

HOUSE BILL REPORT

ESSB 5788

As Reported by House Committee On:
Civil Rights & Judiciary

Title: An act relating to accessibility for service animals in training.

Brief Description: Concerning service animal training.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Pedersen, Wagoner, Kuderer, Mullet and Saldaña).

Brief History:

Committee Activity:

Civil Rights & Judiciary: 2/20/24, 2/21/24 [DP].

Brief Summary of Engrossed Substitute Bill

- Prohibits places of public accommodation from denying a service animal trainer the right to be accompanied by a service animal trainee in any area that is open to the public or to business invitees.
- Requires service animal trainers to maintain control of service animal trainees.
- Establishes rights and requirements for places of public accommodation regarding service animals and service animal trainees.
- Prohibits misrepresentation of an animal as a service animal trainee.

HOUSE COMMITTEE ON CIVIL RIGHTS & JUDICIARY

Majority Report: Do pass. Signed by 10 members: Representatives Taylor, Chair; Farivar, Vice Chair; Graham, Assistant Ranking Minority Member; Abbarno, Cheney, Entenman, Goodman, Peterson, Thai and Walen.

Minority Report: Without recommendation. Signed by 1 member: Representative Walsh,

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Ranking Minority Member.

Staff: John Burzynski (786-7133).

Background:

Washington's Law Against Discrimination.

Washington law protects, among other rights, the right to be free from discrimination because of the use of a trained dog guide or service animal by a person with a disability, including the right to the full enjoyment of any of the accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement.

Places of Public Resort, Accommodation, Assemblage, or Amusement.

Places of public resort, accommodation, assemblage, or amusement include, but are not limited to:

- any place, licensed or unlicensed, kept for gain, hire, or reward, or where charges are made for admission, service, occupancy, or use of any property or facilities, whether conducted for: (1) entertainment, housing, or lodging of transient guests; (2) benefit, use, or accommodation of those seeking health, recreation, or rest; (3) burial or other disposition of human remains; (4) sale of goods, merchandise, services, or personal property; (5) rendering of personal services; or (6) public conveyance or transportation on land, water, or in the air, including the stations and terminals thereof and the garaging of vehicles;
- any place where: (1) food or beverages of any kind are sold for consumption on the premises; (2) public amusement, entertainment, sports, or recreation of any kind is offered with or without charge; (3) medical service or care is made available; or (4) the public gathers, congregates, or assembles for amusement, recreation, or public purposes; or
- any: (1) public halls, public elevators, or public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants; or (2) public libraries or educational institutions; or (3) schools of special instruction, nursery schools, day care centers, or children's camps.

Places of public resort, accommodation, assemblage, or amusement do not include or apply to:

- any institute, bona fide club, or place of accommodation, which is by its nature distinctly private, including fraternal organizations, unless public use is permitted; or
- any educational facility, columbarium, crematory, mausoleum, or cemetery operated or maintained by a bona fide religious or sectarian institution.

Service Animals.

A service animal is any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical,

sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by the service animal must be directly related to the individual's disability.

It is a civil infraction for any person to misrepresent an animal as a service animal. A violation occurs when a person expressly or impliedly represents that an animal is a service animal and the person knew or should have known that the animal in question did not meet the definition of a service animal. A violation is punishable by a maximum penalty of \$500.

Summary of Bill:

Trainer's Right of Access.

A place of public accommodation may not deny a service animal trainer the right to be accompanied by a service animal trainee in any area of the place that is open to the public or to business invitees. However, a place of public accommodation may require a service animal trainer to remove a service animal trainee if the animal is not trained to urinate and defecate outside of the facility or only in an appropriate place, or if the animal is out of control and effective action is not taken to control the animal.

Trainer's Obligation to Maintain Control.

A service animal trainer must maintain control of a service animal trainee. Control must be exerted by means of a harness, leash, or other tether, unless such means would interfere with the ability of the animal to do the work or perform the tasks for which it is being trained, in which case control may be exerted by the effective use of voice commands, signals, or other means.

Places of Public Resort, Accommodation, Assemblage, or Amusement.

The definition of a place of public resort, accommodation, assemblage, or amusement, as it relates to service animal trainers and service animal trainees, does not include those places of public accommodation conducted for housing or lodging of transient guests.

Public Accommodation Rights and Requirements.

A place of public accommodation:

- may impose legitimate requirements necessary for the safe operation of the place of public accommodation, but safety requirements must be based on actual risks, not on speculation, stereotypes, or generalizations about persons with disabilities;
- may post signage indicating the misrepresentation of an animal as a service animal or service animal trainee may result in a civil infraction of up to \$500;
- is not required to provide care or supervision for a service animal or service animal trainee;
- may charge a service animal trainer for damages that a service animal trainee causes to the place, if the place of public accommodation customarily charges a person for damages that the person causes to the place; and
- must make reasonable modifications as necessary to allow an opportunity for a person

with a disability who is benefited by the use of a dog guide or service animal to obtain goods, services, and the use of the advantages, facilities, and privileges of the place.

Misrepresentation.

It is a civil infraction for any person to misrepresent an animal as a service animal trainee. A violation occurs when a person expressly or impliedly represents that an animal is a service animal trainee and the person knew or should have known that the animal in question did not meet the definition of service animal trainee.

Defined Terms.

"Service animal trainee" means any dog or miniature horse that is undergoing training to become a service animal.

"Service animal trainer" means an individual exercising care, custody, and control over a service animal trainee during a course of training designed to develop the service animal trainee into a service animal.

Appropriation: None.

Fiscal Note: Requested on February 21, 2024.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill will serve to support the development of service animals.

Other states like Nevada and California have protections in place for service animals in training to ensure they have access to public areas, which is a vital part of their training. Trainers take their service animal trainees everywhere to teach them how to behave when they are serving their vital function for disabled individuals in society.

One local guide dog is being raised by a teacher, but they are unable to bring the guide dog with them into public schools. Another person must take care of the guide dog during the day, which is an inconvenience in the process of raising a guide dog.

(Opposed) None.

Persons Testifying: Spencer Lang.

Persons Signed In To Testify But Not Testifying: None.