

House Engrossed

State of Arizona
House of Representatives
Fifty-first Legislature
First Regular Session
2013

HOUSE BILL 2401

AN ACT

AMENDING SECTION 11-1024, ARIZONA REVISED STATUTES; RELATING TO THE HANDLING
OF ANIMALS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 11-1024, Arizona Revised Statutes, is amended to
3 read:

4 11-1024. Service animals: rights of individuals with
5 disabilities: violation: classification: definitions

6 A. Any person or entity that operates a public place shall not
7 discriminate against individuals with disabilities who use service animals IF
8 THE WORK OR TASKS PERFORMED BY THE SERVICE ANIMAL ARE DIRECTLY RELATED TO THE
9 INDIVIDUAL'S DISABILITY. WORK OR TASKS INCLUDE ASSISTING INDIVIDUALS WHO ARE
10 BLIND OR HAVE LOW VISION WITH NAVIGATION AND OTHER TASKS, ALERTING
11 INDIVIDUALS WHO ARE DEAF OR HARD OF HEARING TO THE PRESENCE OF PEOPLE OR
12 SOUNDS, PROVIDING NONVIOLENT PROTECTION OR RESCUE WORK, PULLING A WHEELCHAIR,
13 ASSISTING AN INDIVIDUAL DURING A SEIZURE, ALERTING INDIVIDUALS TO THE
14 PRESENCE OF ALLERGENS, RETRIEVING ITEMS SUCH AS MEDICINE OR THE TELEPHONE,
15 PROVIDING PHYSICAL SUPPORT AND ASSISTANCE WITH BALANCE AND STABILITY TO
16 INDIVIDUALS WITH MOBILITY DISABILITIES AND HELPING INDIVIDUALS WITH
17 PSYCHIATRIC AND NEUROLOGICAL DISABILITIES BY PREVENTING OR INTERRUPTING
18 IMPULSIVE OR DESTRUCTIVE BEHAVIORS. THE CRIME DETERRENT EFFECTS OF AN
19 ANIMAL'S PRESENCE AND THE PROVISION OF EMOTIONAL SUPPORT, WELL-BEING, COMFORT
20 OR COMPANIONSHIP DO NOT CONSTITUTE WORK OR TASKS.

21 B. It is not discriminatory to exclude a service animal from a public
22 place if one or more of the following apply:

- 23 1. The animal poses a direct threat to the health or safety of others.
24 2. The animal fundamentally alters the nature of the public place or
25 the goods, services or activities provided.
26 3. The animal poses an undue burden.

27 C. Public places may maintain a general no pets policy if it is not
28 used to exclude service animals and if it does not grant rights to any person
29 to bring the person's pet into a public place that otherwise does not permit
30 pets.

31 D. A service animal handler is liable for any damage done to a public
32 place by the service animal or service animal in training.

33 E. Any trainer or individual with a disability may take an animal
34 being trained as a service animal to a public place for purposes of training
35 it to the same extent as provided in subsections A, B and C of this section.

36 F. A zoo or wild animal park may prohibit a service animal, including
37 a dog guide or service dog, from any area of the zoo or wild animal park
38 where the service animal may come into direct contact with the animals
39 contained in the zoo or wild animal park. Service animals shall not be
40 excluded from public walkways or sidewalks or from any area that allows for
41 physical barriers between the service animals, dog guides or service dogs and
42 the animals in the zoo or wild animal park. Any zoo or wild animal park that
43 prohibits dog guides and service dogs shall provide without cost adequate
44 facilities for the temporary confinement of dog guides and service dogs. The
45 facilities shall be adequate to accommodate the anticipated attendance of

1 legally blind, deaf or physically disabled persons, shall be in an area not
2 accessible to the general public, shall provide water for the dog guides and
3 service dogs and shall otherwise be safe, clean and comfortable. The zoo or
4 wild animal park on request by a legally blind person who is required to
5 leave that person's dog guide or service dog pursuant to this subsection
6 shall provide a sighted escort if the legally blind person is unaccompanied
7 by a sighted person.

8 G. The driver of a vehicle approaching a legally blind pedestrian who
9 is carrying a cane that is predominately white or metallic in color, who is
10 using a service animal or who is assisted by a sighted person shall yield the
11 right-of-way and take reasonable precautions to avoid injury to the
12 pedestrian and the service animal. The pedestrian has the same rights as any
13 other person whether or not the pedestrian is carrying the cane, using a
14 service animal or being assisted by a sighted person. Drivers shall take the
15 same precautions with respect to pedestrians who have a disability other than
16 blindness and their service animals. A driver who violates this subsection
17 is liable for damages for any injury caused to the pedestrian or the service
18 animal.

19 H. Any person or entity that violates subsections A through G of this
20 section is guilty of a class 2 misdemeanor.

21 I. This section is not intended to affect any civil remedies available
22 for a violation of this section.

23 J. For the purposes of this section:

24 1. "Direct threat to the health or safety of others" means that a
25 significant risk to the health or safety of others exists and cannot be
26 eliminated by modification of policies, practices or procedures or by the
27 provision of auxiliary aids or services.

28 2. "Discriminate" means discriminatory actions prescribed in section
29 41-1492.02 and includes:

30 (a) Refusing to permit an individual with a disability to enter a
31 public place with a service animal or interfering with the individual's right
32 to enter or use the public place.

33 (b) Failing to provide an individual with a disability the same
34 services and access to the same areas of the premises as afforded to others.

35 (c) Attempting to impose a charge, fee or deposit because an
36 individual with a disability is accompanied by a service animal.

37 (d) Requiring an individual with a disability to disclose disability
38 related information. However, a public accommodation may ask if the animal
39 is a service animal being used because of a disability.

40 (e) Requiring provision of identification for the service animal.

41 3. "Individual with a disability" means an individual who has a
42 physical or mental impairment that substantially limits one or more of the
43 major life activities of the individual.

1 4. "Public place" means any office or place of business or recreation
2 to which the general public is invited, whether operated by a public or
3 private entity and includes all forms of conveyance, including taxis, tow
4 trucks and ambulances.

5 5. "Service animal" means any ~~guide dog~~ OR MINIATURE HORSE, ~~signal dog~~
6 ~~or other animal~~ THAT IS individually trained to do work or perform tasks for
7 the benefit of an individual with a disability, including ~~guiding individuals~~
8 ~~with impaired vision, alerting individuals with impaired hearing to intruders~~
9 ~~or sounds, providing assistance in a medical crisis, pulling a wheelchair or~~
10 ~~fetching dropped items~~ A PHYSICAL, SENSORY, PSYCHIATRIC, INTELLECTUAL OR
11 OTHER MENTAL DISABILITY. SERVICE ANIMAL DOES NOT INCLUDE OTHER SPECIES OF
12 ANIMALS, WHETHER WILD OR DOMESTIC OR TRAINED OR UNTRAINED.

13 6. "Wild animal park" means an entity that is open to the public on a
14 regular basis, that is licensed by the United States department of
15 agriculture as an exhibit and that is operating primarily to conserve,
16 propagate and exhibit wild and exotic animals.