

**SUBSTITUTE FOR
HOUSE BILL NO. 4313**

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 502c (MCL 750.502c), as amended by 1998 PA 38.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 502c. (1) A person who is an owner, lessee, proprietor,
2 manager, superintendent, agent, or employee of any place of public
3 or private housing, accommodation, amusement, or recreation,
4 including but not limited to any inn, hotel, motel, apartment
5 building, trailer park, restaurant, barbershop, billiard parlor,
6 store, public conveyance on **AIR**, land, or water, theater, motion
7 picture house, public or private educational institution, or
8 elevator, who refuses to permit ~~a person~~ **AN INDIVIDUAL** with
9 ~~disabilities~~ **A DISABILITY** to enter or use the place when the place

1 is available because the ~~person~~ **INDIVIDUAL** with disabilities ~~A~~
2 **DISABILITY** is being led or accompanied by a ~~guide or leader dog,~~
3 ~~hearing dog, or service dog~~ **ANIMAL** is guilty of a misdemeanor if
4 ~~the guide or leader dog is wearing a harness or if the hearing dog~~
5 ~~or service dog is wearing a blaze orange leash and collar, hearing~~
6 ~~dog cape, or service dog backpack, and the person with disabilities~~
7 ~~being led or accompanied has in his or her possession a pictured~~
8 ~~identification card certifying that the dog was trained by a~~
9 ~~qualified organization or trainer. The department of labor shall~~
10 ~~maintain a list of organizations or trainers that train guide or~~
11 ~~leader dogs, hearing dogs, and service dogs.~~ **PUNISHABLE BY**
12 **IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN**
13 **\$500.00, OR BOTH. IN ADDITION TO OR IN LIEU OF THE PENALTY PROVIDED**
14 **IN THIS SUBSECTION, THE COURT MAY ORDER, AS A CONDITION OF**
15 **PROBATION, THAT THE PERSON WHO VIOLATED THIS SUBSECTION PERFORM NOT**
16 **MORE THAN 30 HOURS OF COMMUNITY SERVICE.**

17 (2) A person who is an owner, lessee, proprietor, manager,
18 superintendent, agent, or employee of any place of public or
19 private housing, accommodation, amusement, or recreation,
20 including, but not limited to, the places listed in subsection (1),
21 who refuses to permit a trainer of ~~guide or leader dogs, hearing~~
22 ~~dogs, or service dogs~~ **ANIMALS** to enter or use the place when the
23 place is available because the trainer is being led or accompanied
24 by a ~~guide or leader dog, hearing dog, or service dog~~ **ANIMAL** is
25 guilty of a misdemeanor if ~~the guide or leader dog is wearing a~~
26 ~~harness or if the hearing dog or service dog is wearing a hearing~~
27 ~~dog cape or service dog backpack,~~ **PUNISHABLE BY IMPRISONMENT FOR**

1 NOT MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR BOTH,
2 if the trainer is being led or accompanied by ~~an adult dog~~ A
3 **SERVICE ANIMAL** for the purpose of training the ~~dog~~, and if the
4 trainer has in his or her possession ~~picture identification and~~
5 ~~identification stating that he or she is a representative or~~
6 ~~employee of an organization or trainer, or is a trainer, included~~
7 ~~on the department of labor list of organizations or trainers that~~
8 ~~train guide or leader dogs, hearing dogs, or service dogs.~~ **SERVICE**
9 **ANIMAL. IN ADDITION TO OR IN LIEU OF THE PENALTY PROVIDED IN THIS**
10 **SUBSECTION, THE COURT MAY ORDER, AS A CONDITION OF PROBATION, THAT**
11 **THE PERSON WHO VIOLATED THIS SUBSECTION PERFORM NOT MORE THAN 30**
12 **HOURS OF COMMUNITY SERVICE.**

13 (3) As used in this section:

14 ~~—— (a) "Adult dog" means a domestic dog of the species canis~~
15 ~~familiaris that is 12 months of age or older.~~

16 ~~—— (b) "Audibly impaired" means audibly impaired as defined in~~
17 ~~section 1 of 1981 PA 82, MCL 752.61.~~

18 ~~—— (c) "Blind person" means a blind person as defined in section~~
19 ~~1 of 1978 PA 260, MCL 393.351.~~

20 ~~—— (d) "Deaf person" means a deaf person as defined in section 1~~
21 ~~of 1981 PA 82, MCL 752.61.~~

22 ~~—— (e) "Person with disabilities" means a person who is audibly~~
23 ~~impaired, blind, deaf, or otherwise physically limited.~~

24 ~~—— (f) "Physically limited" means physically limited as defined~~
25 ~~in section 1 of 1966 PA 1, MCL 125.1351.~~

26 **(A) "INDIVIDUAL WITH A DISABILITY" MEANS A PERSON WHO HAS A**
27 **PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS 1 OR MORE**

1 MAJOR LIFE ACTIVITIES OF THE INDIVIDUAL. INDIVIDUAL WITH A
2 DISABILITY INCLUDES A VETERAN WHO HAS BEEN DIAGNOSED WITH 1 OR MORE
3 OF THE FOLLOWING:

4 (i) POST-TRAUMATIC STRESS DISORDER.

5 (ii) TRAUMATIC BRAIN INJURY.

6 (iii) OTHER SERVICE-RELATED DISABILITIES.

