

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4527

A bill to amend 1981 PA 82, entitled

"An act to prohibit the use of certain collars or harnesses and leashes on dogs in public places, except by deaf, audibly impaired, or otherwise physically limited persons; and to prescribe penalties,"

by amending the title and sections 1, 2, and 3 (MCL 752.61, 752.62, and 752.63), the title and sections 1 and 2 as amended by 1984 PA 111, and by adding section 4.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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TITLE

An act to prohibit ~~the use of certain collars or harnesses and leashes on dogs~~ **A PERSON FROM REPRESENTING THAT HE OR SHE IS IN POSSESSION OF A SERVICE ANIMAL** in public places, ~~except by deaf, audibly impaired, or otherwise physically limited persons;~~ **UNLESS THAT PERSON IS A PERSON WITH A DISABILITY;** and to prescribe

1 penalties.

2 Sec. 1. As used in this act:

3 ~~—— (a) "Audibly impaired" means the inability to hear air~~
4 ~~conduction thresholds at an average of 40 decibels or greater in~~
5 ~~the better ear.~~

6 ~~—— (b) "Deaf person" means a person whose hearing is totally~~
7 ~~impaired or whose hearing, with or without amplification, is so~~
8 ~~seriously impaired that the primary means of receiving spoken~~
9 ~~language is through other sensory input, including but not limited~~
10 ~~to, lip reading, sign language, finger spelling, or reading.~~

11 ~~—— (c) "Physically limited" means physically limited as defined~~
12 ~~in section 1 of Act No. 1 of the Public Acts of 1966, being section~~
13 ~~125.1351 of the Michigan Compiled Laws.~~

14 (A) "PERSON WITH A DISABILITY" MEANS A PERSON WHO HAS A
15 DISABILITY AS DEFINED IN SECTION 12102 OF THE AMERICANS WITH
16 DISABILITIES ACT OF 1990, 42 USC 12102 AND 28 CFR 36.104.

17 (B) AS USED IN SUBDIVISION (A), "PERSON WITH A DISABILITY"
18 INCLUDES A VETERAN WHO HAS BEEN DIAGNOSED WITH 1 OR MORE OF THE
19 FOLLOWING:

20 (i) POST-TRAUMATIC STRESS DISORDER.

21 (ii) TRAUMATIC BRAIN INJURY.

22 (iii) OTHER SERVICE-RELATED DISABILITIES.

23 (C) "SERVICE ANIMAL" MEANS ALL OF THE FOLLOWING:

24 (i) THAT TERM AS DEFINED IN 28 CFR 36.104.

25 (ii) A MINIATURE HORSE THAT HAS BEEN INDIVIDUALLY TRAINED TO
26 DO WORK OR PERFORM TASKS AS DESCRIBED IN 28 CFR 36.104 FOR THE
27 BENEFIT OF A PERSON WITH A DISABILITY.

1 (D) "VETERAN" MEANS ANY OF THE FOLLOWING:

2 (i) A PERSON WHO PERFORMED MILITARY SERVICE IN THE ARMED
3 FORCES FOR A PERIOD OF MORE THAN 90 DAYS AND SEPARATED FROM THE
4 ARMED FORCES IN A MANNER OTHER THAN A DISHONORABLE DISCHARGE.

5 (ii) A PERSON DISCHARGED OR RELEASED FROM MILITARY SERVICE
6 BECAUSE OF A SERVICE-RELATED DISABILITY.

7 (iii) A MEMBER OF A RESERVE BRANCH OF THE ARMED FORCES AT THE
8 TIME HE OR SHE WAS ORDERED TO MILITARY SERVICE DURING A PERIOD OF
9 WAR, OR IN A CAMPAIGN OR EXPEDITION FOR WHICH A CAMPAIGN BADGE IS
10 AUTHORIZED, AND WAS RELEASED FROM MILITARY SERVICE IN A MANNER
11 OTHER THAN A DISHONORABLE DISCHARGE.

12 Sec. 2. A person ~~, except a person who is deaf, audibly~~
13 ~~impaired, or otherwise physically limited shall not use or be~~
14 **FALSELY REPRESENT THAT HE OR SHE IS** in possession of a ~~dog that is~~
15 ~~wearing a blaze orange leash and collar or harness~~ **SERVICE ANIMAL,**
16 **OR A SERVICE ANIMAL IN TRAINING,** in any public place.

17 Sec. 3. A person who knowingly violates this act is guilty of
18 a misdemeanor ~~, punishable by a~~ **1 OR MORE OF THE FOLLOWING:**

19 (A) IMPRISONMENT FOR NOT MORE THAN 90 DAYS.

20 (B) A fine of not more than ~~\$10.00-~~ \$500.00.

21 (C) COMMUNITY SERVICE FOR NOT MORE THAN 30 DAYS.

22 **SEC. 4. THE DEPARTMENT OF CIVIL RIGHTS SHALL USE ITS EXISTING**
23 **TELEPHONE COMPLAINT HOTLINE TO RECEIVE REPORTS OF A PERSON FALSELY**
24 **REPRESENTING THAT HE OR SHE IS IN POSSESSION OF A SERVICE ANIMAL OR**
25 **A SERVICE ANIMAL IN TRAINING. THE DEPARTMENT MAY REFER AN ALLEGED**
26 **VIOLATION OF THIS ACT TO THE APPROPRIATE LAW ENFORCEMENT AGENCY FOR**
27 **INVESTIGATION.**

1 Enacting section 1. This amendatory act takes effect 90 days
2 after the date it is enacted into law.

3 Enacting section 2. This amendatory act does not take effect
4 unless all of the following bills of the 98th Legislature are
5 enacted into law:

6 (a) Senate Bill No. 298.

7 (b) Senate Bill No. 299.

8 (c) House Bill No. 4521.