

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: H3/3/15 H3/13/15
A Bill

HOUSE BILL 1192

By: Representative Leding

For An Act To Be Entitled

AN ACT TO AMEND THE RIGHT TO BE ACCOMPANIED BY A SERVICE ANIMAL; TO ADD A DEFINITION OF SERVICE ANIMAL; TO REMOVE DUPLICATE REFERENCES WITHIN THE ARKANSAS CODE PERTAINING TO A SEARCH AND RESCUE DOG; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE RIGHT TO BE ACCOMPANIED BY A SERVICE ANIMAL.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 20-14-304, concerning rights of individuals with disabilities to be accompanied by service animals, is amended to read as follows:

20-14-304. Right to be accompanied by service animal – Penalty and restitution for killing or injuring a service animal ~~or search and rescue dog.~~

~~(a) Every individual with visual, hearing, or other physical disabilities shall have the right to be accompanied by a service animal especially trained to do work or to perform tasks for the benefit of an individual with a disability in or upon any and all public ways, public places, and other public accommodations and housing accommodations prescribed in § 20-14-303 and shall not be required to pay any extra fee or charge for the service animal.~~

~~(b) However, any individual with visual, hearing, or other physical disabilities accompanied by a service animal in any public way, public place,~~



~~public accommodation, or housing accommodation shall be liable for any damage caused to the premises or facilities by the animal.~~

~~(c) As used in this section, "search and rescue dog" means any dog:~~

~~(1) In training for or trained for the purpose of search and rescue;~~

~~(2) Owned by an independent handler or a member of a search and rescue team; and~~

~~(3) Used in conjunction with local law enforcement or emergency services organizations for the purpose of locating missing persons or evidence of arson.~~

(a) As used in this chapter, "service animal" means a dog that is trained specifically to do work or to perform tasks for the benefit of an individual with a disability, including without limitation:

(1) A guide dog or a trained dog that serves as a travel assistant for an individual who has severe visual impairment or is blind;

(2) A signal dog or a dog trained to alert when a sound occurs an individual who has a significant hearing loss or is deaf;

(3) A service dog or a dog trained to perform tasks that assist an individual with a disability;

(4) An assistance animal or a dog trained and used to assist an individual with a disability;

(5) A seizure alert animal or a dog trained to assist an individual with a seizure disorder when a particular medical event is about to occur or to respond to a medical event that has occurred;

(6) A mobility animal or a dog that is being or has been trained to assist an individual with a disability caused by physical impairments;

(7) A psychiatric service animal or a dog trained to assist an individual with a disability to detect the onset of psychiatric episodes and lessen the effects of the psychiatric episodes; or

(8) A sensory service animal or a dog trained to assist an individual with autism or other sensory disorder.

(b) A person who has a physical disability, mental disability, intellectual disability, or sensory disability shall have the right to be accompanied by a service animal on public ways, in public places, and in other public accommodations and housing accommodations prescribed in § 20-14-303 and shall not be required to pay an extra fee or charge for the service

animal.

(c) However, a person who has a physical disability, mental disability, intellectual disability, or sensory disability and who is accompanied by a service animal on a public way, in a public place, in a public accommodation, or in a housing accommodation is liable for any damage caused to the premises or facilities by the service animal.

(d) ~~Any~~ A person who without just cause purposely kills or injures any service animal ~~described in this section or any search and rescue dog~~ is guilty of a Class D felony.

(e) ~~Any~~ A person who kills or injures any service animal ~~described in this section or any search and rescue dog~~ shall make restitution to the owner of the animal.

SECTION 2. Arkansas Code § 20-14-308, concerning guide dog and service dog access, is amended to read as follows:

20-14-308. ~~Guide dog and service dog~~ Service animal access.

