

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

HOUSE BILL 2588

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;
6 fraudulent misrepresentation; civil penalty;
7 definitions

8 A. Any person or entity that operates a public place shall not
9 discriminate against individuals with disabilities who use service animals
10 if the work or tasks performed by the service animal are directly related
11 to the individual's disability. Work or tasks include assisting
12 individuals who are blind or have low vision with navigation and other
13 tasks, alerting individuals who are deaf or hard of hearing to the
14 presence of people or sounds, providing nonviolent protection or rescue
15 work, pulling a wheelchair, assisting an individual during a seizure,
16 alerting individuals to the presence of allergens, retrieving items such
17 as medicine or the telephone, providing physical support and assistance
18 with balance and stability to individuals with mobility disabilities and
19 helping individuals with psychiatric and neurological disabilities by
20 preventing or interrupting impulsive or destructive behaviors. The crime
21 deterrent effects of an animal's presence and the provision of emotional
22 support, well-being, comfort or companionship do not constitute work or
23 tasks.

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

26 1. The animal poses a direct threat to the health or safety of
27 others.

28 2. The animal fundamentally alters the nature of the public place
29 or the goods, services or activities provided.

30 3. The animal poses an undue burden.

31 4. The animal is out of control and the animal's handler does not
32 take effective action to control the animal.

33 5. The animal is not housebroken.

34 C. If a public place asks an individual to remove a service animal
35 pursuant to subsection B of this section, the public place shall give the
36 individual the opportunity to return and obtain goods, services or
37 accommodations without the animal on the premises.

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

42 E. A service animal must be under the control of the service
43 animal's handler.

44 F. A service animal's handler is liable for any damage done to a
45 public place by the service animal or service animal in training.

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

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

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

34 J. Any person or entity that violates subsection A, H or I of this
35 section is guilty of a class 2 misdemeanor.

36 K. A PERSON MAY NOT FRAUDULENTLY MISREPRESENT AN ANIMAL AS A
37 SERVICE ANIMAL OR SERVICE ANIMAL IN TRAINING TO A PERSON OR ENTITY THAT
38 OPERATES A PUBLIC PLACE. A COURT OR DULY APPOINTED HEARING OFFICER MAY
39 IMPOSE ON THE PERSON MISREPRESENTING THE ANIMAL IN VIOLATION OF THIS
40 SUBSECTION A CIVIL PENALTY OF NOT MORE THAN TWO HUNDRED FIFTY DOLLARS FOR
41 EACH VIOLATION.

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

1 ~~h.~~ M. For the purposes of this section:

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

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

8 (a) Refusing to permit an individual with a disability to enter a
9 public place with a service animal or interfering with the individual's
10 right to enter or use the public place.

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

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

16 (d) Requiring an individual with a disability to disclose
17 ~~disability-related~~ DISABILITY-RELATED information. However, a public
18 accommodation may ask if the animal is a service animal being used because
19 of a disability or what work or task the service animal has been trained
20 to perform.

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

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

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

29 5. "Service animal" means any dog or miniature horse that is
30 individually trained or in training to do work or perform tasks for the
31 benefit of an individual with a disability, including a physical, sensory,
32 psychiatric, intellectual or other mental disability. Service animal does
33 not include other species of animals, whether wild or domestic or trained
34 or untrained.

35 6. "Under the control of the service animal's handler" means the
36 service animal has a harness, leash or other tether, unless either the
37 handler is unable because of a disability to use a harness, leash or other
38 tether or the use of the harness, leash or other tether would interfere
39 with the service animal's safe and effective performance of work or tasks,
40 in which case the service animal must be otherwise under the handler's
41 control by voice control, signals or other effective means.

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