

SENATE BILL REPORT

SHB 1728

As of March 8, 2011

Title: An act relating to requiring businesses where food for human consumption is sold or served to allow persons with disabilities to bring their service animals onto the business premises.

Brief Description: Requiring businesses where food for human consumption is sold or served to allow persons with disabilities to bring their service animals onto the business premises.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Eddy, Rodne, Green, Goodman, Kagi and Kenney).

Brief History: Passed House: 2/26/11, 95-1.

Committee Activity: Labor, Commerce & Consumer Protection: 3/08/11.

SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

Staff: Mac Nicholson (786-7445)

Background: It is an unfair practice, under Washington's Law Against Discrimination, to discriminate in places of public resort based on, among other factors, the use of a trained dog guide or service animal by a person with a disability. Service animal is defined as any animal that is trained for the purposes of assisting or accommodating a sensory, mental, or physical disability of a person with a disability.

Under the federal Americans with Disabilities Act (ADA), discrimination on the basis of disability in public accommodation is similarly prohibited. The definition of service animal under ADA regulations recently amended applies to any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability. Under the amended definition, other species of animals are not service animals, with the exception of miniature horses, which may be considered service animals in some circumstances.

Summary of Bill: The existing statute prohibiting discrimination in places of public resort does not apply to food establishments with respect to the use of a trained dog guide or service animal by a person with a disability.

New discrimination language is provided for food establishments, so that discrimination in food establishments is prohibited on the basis of the use of a dog guide or service animal. A

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food establishment is defined as a business that sells or services food for human consumption. A service animal is defined as any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability. With the exception of miniature horses, other species of animals are not considered service animals. Additionally, the crime deterrent effects of an animal, and the provision of emotional support or comfort are not considered work or tasks.

A food establishment must make reasonable modifications to permit the use of a miniature horse by an individual with a disability, as long as the horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.