

SENATE BILL REPORT

SB 5788

As of January 8, 2024

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

Brief Description: Concerning service animal training.

Sponsors: Senators Pedersen and Wagoner.

Brief History:

Committee Activity: Law & Justice: 1/09/24.

Brief Summary of Bill

- Prohibits certain places of public accommodation from denying a person with a disability or a service animal trainer the right to be accompanied by a service animal or service animal trainee.
- Creates a civil infraction for misrepresenting an animal as a service animal trainee.
- Requires persons with a disability and service animal trainers to maintain control of service animals and service animal trainees.
- Permits places of public accommodation to impose legitimate requirements necessary for safe operation based on actual risks and not based on stereotypes about individuals with disabilities.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Joe McKittrick (786-7287)

Background: Under Washington's Law Against Discrimination (WLAD), it is an unfair practice to discriminate in places of public accommodation on the basis of race, color, creed, national origin, sexual orientation, sex, veteran or military status, the presence of any

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.

sensory, mental, or physical disability, or the use of a trained dog guide or service animal. Places of public accommodation are prohibited from denying a person with a disability the right to be accompanied by a service animal in any area of the place open to the public or to business invitees.

"Service Animal" means any dog or miniature horse 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 prohibition against discrimination in places of public accommodation applies to any place of public resort, accommodation, assemblage, or amusement and includes restaurants, hotels, motels, inns, stores, markets, shopping malls, theaters, cinemas, concert halls, arenas, parks, fairs, arcades, libraries, schools, government offices, and hospitals. Washington courts have held that the term "service animals" under WLAD applies only to animals that have been specifically trained for the purpose of providing assistance to or accommodating a person with a disability.

A person who misrepresents an animal as a service animal commits a civil infraction. An enforcement officer may issue a notice of infraction if a person expressly or impliedly represents an animal as a service animal to secure rights afforded to individuals with disabilities and who knew or should have known the animal did not meet the definition of service animal.

Summary of Bill: With limited exceptions, a place of public resort, accommodation, assemblage, or amusement may not deny a person with a disability or a service animal trainer the right to be accompanied by a service animal or service animal trainee in any area of the place open to the public or to business invitees. As it relates to service animal trainers and service animal trainees, the definition of "a place of public resort, accommodation, assemblage, or amusement" does not include places of public accommodation conducted for housing or lodging of transient guests.

"Service animal trainee" is defined as any dog or miniature horse undergoing training 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 crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks.

"Service animal trainer" is defined as 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.

Misrepresenting an animal as a service animal trainee is a civil infraction.

A person with a disability or a service animal trainer must maintain control of a service animal or service animal trainee. If such an animal is out of control, a place of public

accommodation may remove the animal if effective action is not taken to control the animal, or the animal is not trained to urinate or defecate outside or in designated areas.

Places of public accommodation may impose legitimate requirements necessary for safe operation based on actual risks and not based on speculation, stereotypes, or generalizations about individuals with disabilities. If a place of public accommodation customarily charges a person for damages the person causes, the place may charge a person with a disability or a service animal trainer for damages caused by a service animal or service animal trainee.

If a place of public accommodation requires a person to remove a service animal or service animal trainee, the place must give the person a reasonable opportunity to utilize the facilities without the service animal's presence. The place is not required to provide supervision for service animals or service animal trainees.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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