

Legislative Analysis



SERVICE ANIMALS FOR PERSONS WITH DISABILITIES

Phone: (517) 373-8080
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House Bill 4521 (reported from committee as H-1)
Sponsor: Rep. Tom Barrett

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

House Bill 4527 (reported from committee as H-1)
Sponsor: Rep. David Rutledge

Committee: Military and Veterans Affairs
Complete to 6-16-15

SUMMARY:

The bills would deal with service animals for persons with disabilities. Each bill contains the same new definitions of "service animal," and "a person with disabilities." Various references to service dogs (such as guide or leader dogs) and references to specific disabilities (such as blind, audibly impaired, or physically limited individuals) would be eliminated. Also eliminated would be references to certain leashes, collars, capes, and backpacks, which currently identify service dogs. Service animals would now include miniature horses. The bills would take effect 90 days after being enacted into law.

Related bills, Senate Bills 298 and 299, are currently on the Senate Floor, and would put new definitions of "service animal," "miniature horses," and "person with a disability" in the Penal Code and an act that exempts service animals from license fees, respectively. The four bills are tie-barred to one another, meaning none can take effect unless all are enacted.

House Bill 4521 would create a new act to require the Department of Civil Rights to develop and make available voluntary identification, tags, and vests for a service animal for a person with a disability.

Eligibility. To be eligible to receive the voluntary identification, tag, and vest, the person seeking the materials would need to provide a signed affidavit attesting that the service animal has been trained to be a service animal, and provide documentation from an appropriate health care or rehabilitation professional that the individual requires the assistance of the service animal due to a disability.

Complaint Hotline. The department would have to use its existing telephone complaint hotline to receive reports of problems encountered by a person using a service animal and to receive reports of a person impersonating a person with a disability and using a service animal.

Penalty for False/Fraudulent Affidavit. A person who knowingly and willingly submits a false or fraudulent affidavit would be guilty of a misdemeanor punishable by one or more

of the following: imprisonment for up to 90 days; a fine of not more than \$500; and/or community service for up to 30 days.

Definition of "Person with a Disability". The bill would define "a person with a disability" to mean a person who has a disability as defined in the federal Americans with Disabilities Act of 1990 (ADA). Additionally, a "person with a disability" would include a veteran who has been diagnosed with one or more of the following: (a) post-traumatic stress disorder (PTSD); (b) traumatic brain injury; or (c) other service-related disabilities.

Service Animal. The term "service animal" would mean that term as defined in the Americans with Disabilities Act of 1990, as well as a miniature horse that has been individually trained to do or perform tasks as described in the ADA for the benefit of a person with a disability

Veteran: House Bill 4527 would define "veteran" to mean the a person who performed military service in the armed forces for a period of more than 90 days and separated in a manner other than dishonorable discharge; a person discharged or released from military service because of a service-related disability; or a member of a reserve branch of the armed forces at the time of being ordered to military service during a period of war, or in a campaign or expedition for which a campaign badge is authorized, and was related from military service in a manner other than a dishonorable discharge.

House Bill 4527 would amend Public Act 82 of 1981, which is currently described as "an act to prohibit the use of certain collars or harnesses and leashes on dogs in public places" (MCL 752.61 et al.). It would add the new definitions described above.

The bill would rewrite the act to describe it as "an act to prohibit a person from representing that he or she is in possession of a service animal in public places unless that person is a person with a disability." The specific offense under the bill would be for a person to falsely represent that he or she is in possession of a service animal or service animal in training in any public place.

Currently, the prohibition applies to using or being in possession of a dog wearing a blaze orange leash and collar or harness without having certain specified disabilities. Those references would be eliminated.

Currently, a violation of the act is a misdemeanor punishable by a fine of not more than \$10. Under the bill, a violation would continue to be a misdemeanor, but a violation could be punished by one or more of the following: imprisonment for up to 90 days; a fine of not more than \$500; and/or community service for up to 30 days.

Senate Bill 298 (S-1) would modify provisions that involve the mistreatment of a service dog, and would require a public accommodation to modify its policies, practices, and procedures to permit the use of a service animal by a person with a disability, and to make reasonable modifications in its policies, practices, and procedures to permit the use of a miniature horse by a person with a disability. **Senate Bill 299 (S-1)** would amend Public

Act 207 of 1970, which exempts certain dogs from license fees. Where the act refers to a blind, deaf or audibly limited, or physically limited individual, the bill would refer to a person with a disability. Where the act refers to a guide or leader, hearing, or service dog, the bill would instead refer to a service animal.

FISCAL IMPACT:

House Bill 4521 would have an increased fiscal impact on state government. The Department of Civil Rights would face increased costs in providing vests, tags and IDs for service animals as well as increased costs in processing complaints submitted around the use of service animals. It is unknown how many service animal vests, tags and IDs the department would have to provide upon request on a yearly basis and how many additional cases would result from increased complaints around the use of service animals. Local governments could see marginal increased revenues from any resulting misdemeanor fines that are assessed, as misdemeanor fines go to public libraries.

House Bill 4527 would have no fiscal impact on state or local governments.

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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.