

Legislative Analysis



SERVICE ANIMALS FOR PERSONS WITH DISABILITIES

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4521 as introduced
Sponsor: Rep. Tom Barrett

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

House Bill 4527 as introduced
Sponsor: Rep. David Rutledge
House Committee: Military and Veterans Affairs

Senate Bill 298 as introduced
Sponsor: Sen. David Knezek

Senate Bill 299 as introduced
Sponsor: Sen. Margaret E. O'Brien
Senate Committee: Veterans, Military Affairs, and Homeland Security

Complete to 6-10-15

SUMMARY:

Each of these 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.

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

Eligibility. To be eligible to receive the 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 satisfies all of the following conditions: (a) has a physical or mental impairment that substantially limits one or more major life activities; (b) has a history or record of such an impairment; and (c) is perceived by others as having such an impairment.

Further, "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 a dog or a miniature horse that has been individually trained to do work or perform tasks for the benefit of a person with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.

House Bill 4527, as introduced, 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 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 would put the new definitions of "service animal" and "person with a disability" in two sections of the Michigan Penal Code. One section prohibits willfully and maliciously assaulting, beating, harassing, injuring (or attempting any such actions) a service animal and willfully and maliciously interfering with duties performed by such an animal. The other section deals with refusing a person with a disability from entering various listed public places because that person is being led or accompanied by a service animal. Both offenses are misdemeanors. The bill does not change the current penalties.

Senate Bill 299 would put the new definitions of "service animal" and "person with a disability" in Public Act 207 of 1970. That act exempts service dogs from license fees; the bill would now apply to a service animal used by a person with a disability or by a legal entity that trains such animals.

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.

Senate Bills 298 and 299 would have a negligible fiscal impact on state and local government. There could be a minimal impact on local governments potentially losing some revenue with the exemption of service animal license fees being expanded to miniature horses. Local governments could see marginal increased revenues from any resulting misdemeanor fines that would be assessed, as misdemeanor fines go to public libraries.

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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.