

SB 5788 -- Redline

Substitute to Bill -- Concerning service animal training.

Deletions ~~struck~~ · Insertions underlined

~~ENGROSSED~~S-3453.4 ~~SUBSTITUTE~~ SENATE BILL 5788 State of Washington 68th Legislature 2024 Regular Session
By ~~Senate Law & Justice (originally sponsored by~~ Senators Pedersen, Wagoner, Kuderer, Mullet, and
~~Saldana)~~Saldana ~~READ~~Prefiled ~~FIRST~~12/04/23, TIME 01/12/24,
Read first time 01/08/24.

Referred to Committee on Law & Justice.

RCW 49.60.040 and 2020 c 85 s 1 are each ~~reenacted and~~ amended to read as follows:

1 ~~ESSB~~SB 5788 rendering of personal services, or for public conveyance or transportation on land, water, or in the air, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports, or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation, or public purposes, or public halls, public elevators, and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or educational institution, or schools of special instruction, or nursery schools, or day care centers or children's camps:

2 ~~ESSB~~SB 5788 transactions by banks, savings and loan associations or other financial lending institutions of whatever nature, stock brokers, or by a merchant or mercantile establishment which as part of its ordinary business permits or provides that payment for purchases of property or service therefrom may be deferred.

3 ~~ESSB~~SB 5788 (e) For purposes of (d) of this subsection, a limitation is not substantial if it has only a trivial effect.

4 ~~ESSB~~SB 5788 (15) "Honorably discharged veteran or military status" means a person who is:

5 ~~ESSB~~SB 5788 (25) "Service animal" means any dog or miniature horse((, as discussed in RCW 49.60.214,)) 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.

(26) "Service animal trainee" means any dog or miniature horse that is undergoing training to ~~become~~do work or perform tasks for the benefit of an individual with a ~~service~~disability, ~~animal~~including a physical, sensory, psychiatric, intellectual, or other mental disability.

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.

As used in this definition, "gender expression or identity" means having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is ~~differentp. from that traditionally associated with the sex assigned to that person at birth.~~

6 SB 5788 different from that traditionally associated with the sex assigned to that person at birth.

~~p.~~(1) It shall be a civil infraction under chapter 7.80 RCW for any person to misrepresent an animal as a service animal or service animal trainee.

~~6 ESSB 5788 (1) It shall be a civil infraction under chapter 7.80 RCW for any person to misrepresent an animal as a service animal or service animal trainee.~~

~~((3) A place of public accommodation shall 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(24) if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual p.~~

7 ~~ESSB~~SB 5788 ((3) A place of public accommodation shall 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(24) if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.

(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~~amusement((,-- except for)).

(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 ~~trainedp. to do work or perform tasks for the benefit of the individual with a disability.~~

8 SB 5788 trained to do work or perform tasks for the benefit of the individual with a disability.

~~p.~~(4) If a place of public accommodation or of access to state government services, programs, or

activities customarily charges a person for damages that the person causes to the place, the place may charge a person with a disability or service animal trainer for damages that a service animal or service animal trainee causes to the place.

~~8(5) ESSBA 5788 person (4) with If a place disability of or public service accommodation animal customarily trainer charges must maintain person control for of damages that the person causes to the place, the place may charge a service animal trainer or for damages that a service animal trainee trainee. causes to the place.~~

~~(5) A service animal trainer must maintain control of a service animal trainee.~~

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 trained or 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 or of access to state government services, programs, or activities 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 or of access to state government services, programs, or activities may not deny a person with a disability or service animal trainer the right to be accompanied by a service animal or service animal trainee in any area of the place that is open to the public or to business invitees.

A place of public accommodation or of access to state government services, programs, or activities may require a person with a disability or service animal trainer to remove a service animal or service animal trainee if:

(b) A place of public accommodation or of access to state government services, programs, or activities may impose legitimate requirements necessary for the safe operation of the place of public ~~accommodation, accommodation or the services, programs, or activities.~~

~~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) 9 ASB place 5788 of public accommodation may or post of signage access indicating to the state misrepresentation government of services, an programs, animal or as activities a must service ensure animal that or the service safety animal requirements trainee are may based result on in actual a risks, civil not infraction on of speculation, up stereotypes, to or \$500 generalizations pursuant about to persons chapter with 7.80 disabilities. -RCW-~~

(7) A place of public accommodation or of access to state government services, programs, or activities 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, place or the advantages, facilities, and~~ privileges of the state government services, programs, or activities.

For purposes of this subsection, except as provided in ~~subsection~~ subsections (6) and (8) of this section, in ~~p-~~ addition to any other applicable accommodation requirement, allowing the presence of the service animal is a reasonable modification.

~~9(8) ESSB If 5788 a addition place of public accommodation or of access to any state other government applicable services, accommodation programs, requirement, or allowing activities there requires presence a of person the with a disability or a service animal is trainer to remove a service animal or service animal trainee under subsection (6) of this section, the place must give the person with a disability a reasonable modification, opportunity to obtain goods, services, and the use of the advantages, facilities, and privileges of the place or the advantages, facilities, and privileges of the state government services, programs, or activities without the service animal's presence.~~

~~(8)(9)~~ (9) A place of public accommodation or of access to state government services, programs, or activities is not required to provide care or supervision for a service animal or service animal trainee.

~~(9)(10)~~ (10) 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.

10 ESSB SB 5788