

RCW 49.60.215 Unfair practices of places of public resort, accommodation, assemblage, amusement—Trained dog guides and service animals—Miniature horses—Damage caused by service animal trainee—Control of service animal trainee. (1) It shall be an unfair practice for any person or the person's agent or employee to:

(a) Commit an act which directly or indirectly results in any distinction, restriction, or discrimination;

(b) Require any person to pay a larger sum than the uniform rates charged other persons;

(c) Refuse or withhold from any person the admission, patronage, custom, presence, frequenting, dwelling, staying, or lodging in any place of public resort, accommodation, assemblage, or amusement.

(2) Notwithstanding subsection (1) of this section, a person or the person's agent or employee may enforce conditions and limitations established by law and applicable to all persons, regardless of race, creed, color, national origin, citizenship or immigration status, sexual orientation, sex, honorably discharged veteran or military status, status as a mother breastfeeding her child, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability: PROVIDED, That this section shall not be construed to require structural changes, modifications, or additions to make any place accessible to a person with a disability except as otherwise required by law: PROVIDED, That behavior or actions constituting a risk to property or other persons can be grounds for refusal and shall not constitute an unfair practice.

(3) A place of public accommodation must make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability in accordance with RCW 49.60.040(25) if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a facility, a place of public accommodation must act in accordance with all applicable laws and regulations.

(4) If a place of public accommodation customarily charges a person for damages that the person causes to the place, the place may charge a service animal trainer for damages that a service animal trainee causes to the place.

(5) A service animal trainer must maintain control of a service animal trainee. Except as provided in this subsection, control must be exerted by means of a harness, leash, or other tether. If the use of a harness, leash, or other tether would interfere with the ability of the animal to do the work or perform the tasks for which the animal is being trained, control may be exerted by the effective use of voice commands, signals, or other means. If an animal is not under control as required in this subsection, a place of public accommodation may consider the animal to be out of control for purposes of subsection (6) of this section.

(6) (a) Except as provided in this subsection, 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. A place of public accommodation may require a service animal trainer to remove a service animal trainee if:

(i) The animal is not trained to urinate and defecate outside of the facility or only in an appropriate place; or

(ii) The animal is out of control and effective action is not taken to control the animal.

(b) A place of public accommodation may impose legitimate requirements necessary for the safe operation of the place of public accommodation. The place of public accommodation must ensure that the safety requirements are based on actual risks, not on speculation, stereotypes, or generalizations about persons with disabilities.

(c) A place 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 of up to \$500 pursuant to chapter 7.80 RCW.

(7) A place of public accommodation 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. For purposes of this subsection, except as provided in subsection (6) of this section, in addition to any other applicable accommodation requirement, allowing the presence of the service animal is a reasonable modification.

(8) A place of public accommodation is not required to provide care or supervision for a service animal or service animal trainee.

(9) The protection granted under this section to a person with a disability or service animal trainer does not invalidate or limit the remedies, rights, and procedures of any other federal, state, or local laws that provide equal or greater protection of the rights of a person with a disability, service animal trainer, or individuals associated with a person with a disability. [2024 c 161 s 3; 2020 c 52 s 13; 2018 c 176 s 3; 2011 c 237 s 1; 2009 c 164 s 2; 2007 c 187 s 12; 2006 c 4 s 13; 1997 c 271 s 13; 1993 c 510 s 16. Prior: 1985 c 203 s 1; 1985 c 90 s 6; 1979 c 127 s 7; 1957 c 37 s 14.]

Declaration—Finding—Purpose—2018 c 176: "The legislature declares that service animals that are properly trained to assist persons with disabilities play a vital role in establishing independence for such persons. There are an increasing number of occurrences where people intentionally or mistakenly represent their pet, therapy animal, or emotional support animal to be a service animal and attempt to bring the animal into a place that it would otherwise not be allowed to enter. Federal and state laws require places of public accommodation, including food establishments, to allow an animal that is presented as a service animal into a place of public accommodation; these same places of public accommodation face a dilemma when someone enters the premises and intentionally misrepresents his or her animal as a service animal. The legislature finds that the misrepresentation of an animal as a service animal trained to perform specific work or tasks constitutes a disservice both to persons who rely on the use of legitimate service animals, as well as places of public accommodation and their patrons. The purpose of this act is to penalize the intentional misrepresentation of a service animal, which delegitimizes the genuine need for the use of service animals and makes it harder for persons with disabilities to gain unquestioned acceptance of their legitimate, properly trained, and essential service animals." [2018 c 176 s 1.]

Effective date—2018 c 176: "This act takes effect January 1, 2019." [2018 c 176 s 7.]

Severability—1993 c 510: See note following RCW 49.60.010.

Denial of civil rights: RCW 9.91.010.