

SENATE BILL REPORT

ESSB 5788

As Passed Senate, January 24, 2024

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: Law & Justice: 1/09/24, 1/11/24 [DPS].

Floor Activity: Passed Senate: 1/24/24, 49-0.

Brief Summary of Engrossed First Substitute Bill

- Prohibits certain places of public accommodation from denying a service animal trainer the right to be accompanied by service animal trainee.
- Creates a civil infraction for misrepresenting an animal as a service animal trainee.
- Requires service animal trainers to maintain control of 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

Majority Report: That Substitute Senate Bill No. 5788 be substituted therefor, and the substitute bill do pass.

Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; Kuderer, McCune, Pedersen, Salomon, Torres, Valdez, Wagoner and Wilson, L..

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.

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 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 Engrossed First Substitute 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 become a service animal.

"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. Places of public accommodation may post signage indicating the misrepresentation of an animal as a service

animal or service animal trainee may result in a civil infraction and fine of up to \$500.

A service animal trainer must maintain control of a 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 trainee, the place must give the person a reasonable opportunity to utilize the facilities without the service animal trainee's presence. The place is not required to provide supervision for 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.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: In order to properly train service dogs, it is important to extensively socialize the dogs including taking dogs in training into stores and schools. Washington is one of only three state that do not have laws to protect access for service animals in training. Accessibility to public spaces is the least we can guarantee to help a service animals in training to help them preform the important task of aiding those with disabilities. This exposure is not just beneficial, it is essential.

Other: The intent of this bill is laudable, however there are still challenges around individuals who misrepresent an animal as a service animal to bring their pets into restaurants and other businesses.

Persons Testifying: PRO: Spencer Lang.

OTHER: Samantha Louderback, Washington Hospitality Association.

Persons Signed In To Testify But Not Testifying: No one.