify its
3 policies, practices, and procedures to permit the use of a service
4 animal by a person with a disability. If the service animal is a
5 miniature horse, a public accommodation may use the following
6 assessment factors to determine whether the miniature horse can be
7 accommodated in its facility:

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

1 (b) Whether the handler has sufficient control of the
2 miniature horse.

3 (c) Whether the miniature horse is housebroken.

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

7 (2) A public accommodation shall not ask a person with a
8 disability to remove a service animal from the premises ~~due to~~
9 **because of** allergies or fear of the animal. A public accommodation
10 may ~~only~~ ask a person with a disability to remove his or her
11 service animal from the premises **only** if either of the following
12 applies:

13 (a) The service animal is out of control and its handler does
14 not take effective action to control ~~it~~. **the service animal.**

15 (b) The service animal is not housebroken.

16 (3) **Except as otherwise provided in subsection (2) and this**
17 **subsection, a public accommodation shall modify its policies,**
18 **practices, and procedures to permit the use of a service animal in**
19 **training by an animal raiser or trainer, if the animal raiser or**
20 **trainer is being accompanied by the service animal in training for**
21 **the purpose of training or socializing the animal. A public**
22 **accommodation shall not ask an animal raiser or trainer to remove a**
23 **service animal in training from the premises because of allergies**
24 **or fear of the animal. A public accommodation may ask an animal**
25 **raiser or trainer to remove his or her service animal in training**
26 **only if either of the following applies:**

27 (a) The service animal in training is out of control and the
28 animal raiser or trainer does not take effective action to control
29 the animal.

1 **(b) The service animal in training is not housebroken.**

2 **(4) ~~(3)~~** If a public accommodation properly excludes a service
 3 animal under subsection (2) ~~, it or a service animal in training~~
 4 **under subsection (3), the public accommodation** shall give the
 5 person with a disability **or the animal raiser or trainer** the
 6 opportunity to obtain goods, services, or accommodations without
 7 having the ~~service~~ animal on the premises.

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

19 **(6) A service animal in training must be under the control of**
 20 **the animal raiser or trainer and must have a harness, leash, or**
 21 **other tether. If the use of a harness, leash, or other tether would**
 22 **interfere with the animal's safe and effective performance of work,**
 23 **tasks, training, or socialization, the service animal in training**
 24 **must be otherwise under the control of the animal raiser or**
 25 **trainer.**

26 **(7) ~~(5)~~** A public accommodation is not responsible for the care
 27 or supervision of a service animal **or service animal in training**.

28 **(8) ~~(6)~~** If it is not obvious what service a service animal
 29 provides, staff of a public accommodation shall not ask about a

1 person with a disability's disability, require medical
2 documentation, require a special identification card or training
3 documentation for the service animal, or ask that the service
4 animal demonstrate its ability to perform work or a task. Subject
5 to subsection ~~(7)~~, **(9)**, staff may make the following 2 inquiries to
6 determine whether an animal qualifies as a service animal:

7 (a) Whether the service animal is required because of a
8 disability.

9 (b) What work or task the service animal has been trained to
10 perform.

11 **(9)** ~~(7)~~ A public accommodation shall not do either of the
12 following:

13 (a) Require documentation when making an inquiry under
14 subsection ~~(6)~~. **(8)**.

15 (b) Make an inquiry under subsection ~~(6)~~. **(8)** if it is readily
16 apparent that the service animal is trained to ~~do~~ work or perform
17 tasks for ~~an individual~~ **a person** with a disability.

18 **(10)** ~~(8)~~ **A public accommodation shall permit a** person with a
19 disability ~~shall be permitted to be accompanied by his or her~~
20 service animal **and shall permit an animal raiser or trainer to be**
21 **accompanied by his or her service animal in training** in all areas
22 of a place of public accommodation where members of the public,
23 program participants, clients, customers, patrons, or invitees are
24 permitted to go, including public areas of establishments that sell
25 or prepare food, even if state or local health codes prohibit
26 animals on the premises. A public accommodation may exclude a
27 service animal **or a service animal in training** from a facility if
28 the ~~service~~ animal's presence interferes with legitimate safety
29 requirements of the facility such as a surgery or burn unit in a

1 hospital in which a sterile field is required.

2 (11) ~~(9)~~ A public accommodation shall not ~~isolate~~ **do any of**
3 **the following:**

4 (a) **Isolate** a person with a disability accompanied by his or
5 her service animal. ~~7-treat~~

6 (b) **Isolate an animal raiser or trainer accompanied by his or**
7 **her service animal in training.**

8 (c) **Treat** a person with a disability accompanied by his or her
9 service animal less favorably than other patrons. ~~7-or charge~~

10 (d) **Treat an animal raiser or trainer accompanied by his or**
11 **her service animal in training less favorably than other patrons.**

12 (e) **Charge** a fee to a person with a disability accompanied by
13 his or her service animal that is not charged to other patrons
14 ~~without that are not accompanied by~~ service animals. ~~A public~~
15 ~~accommodation shall not ask~~

16 (f) **Charge a fee to an animal raiser or trainer accompanied by**
17 **his or her service animal in training that is not charged to other**
18 **patrons that are not accompanied by service animals in training.**

19 (g) **Ask** or require a person with a disability **or animal raiser**
20 **or trainer** to pay a surcharge, regardless of whether ~~people~~
21 **individuals** accompanied by pets are required to pay a surcharge, or
22 to comply with other requirements that are not applicable to ~~people~~
23 ~~without individuals that are not accompanied by~~ pets.

24 (12) **An animal raiser or trainer is liable for damage to a**
25 **public accommodation or injury to an individual caused by his or**
26 **her service animal in training.** If a public accommodation normally
27 charges people for damage caused, the public accommodation may
28 charge a person with a disability for damage caused by his or her
29 service animal.

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

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

(a) "Animal raiser or trainer" means an individual who raises
 and socializes a service animal in training with the intent that
 the animal will become a service animal.

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

(c) "Otherwise under the control of" includes, but is not
 limited to, voice control or signals.

(d) ~~(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**.

~~(c) As used in subdivision (b), "person~~ **Person** with a
~~disability"~~ **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~~ 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

1 work or perform tasks as described in 28 CFR 36.104 for the benefit
2 of a person with a disability.

3 (h) **"Service animal in training" means an animal accompanied**
4 **by an animal raiser or trainer with the intent that animal is being**
5 **raised, socialized, and trained to become a service animal.**

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

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

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

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