PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2179

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:
   "Section 1. Section 11-1024, Arizona Revised Statutes, is amended to read:
   11-1024. Service animals; rights of individuals with disabilities; violation; classification; definitions
   A. Any person or entity that operates a public place shall not discriminate against individuals with disabilities who use service animals if the work or tasks performed by the service animal are directly related to the individual's disability. Work or tasks include assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities and helping individuals with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. 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.
   B. It is not discriminatory to exclude a service animal from a public place if one or more of the following apply:
      1. The animal poses a direct threat to the health or safety of others.
      2. The animal fundamentally alters the nature of the public place or the goods, services or activities provided.
      3. The animal poses an undue burden.
   C. Public places may maintain a general no pets policy if it is not used to exclude service animals and if it does not grant rights to any person to bring the person's pet into a public place that otherwise does not permit
PUBLIC PLACES THAT SERVE FOOD MAY EXCLUDE SERVICE ANIMALS TO COMPLY WITH STATE AND LOCAL HEALTH CODES.

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

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

F. A zoo or wild animal park may prohibit a service animal, including a dog guide or service dog, from any area of the zoo or wild animal park where the service animal may come into direct contact with the animals contained in the zoo or wild animal park. Service animals shall not be excluded from public walkways or sidewalks or from any area that allows for physical barriers between the service animals, dog guides or service dogs and the animals in the zoo or wild animal park. Any zoo or wild animal park that prohibits dog guides and service dogs shall provide without cost adequate facilities for the temporary confinement of dog guides and service dogs. The facilities shall be adequate to accommodate the anticipated attendance of legally blind—OR deaf PERSONS or persons with physical disabilities, shall be in an area not accessible to the general public, shall provide water for the dog guides and service dogs and shall otherwise be safe, clean and comfortable. The zoo or wild animal park on request by a legally blind person who is required to leave that person's dog guide or service dog pursuant to this subsection shall provide a sighted escort if the legally blind person is unaccompanied by a sighted person.

G. The driver of a vehicle approaching a legally blind pedestrian who is carrying a cane that is predominately white or metallic in color, who is using a service animal or who is assisted by a sighted person shall yield the right-of-way and take reasonable precautions to avoid injury to the pedestrian and the service animal. The pedestrian has the same rights as any other person whether or not the pedestrian is carrying the cane, using a service animal or being assisted by a sighted person. Drivers shall take the same precautions with respect to pedestrians who have a disability other than blindness and their service animals. A driver who violates this subsection is liable for damages for any injury caused to the pedestrian or the service animal.
H. A SERVICE ANIMAL IN A PUBLIC PLACE SHALL WEAR A VEST THAT DISPLAYS
A PERMIT ISSUED BY THE DEPARTMENT OF HEALTH SERVICES PURSUANT TO SECTION
36-4001.

I. A PERSON IS GUILTY OF A PETTY OFFENSE AND IS SUBJECT TO A CIVIL
PENALTY OF NOT MORE THAN ONE HUNDRED DOLLARS IF BOTH OF THE FOLLOWING APPLY:
1. THE PERSON USES AN ANIMAL WITH A HARNESS OR LEASH THAT A PERSON
WITH A DISABILITY COMMONLY USES FOR A SERVICE ANIMAL IN ORDER TO REPRESENT
THAT THE ANIMAL IS A SPECIALLY TRAINED SERVICE ANIMAL.
2. TRAINING HAS NOT ACTUALLY BEEN PROVIDED TO THE ANIMAL.

J. ANY PERSON OR ENTITY THAT OPERATES A PUBLIC PLACE THAT SERVES FOOD
MAY POST A SIGN DESIGNED PURSUANT TO SECTION 36-4001 THAT PROHIBITS THE
ACCESS OF A SERVICE ANIMAL.

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

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

M. For the purposes of this section:
1. "Direct threat to the health or safety of others" means that a
significant risk to the health or safety of others exists and cannot be
eliminated by modification of policies, practices or procedures or by the
provision of auxiliary aids or services.
2. "Discriminate" means discriminatory actions prescribed in section
41-1492.02 and includes:
   (a) Refusing to permit an individual with a disability to enter a
public place with a service animal or interfering with the individual's right
to enter or use the public place.
   (b) Failing to provide an individual with a disability the same
services and access to the same areas of the premises as afforded to others.
   (c) Attempting to impose a charge, fee or deposit because an
individual with a disability is accompanied by a service animal.
   (d) Requiring an individual with a disability to disclose disability
related information. However, a public accommodation may ask if the animal
is a service animal being used because of a disability.
   (e) Requiring provision of identification for the service animal.
3. "Individual with a disability" means an individual who has a
physical or mental impairment that substantially limits one or more of the
major life activities of the individual.
4. "Public place" means any office or place of business or recreation to which the general public is invited, whether operated by a public or private entity and includes all forms of conveyance, including taxis, tow trucks and ambulances.

5. "Service animal" means 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. Service animal does not include other species of animals, whether wild or domestic or trained or untrained.

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

Sec. 2. Title 36, Arizona Revised Statutes, is amended by adding chapter 40, to read:

CHAPTER 40
SERVICE ANIMAL PERMITS
ARTICLE 1. GENERAL PROVISIONS
36-4001. Service animals; permits; signage; definitions

A. THE DEPARTMENT OF HEALTH SERVICES SHALL ISSUE A PERMIT TO AN APPLICANT FOR A SERVICE ANIMAL THAT IS TRAINED TO ASSIST INDIVIDUALS WITH DISABILITIES. A PHOTOGRAPH OF THE SERVICE ANIMAL AND THE SERVICE ANIMAL HANDLER SHALL BE INCLUDED ON THE PERMIT. THE PERMIT SHALL BE RENEWED ANNUALLY NOT LATER THAN THE LAST DAY OF THE MONTH IN WHICH THE PERMIT WAS ISSUED.

B. A SERVICE ANIMAL HANDLER SHALL APPLY TO THE DEPARTMENT OF HEALTH SERVICES ON A FORM PROVIDED BY THE DEPARTMENT THAT INCLUDES A MEDICAL CERTIFICATE COMPLETED BY A HOSPITAL ADMINISTRATOR, AN AUTHORIZED PHYSICIAN OR A REGISTERED NURSE PRACTITIONER WHO CERTIFIES THAT THE APPLICANT HAS A PHYSICAL DISABILITY.

C. THE DEPARTMENT SHALL PETITION THE UNITED STATES DEPARTMENT OF JUSTICE TO UPDATE THE RULES RELATING TO THE AMERICANS WITH DISABILITIES ACT OF 1990 TO COMPLY WITH STATE LAW.

D. THE DEPARTMENT SHALL DESIGN A SIGN FOR PUBLIC PLACES THAT SERVE FOOD THAT PROHIBITS THE ACCESS OF A SERVICE ANIMAL AND A SIGN FOR PUBLIC PLACES THAT DO NOT SERVE FOOD THAT ALLOWS THE ACCESS OF A SERVICE ANIMAL.
E. FOR THE PURPOSES OF THIS SECTION, "INDIVIDUAL WITH A DISABILITY", "PUBLIC PLACE" AND "SERVICE ANIMAL" HAVE THE SAME MEANINGS PRESCRIBED IN SECTION 11-1024.

Sec. 3. Findings

The legislature finds that the Americans with disabilities act of 1990 may endanger the health and safety of the public, place an undue burden on businesses and others and conflict with state and local health codes. State and local health codes shall supersede the Americans with disabilities act of 1990."