

State of Arizona
Senate
Fifty-second Legislature
Second Regular Session
2016

SENATE BILL 1382

AN ACT

AMENDING SECTION 11-1024, ARIZONA REVISED STATUTES; RELATING TO SERVICE 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 4. THE ANIMAL IS OUT OF CONTROL AND THE ANIMAL'S HANDLER DOES NOT TAKE
28 EFFECTIVE ACTION TO CONTROL THE ANIMAL.
29 5. THE ANIMAL IS NOT HOUSEBROKEN.

30 C. IF A PUBLIC PLACE ASKS AN INDIVIDUAL TO REMOVE A SERVICE ANIMAL
31 PURSUANT TO SUBSECTION B OF THIS SECTION, THE PUBLIC PLACE SHALL GIVE THE
32 INDIVIDUAL THE OPPORTUNITY TO RETURN AND OBTAIN GOODS, SERVICES OR
33 ACCOMMODATIONS WITHOUT THE ANIMAL ON THE PREMISES.

34 ~~D.~~ D. Public places may maintain a general no pets policy if it is
35 not used to exclude service animals and if it does not grant rights to any
36 person to bring the person's pet into a public place that otherwise does not
37 permit pets.

38 E. A SERVICE ANIMAL MUST BE UNDER THE CONTROL OF THE SERVICE ANIMAL'S
39 HANDLER.

40 ~~D.~~ F. A service ~~animal~~ ANIMAL'S handler is liable for any damage done
41 to a public place by the service animal or service animal in training.

42 ~~E.~~ G. Any trainer or individual with a disability may take an animal
43 being trained as a service animal to a public place for purposes of training

1 it to the same extent as provided in subsections A, B and ~~E~~ D of this
2 section.

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

20 ~~G~~ I. The driver of a vehicle approaching a legally blind pedestrian
21 who is carrying a cane that is predominately white or metallic in color, who
22 is using a service animal or who is assisted by a sighted person shall yield
23 the right-of-way and take reasonable precautions to avoid injury to the
24 pedestrian and the service animal. The pedestrian has the same rights as any
25 other person whether or not the pedestrian is carrying the cane, using a
26 service animal or being assisted by a sighted person. Drivers shall take the
27 same precautions with respect to pedestrians who have a disability other than
28 blindness and their service animals. A driver who violates this subsection
29 is liable for damages for any injury caused to the pedestrian or the service
30 animal.

31 ~~H~~ J. Any person or entity that violates ~~subsections~~ SUBSECTION A,
32 ~~through G~~ H OR I of this section is guilty of a class 2 misdemeanor.

33 ~~I~~ K. This section is not intended to affect any civil remedies
34 available for a violation of this section.

35 ~~J~~ L. For the purposes of this section:

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

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

42 (a) Refusing to permit an individual with a disability to enter a
43 public place with a service animal or interfering with the individual's right
44 to enter or use the public place.

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

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

5 (d) Requiring an individual with a disability to disclose disability
6 related information. However, a public accommodation may ask if the animal
7 is a service animal being used because of a disability OR WHAT WORK OR TASK
8 THE SERVICE ANIMAL HAS BEEN TRAINED TO PERFORM.

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

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

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

17 5. "Service animal" means any dog or miniature horse that is
18 individually trained to do work or perform tasks for the benefit of an
19 individual with a disability, including a physical, sensory, psychiatric,
20 intellectual or other mental disability. Service animal does not include
21 other species of animals, whether wild or domestic or trained or untrained.

22 6. "UNDER THE CONTROL OF THE SERVICE ANIMAL'S HANDLER" MEANS THE
23 SERVICE ANIMAL HAS A HARNESS, LEASH OR OTHER TETHER, UNLESS EITHER THE
24 HANDLER IS UNABLE BECAUSE OF A DISABILITY TO USE A HARNESS, LEASH OR OTHER
25 TETHER OR THE USE OF THE HARNESS, LEASH OR OTHER TETHER WOULD INTERFERE WITH
26 THE SERVICE ANIMAL'S SAFE AND EFFECTIVE PERFORMANCE OF WORK OR TASKS, IN
27 WHICH CASE THE SERVICE ANIMAL MUST BE OTHERWISE UNDER THE HANDLER'S CONTROL
28 BY VOICE CONTROL, SIGNALS OR OTHER EFFECTIVE MEANS.

29 ~~6.~~ 7. "Wild animal park" means an entity that is open to the public
30 on a regular basis, that is licensed by the United States department of
31 agriculture as an exhibit and that is operating primarily to conserve,
32 propagate and exhibit wild and exotic animals.