7 (B) "MAJOR LIFE ACTIVITY" INCLUDES, BUT IS NOT LIMITED TO,
8 CARING FOR ONE'S SELF, PERFORMING MANUAL TASKS, SEEING, HEARING,
9 EATING, SLEEPING, WALKING, STANDING, LIFTING, BENDING, SPEAKING,
10 BREATHING, LEARNING, READING, CONCENTRATING, THINKING,
11 COMMUNICATING, AND WORKING.

12 (C) "PHYSICAL OR MENTAL IMPAIRMENT" MEANS EITHER OF THE
13 FOLLOWING:

14 (i) A PHYSIOLOGICAL DISORDER OR CONDITION, DISFIGUREMENT, OR
15 ANATOMICAL LOSS THAT AFFECTS ONE OR MORE BODILY FUNCTIONS.

16 (ii) A MENTAL OR PSYCHOLOGICAL DISORDER THAT MEETS 1 OF THE
17 DIAGNOSTIC CATEGORIES SPECIFIED IN THE MOST RECENT EDITION OF THE
18 DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS PUBLISHED BY
19 THE AMERICAN PSYCHIATRIC ASSOCIATION, SUCH AS AN INTELLECTUAL OR
20 DEVELOPMENTAL DISABILITY, ORGANIC BRAIN SYNDROME, TRAUMATIC BRAIN
21 INJURY, POSTTRAUMATIC STRESS DISORDER, OR EMOTIONAL OR MENTAL
22 ILLNESS.

23 (D) "SERVICE ANIMAL" MEANS AN ANIMAL THAT IS TRAINED TO DO
24 WORK OR PERFORM TASKS FOR AN INDIVIDUAL WITH A DISABILITY,
25 INCLUDING A PHYSICAL, SENSORY, PSYCHIATRIC, INTELLECTUAL, OR OTHER
26 MENTAL DISABILITY. THE WORK DONE OR TASKS PERFORMED MUST BE
27 DIRECTLY RELATED TO THE INDIVIDUAL'S DISABILITY AND MAY INCLUDE,

1 BUT ARE NOT LIMITED TO, GUIDING AN INDIVIDUAL WHO IS VISUALLY
2 IMPAIRED OR BLIND, ALERTING AN INDIVIDUAL WHO IS DEAF OR HARD OF
3 HEARING, PULLING A WHEELCHAIR, ASSISTING WITH MOBILITY OR BALANCE,
4 ALERTING AND PROTECTING AN INDIVIDUAL WHO IS HAVING A SEIZURE,
5 RETRIEVING OBJECTS, ALERTING AN INDIVIDUAL TO THE PRESENCE OF
6 ALLERGENS, PROVIDING PHYSICAL SUPPORT AND ASSISTANCE WITH BALANCE
7 AND STABILITY TO AN INDIVIDUAL WITH A MOBILITY DISABILITY, HELPING
8 AN INDIVIDUAL WITH A PSYCHIATRIC OR NEUROLOGICAL DISABILITY BY
9 PREVENTING OR INTERRUPTING IMPULSIVE OR DESTRUCTIVE BEHAVIORS,
10 REMINDING AN INDIVIDUAL WITH MENTAL ILLNESS TO TAKE PRESCRIBED
11 MEDICATIONS, CALMING AN INDIVIDUAL WITH POSTTRAUMATIC STRESS
12 DISORDER DURING AN ANXIETY ATTACK, OR DOING OTHER SPECIFIC WORK OR
13 PERFORMING OTHER SPECIAL TASKS. A SERVICE ANIMAL IS NOT A PET. FOR
14 PURPOSES OF THIS SECTION, SERVICE ANIMAL IS LIMITED TO A DOG OR
15 MINIATURE HORSE, EXCEPT THAT THE TERM, AS APPLIED TO AN AIR CARRIER
16 COVERED BY THE AIR CARRIER ACCESS ACT OF 1986, 49 USC 41705, SHALL
17 BE AS PROVIDED IN THAT ACT AND BY REGULATIONS ADOPTED BY THE UNITED
18 STATES DEPARTMENT OF TRANSPORTATION IN IMPLEMENTING THAT ACT. THE
19 CRIME-DETERRENT EFFECT OF AN ANIMAL'S PRESENCE AND THE PROVISION OF
20 EMOTIONAL SUPPORT, WELL-BEING, COMFORT, OR COMPANIONSHIP DO NOT
21 CONSTITUTE WORK OR TASKS FOR PURPOSES OF THIS DEFINITION.

22 (E) "VETERAN" MEANS ANY OF THE FOLLOWING:

23 (i) A PERSON WHO SERVED ON ACTIVE DUTY IN THE ARMED FORCES FOR
24 A PERIOD OF MORE THAN 180 DAYS AND SEPARATED FROM THE ARMED FORCES
25 IN A MANNER OTHER THAN A DISHONORABLE DISCHARGE.

26 (ii) A PERSON DISCHARGED OR RELEASED FROM ACTIVE DUTY BECAUSE
27 OF A SERVICE-RELATED DISABILITY.

1 (iii) A MEMBER OF A RESERVE BRANCH OF THE ARMED FORCES AT THE
2 TIME HE OR SHE WAS ORDERED TO ACTIVE DUTY DURING A PERIOD OF WAR,
3 OR IN A CAMPAIGN OR EXPEDITION FOR WHICH A CAMPAIGN BADGE IS
4 AUTHORIZED, AND WAS RELEASED FROM ACTIVE DUTY IN A MANNER OTHER
5 THAN A DISHONORABLE DISCHARGE.