(a) An individual with ~~visual, hearing, or other physical disabilities~~ a physical disability, mental disability, intellectual disability, or sensory disability and his or her ~~guide, signal, or service dog~~ service animal as defined by § 20-14-304 or a ~~dog~~ trainer in the act of training a ~~guide, signal, or service dog~~ service animal shall not be denied admittance ~~to~~ or refused access to the following because of the ~~dog~~ animal:

- (1) ~~Any~~ A street or highway;
- (2) ~~Any~~ A sidewalk or walkway;
- (3) ~~Any~~ A common carrier, airplane, motor vehicle, railroad train, bus, streetcar, boat, or any other public conveyance or mode of transportation;
- (4) ~~Any~~ A hotel, motel, or other place of lodging;
- (5) ~~Any~~ A public building maintained by any unit or subdivision of government;
- (6) ~~Any~~ A building to which the general public is invited;
- (7) ~~Any~~ An educational facility or college dormitory;
- (8) ~~Any~~ A restaurant or other place where food is offered for sale to the public; or
- (9) ~~Any other place~~ Other places of public accommodation, amusement, convenience, or resort to which the general public or any

classification of persons from the general public is invited regularly, normally, or customarily ~~invited~~ within the State of Arkansas.

(b) ~~The individual with visual, hearing, or other physical disabilities,~~ A person who has a physical disability, mental disability, intellectual disability, or sensory disability or ~~dog~~ a trainer in the act of training a ~~guide, signal, or service dog~~ service animal shall not be required to pay any additional charges for his or her ~~guide, signal, or service dog~~ service animal but shall be is liable for any damage done to the premises by the ~~dog~~ animal.

SECTION 3. Arkansas Code Title 20, Chapter 14, Subchapter 3, is amended to add *additional sections* to read as follows:

20-14-309. Service animal inquiry.

(a) If the service that the animal provides to an individual is not obvious to the staff of the public accommodation, the staff may make inquiries regarding only the following:

(1) Whether the *service animal as defined by § 20-14-304* is required because of a disability; and

(2) What work or task the service animal has been trained to perform.

(b) The staff of a public accommodation listed in § 20-14-308 shall not:

(1) Make inquiries regarding the nature or extent of an individual's disability;

(2) Require medical documentation of the individual's disability;

(3) Require a special identification card or training documentation; or

(4) Request the service animal to demonstrate its ability to perform the work or task.

20-14-310. Control.

(a)(1) A service animal as defined by § 20-14-304 shall be under the control of its handler.

(2) A service animal shall have a harness, leash, or other tether unless either:

(A) The handler is unable because of a disability to use a harness, leash, or other tether; or

(B) The use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of the work or task.

(3) If a service animal is unattached to a harness, leash, or other tether, the service animal shall be otherwise under the handler's control by voice controls, signals, or other effective means.

(b)(1) A public entity or accommodation may request that a service animal be removed from the premises if:

(A) The service animal is not acting under the control of the handler and the handler does not take effective action to control the service animal; or

(B) The service animal is not housebroken.

(2) If a public entity or accommodation properly excludes a service animal under subdivision (b)(1) of this section, the public entity or accommodation shall give the individual with a disability the opportunity to participate in the service, program, or activity without the service animal on the premises.

20-14-311. Service animals for students in K-12 schools.

(a) As used in this section, "care for" means the following activities without limitation:

(1) Grooming;

(2) Feeding or watering;

(3) Exercising;

(4) Removing the service animal for periodic voiding; and

(5) Cleaning up after the service animal.

(b) A kindergarten through grade twelve (K-12) student who requires a service animal as defined by § 20-14-304 as an accommodation for his or her academic program shall submit a written request for the accommodation to the school disability coordinator at least thirty (30) days before the student intends to begin using the service animal in the school.

(c)(1) No later than ten (10) school days after the receipt of the written request, the school disability coordinator shall convene a team to meet with the parent or legal guardian of the student to integrate the

service animal into the academic program of the student.

(2) The meeting may take place later than ten (10) school days after the receipt of the written request with the consent of the parent or legal guardian of the student.

(3) The team shall include without limitation:

(A) The school principal or his or her designee;

(B) The school counselor;

(C) At least one (1) teacher of the student;

(D) A school nurse;

(E) The parent or legal guardian of the student, if the parent or legal guardian chooses to attend; and

(F) The student, if applicable.

(4) If the student has an existing team under either a plan under 29 U.S.C. § 794 or an individualized education program under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., the school disability coordinator shall meet with the existing team.

(d) A kindergarten through grade twelve (K-12) school is not required to hire new staff or assign existing staff to care for a service animal of a student.

(e) This section does not apply to a student who is attending a school-sponsored event as a member of the general public.

/s/Leding