

Effective 5/3/2023

26B-6-803 Right to be accompanied by service animal or support animal -- Security deposits -- Discrimination -- Liability.

- (1)
 - (a) An individual with a disability has the right to be accompanied by a service animal, unless the service animal is a danger or nuisance to others as interpreted under the Americans with Disabilities Act of 1990, 42 U.S.C. Sec. 12102:
 - (i) in any of the places specified in Section 26B-6-802; and
 - (ii) without additional charge for the service animal.
 - (b) An owner or lessor of private housing accommodations:
 - (i) may not, in any manner, discriminate against an individual with a disability on the basis of the individual's possession of a service animal or a support animal, including by charging an extra fee or deposit for a service animal or a support animal; and
 - (ii) may recover a reasonable cost to repair damage caused by a service animal or a support animal.
- (2) An individual who is not an individual with a disability has the right to be accompanied by an animal that is in training to become a service animal, as defined in Section 10-8-65:
 - (a) in any of the places specified in Section 26B-6-802; and
 - (b) without additional charge for the animal.
- (3) An individual described in Subsection (1) or (2) is liable for any loss or damage the individual's accompanying service animal, support animal, or animal described in Subsection (2) causes or inflicts to the premises of a place specified in Section 26B-6-802.
- (4) Nothing in this section prohibits the exclusion, as permitted under federal law, of a service animal or a support animal from a place described in Section 26B-6-802.

Renumbered and Amended by Chapter 308, 2023 General Session
Amended by Chapter 419, 2023 General Session