

HOUSE BILL No. 5357

December 13, 2017, Introduced by Rep. Lucido and referred to the Committee on Agriculture.

A bill to amend 2015 PA 146, entitled

"An act to provide for the voluntary issuance of identification and patches for service animals; and to provide for certain powers and duties of the department of civil rights,"

by amending sections 1, 3, 5, and 7 (MCL 37.301, 37.303, 37.305, and 37.307).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 1. As used in this act:

(a) "Department" means the department of civil rights.

(b) ~~"Person"~~ **INDIVIDUAL** with a disability" means ~~a person~~ **AN INDIVIDUAL** who has a disability as defined in section 12102 of the Americans with disabilities act of 1990, 42 USC 12102, and 28 CFR 36.104.

1 (c) As used in subdivision (b), ~~"person"~~ **INDIVIDUAL** with a
2 disability" includes a veteran who has been diagnosed with 1 or
3 more of the following:

4 (i) Post-traumatic stress disorder.

5 (ii) Traumatic brain injury.

6 (iii) Other service-related disabilities.

7 (d) "Service animal" means all of the following:

8 (i) That term as defined in 28 CFR 36.104.

9 (ii) A miniature horse that has been individually trained to
10 do work or perform tasks as described in 28 CFR 36.104 for the
11 benefit of a person with a disability.

12 (e) "Veteran" means any of the following:

13 (i) ~~A person~~ **AN INDIVIDUAL** who performed military service in
14 the armed forces for a period of more than 90 days and separated
15 from the armed forces in a manner other than a dishonorable
16 discharge.

17 (ii) ~~A person~~ **AN INDIVIDUAL** discharged or released from
18 military service because of a service-related disability.

19 (iii) A member of a reserve branch of the armed forces at the
20 time he or she was ordered to military service during a period of
21 war, or in a campaign or expedition for which a campaign badge is
22 authorized, and was released from military service in a manner
23 other than a dishonorable discharge.

24 Sec. 3. (1) Subject to subsection (2), the department shall
25 develop and make available upon request a voluntary identification
26 and patch for a service animal for ~~a person~~ **AN INDIVIDUAL** with a
27 disability.

1 (2) To be eligible to receive the voluntary identification and
2 patch described in subsection (1), ~~the person~~ **AN INDIVIDUAL** seeking
3 the materials shall provide all of the following:

4 (a) An affidavit signed by the ~~person~~ **INDIVIDUAL** seeking the
5 identification and patch attesting that the service animal for
6 which the identification and patch are being sought has been
7 ~~trained to be a service animal for use by a person with a~~
8 ~~disability.~~ **INDIVIDUALLY TRAINED TO DO WORK OR PERFORM TASKS FOR THE**
9 **BENEFIT OF AN INDIVIDUAL WITH A DISABILITY.**

10 (b) Documentation from an appropriate health care or
11 rehabilitation professional that the individual requires the
12 assistance of a service animal due to a disability.

13 **(C) A BASIC OBEDIENCE PROGRAM CERTIFICATE OF COMPLETION ISSUED**
14 **BY A BASIC OBEDIENCE TRAINING INSTRUCTOR OR PROVIDER UNDER SECTION**
15 **9 OF THE ASSISTANCE ANIMAL BASIC OBEDIENCE TRAINING AND INSTRUCTION**
16 **ACT, OR THE EQUIVALENT AS DETERMINED BY THE DEPARTMENT.**

17 Sec. 5. The department shall use its existing telephone
18 complaint hotline to receive reports of problems encountered by a
19 ~~person~~ **AN INDIVIDUAL** with a disability using a service animal and
20 to receive reports of ~~a person~~ **AN INDIVIDUAL** impersonating ~~a person~~
21 **AN INDIVIDUAL** with a disability and using a service animal. The
22 department may refer an alleged violation of section 3(2)(a) **OR (C)**
23 to the appropriate law enforcement agency for investigation.

24 Sec. 7. A person who knowingly or willingly submits a false or
25 fraudulent affidavit under section 3(2)(a) **OR A FALSE OR FRAUDULENT**
26 **BASIC OBEDIENCE PROGRAM CERTIFICATE OF COMPLETION OR THE EQUIVALENT**
27 **UNDER SECTION 3(2)(C)** is guilty of a misdemeanor punishable by 1 or

1 more of the following:

2 (a) Imprisonment for not more than ~~90~~**93** days.

3 (b) A fine of not more than \$500.00.

4 (c) Community service for not more than 30 days.

5 Enacting section 1. This amendatory act takes effect 90 days
6 after the date it is enacted into law.

7 Enacting section 2. This amendatory act does not take effect
8 unless Senate Bill No. ____ or House Bill No. 5281 (request no.
9 04634'17) of the 99th Legislature is enacted into law.