

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1728

Chapter 237, Laws of 2011

62nd Legislature
2011 Regular Session

FOOD ESTABLISHMENTS--SERVICE ANIMALS

EFFECTIVE DATE: 07/22/11

Passed by the House February 26, 2011
Yeas 95 Nays 1

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 8, 2011
Yeas 46 Nays 2

BRAD OWEN

President of the Senate

Approved May 3, 2011, 2:40 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1728** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

May 4, 2011

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1728

Passed Legislature - 2011 Regular Session

State of Washington 62nd Legislature 2011 Regular Session

By House Judiciary (originally sponsored by Representatives Eddy, Rodne, Green, Goodman, Kagi, and Kenney)

READ FIRST TIME 02/17/11.

1 AN ACT Relating to requiring businesses where food for human
2 consumption is sold or served to allow persons with disabilities to
3 bring their service animals onto the business premises; amending RCW
4 49.60.215; and adding a new section to chapter 49.60 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 49.60.215 and 2009 c 164 s 2 are each amended to read
7 as follows:

8 (1) It shall be an unfair practice for any person or the person's
9 agent or employee to commit an act which directly or indirectly results
10 in any distinction, restriction, or discrimination, or the requiring of
11 any person to pay a larger sum than the uniform rates charged other
12 persons, or the refusing or withholding from any person the admission,
13 patronage, custom, presence, frequenting, dwelling, staying, or lodging
14 in any place of public resort, accommodation, assemblage, or amusement,
15 except for conditions and limitations established by law and applicable
16 to all persons, regardless of race, creed, color, national origin,
17 sexual orientation, sex, honorably discharged veteran or military
18 status, status as a mother breastfeeding her child, the presence of any
19 sensory, mental, or physical disability, or the use of a trained dog

1 guide or service animal by a person with a disability: PROVIDED, That
2 this section shall not be construed to require structural changes,
3 modifications, or additions to make any place accessible to a person
4 with a disability except as otherwise required by law: PROVIDED, That
5 behavior or actions constituting a risk to property or other persons
6 can be grounds for refusal and shall not constitute an unfair practice.

7 (2) This section does not apply to food establishments, as defined
8 in section 2 of this act, with respect to the use of a trained dog
9 guide or service animal by a person with a disability. Food
10 establishments are subject to section 2 of this act with respect to
11 trained dog guides and service animals.

12 NEW SECTION. Sec. 2. A new section is added to chapter 49.60 RCW
13 to read as follows:

14 (1) It shall be an unfair practice for any person or the person's
15 agent or employee to commit an act which directly or indirectly results
16 in any distinction, restriction, or discrimination, or the requiring of
17 any person to pay a larger sum than the uniform rates charged other
18 persons, or the refusing or withholding from any person the admission,
19 patronage, custom, presence, frequenting, dwelling, staying, or lodging
20 in any food establishment, except for conditions and limitations
21 established by law and applicable to all persons, on the basis of the
22 use of a dog guide or service animal by a person with a disability:
23 PROVIDED, That this section shall not be construed to require
24 structural changes, modifications, or additions to make any place
25 accessible to a person with a disability except as otherwise required
26 by law: PROVIDED, That behavior or actions constituting a risk to
27 property or other persons can be grounds for refusal and shall not
28 constitute an unfair practice.

29 (2) A food establishment shall make reasonable modifications in
30 policies, practices, or procedures to permit the use of a miniature
31 horse by an individual with a disability in accordance with subsection
32 (1) of this section if the miniature horse has been individually
33 trained to do work or perform tasks for the benefit of the individual
34 with a disability. In determining whether reasonable modifications in
35 policies, practices, or procedures can be made to allow a miniature
36 horse into a facility, a food establishment shall act in accordance
37 with all applicable laws and regulations.

1 (3) For the purposes of this section:

2 (a) "Service animal" means any dog that is individually trained to
3 do work or perform tasks for the benefit of an individual with a
4 disability, including a physical, sensory, psychiatric, intellectual,
5 or other mental disability. Except as provided in subsection (2) of
6 this section, other species of animals, whether wild or domestic,
7 trained or untrained, are not service animals. The work or tasks
8 performed by a service animal must be directly related to the
9 individual's disability. Examples of work or tasks include, but are
10 not limited to, assisting individuals who are blind or have low vision
11 with navigation and other tasks, alerting individuals who are deaf or
12 hard of hearing to the presence of people or sounds, providing
13 nonviolent protection or rescue work, pulling a wheelchair, assisting
14 an individual during a seizure, alerting individuals to the presence of
15 allergens, retrieving items such as medicine or the telephone,
16 providing physical support and assistance with balance and stability to
17 individuals with mobility disabilities, and helping persons with
18 psychiatric and neurological disabilities by preventing or interrupting
19 impulsive or destructive behaviors. The crime deterrent effects of an
20 animal's presence and the provision of emotional support, well-being,
21 comfort, or companionship do not constitute work or tasks.

22 (b) "Food establishment" means a place of business that sells or
23 serves food for human consumption with a North American industry
24 classification system code within "445110," "445120," "445210,"
25 "445220," "445230," "445291," "445292," "445299," "452910," "722110,"
26 "722211," "722212," "722213," or "722410."

Passed by the House February 26, 2011.

Passed by the Senate April 8, 2011.

Approved by the Governor May 3, 2011.

Filed in Office of Secretary of State May 4, 2011.