

Legislative Analysis



DEFINITION OF SERVICE ANIMAL

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House Bill 5812

Sponsor: Rep. Deb Kennedy

Committee: Judiciary

Complete to 5-19-10

A SUMMARY OF HOUSE BILL 5812 AS INTRODUCED 2-16-10

The bill would define the term "service animal" in the provisions of the Michigan Penal Code that make it a crime to refuse entrance to certain animals when aiding persons with disabilities. The term "service animal" would replace the current references to specially trained dogs, presumably in order to apply the provisions to animals in addition to dogs.

Under provisions of the Michigan Penal Code, it is a misdemeanor for the owner or operator of a public or private accommodation or housing (such as a hotel, motel, apartment building, restaurant, store, theater, or educational institution) to deny access to a person with disabilities because he or she is accompanied by a guide or leader dog, hearing dog, or service dog as long as the dog is wearing a harness or a blaze orange leash and collar and the disabled person has a picture ID certifying that the dog was trained by a qualified organization or trainer. The Department of Energy, Labor, and Economic Growth (DELEG) is required to maintain a list of organizations or trainers that train leader, hearing, and service dogs. In 1995, parallel provisions that apply to trainers of service dogs were enacted.

House Bill 5812 would amend the Michigan Penal Code (MCL 750.502c) to delete the references to guide or leader dog, hearing dog, or service dog and refer to "service animals" instead. This term would be defined to mean a guide dog, signal dog, *or other animal* individually trained to do work or perform tasks for the benefit of a person with disabilities, including guiding a blind person, alerting an audibly impaired person or a deaf person to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items. (Presumably, the term "service animal" would encompass a broader range of animals trained to assist the disabled; for example, Capuchin monkeys, which are trained to assist individuals with severe spinal cord injuries and mobility impairments.)

The bill would make the following changes:

- Delete the language applying the provisions only to those dogs wearing a blaze orange leash and collar, hearing dog cape, or service dog backpack and accompanied by a handler with the specified identification.
- Delete the requirement that the DELEG maintain a list of organizations or trainers that train the dogs.

- Specify that the penalty for refusing access to a service animal is a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500, or both. Currently, the provision only states that a violation is a misdemeanor.

FISCAL IMPACT:

A fiscal analysis is in process.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.