



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 298 (Substitute S-1 as reported)
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Sponsor: Senator David Knezek (S.B. 298)
Senator Margaret O'Brien (S.B. 299)
Committee: Veterans, Military Affairs and Homeland Security

CONTENT

Senate Bill 298 (S-1) would amend the Michigan Penal Code to change various terms and definitions in provisions that involve the mistreatment of a service dog; and 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.

The Code prohibits an individual from willfully and maliciously assaulting, beating, or harassing a dog that he or she knows or has reason to believe is a guide or leader dog for a blind individual, a hearing dog for a deaf or audibly impaired individual, or a service dog for a physically limited person. The Code also prohibits impeding or interfering with the duties of a guide, hearing, or service dog. The bill would refer to a person with a disability rather than a blind, deaf or audibly impaired, or physically limited individual. Where the Code refers to a guide, leader, hearing, or service dog, the bill would refer instead to a service animal.

"Person with a disability" would mean a person who has a disability as defined in Section 12102 of the American with Disabilities Act and 28 CFR 36.104. The term would include a veteran (as defined in the bill) who has been diagnosed with post-traumatic stress disorder, traumatic brain injury, and/or other service-related disabilities.

"Service animal" would mean the following: a) that term as defined in 28 CFR 36.104, or b) a miniature horse that has been individually trained to do work or perform tasks as described in 28 CFR 36.104 for the benefit of a person with a disability. (Under the Federal regulation, "service animal" refers to any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability. The definition excludes other species of animals.)

The Code makes it a misdemeanor for a person who is the owner, lessee, proprietor, manager, agent, or employee of any place of public or private housing, accommodation, amusement, or recreation to refuse to permit a person with a disability or a trainer of service animals to enter or use the place, if the animal is wearing a blaze orange leash and collar or a harness, hearing dog cape, or service dog backpack, and the person with a disability, or trainer, possesses a pictured identification card certifying that the dog was trained by a qualified organization or that the person is the trainer. The bill would delete those provisions.

The bill 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. A public accommodation would have to consider specific factors in determining whether reasonable modifications could be made to allow a miniature horse into a facility.

A public accommodation could ask a person with a disability to remove a service animal or miniature horse from the premises if the animal were out of control or not housebroken. If it did so, the public accommodation would have to give the person the opportunity to obtain goods, services, or accommodations without the service animal or miniature horse on the premises.

A service animal or miniature horse would have to be under the control of its handler, and have a harness, leash, or other tether except as otherwise provided in the bill.

A public accommodation could not ask about the nature or extent of the disability of the person with a disability, but could ask whether the service animal or miniature horse was required because of a disability, and what work or task the service animal or miniature horse had been trained to perform. A public accommodation could not require documentation when making an inquiry, or make an inquiry if it were readily apparent that the service animal or miniature horse was trained to do work for an individual with a disability. A public accommodation could not ask or require a person with a disability to pay a surcharge, or to comply with other requirements not applicable to people without pets.

A person with a disability would have to be permitted to be accompanied by the service animal or miniature horse in all areas of a place of public accommodation where members of the public, clients, customers, or patrons were permitted to go.

A public accommodation that violated the bill's provisions would be guilty of a misdemeanor.

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. "Person with a disability", "service animal", and "veteran" would be defined as those terms would be defined in Senate Bill 298 (S-1).

Each bill would take effect 90 days after its enactment. The bills are tie-barred to each other and to House Bills 4521 and 4527.

MCL 750.50a & 750.502c (S.B. 298)
287.291 (S.B. 299)

Legislative Analyst: Jeff Mann

FISCAL IMPACT

Senate Bill 298 (S-1) would have no fiscal impact on State government and could result in no net change in local incarceration and court costs. It is uncertain how many actions that are not considered misdemeanors under current law would be treated as misdemeanors under the bill. To the extent that the proposed definitions resulted in court and incarceration costs similar to those under current law, the fiscal impact on local government would be minimal.

Senate Bill 299 (S-1) would reduce local revenue by a minimal amount due to expanding the types of disabilities and service animals that qualify for an exemption from licensing fees. The bill would have no fiscal impact on the State.

Date Completed: 6-16-15

Fiscal Analyst: John Maxwell
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.