

SERVICE ANIMAL AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keith Grover

Senate Sponsor: Margaret Dayton

LONG TITLE

General Description:

This bill amends the Rights and Privileges of a Person with a Disability Act by changing the definition of a "service animal."

Highlighted Provisions:

This bill:

- ▶ amends the definition of a "service animal" to follow the federal definition; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

62A-5b-102, as last amended by Laws of Utah 2009, Chapter 110

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **62A-5b-102** is amended to read:

62A-5b-102. Definitions.

As used in this chapter:

(1) "Disability" has the same meaning as defined in 42 U.S.C. 12102 of the Americans With Disabilities Act of 1990, as may be amended in the future, and 28 C.F.R. 36.104 of the Code of Federal Regulations, as may be amended in the future.

30 (2) "Restaurant":
31 (a) includes any coffee shop, cafeteria, luncheonette, soda fountain, dining room, or
32 fast-food service where food is prepared or served for immediate consumption; and
33 (b) does not include:
34 (i) any retail establishment whose primary business or function is the sale of fuel or
35 food items for off-premise, but not immediate, consumption; and
36 (ii) except for a dinner theater, a theater that sells food items.
37 ~~[(3) "Service animal" means:]~~
38 ~~[(a) (i) a guide dog;]~~
39 ~~[(ii) a signal dog; or]~~
40 ~~[(iii) any other animal individually trained to do work or perform tasks for the benefit~~
41 ~~of a person with a disability, including:]~~
42 ~~[(A) guiding a person with impaired vision;]~~
43 ~~[(B) alerting a person with impaired hearing to intruders or sounds;]~~
44 ~~[(C) providing minimal protection or rescue work;]~~
45 ~~[(D) pulling a wheelchair; or]~~
46 ~~[(E) fetching dropped items; or]~~
47 ~~[(b) an animal in training to become an animal described in Subsection (3)(a).]~~
48 (3) (a) "Service animal" includes any dog that:
49 (i) is trained, or is in training, to do work or perform tasks for the benefit of an
50 individual with a disability, including a physical, sensory, psychiatric, intellectual, or other
51 mental disability;
52 (ii) performs work or tasks, or is in training to perform work or tasks, that are directly
53 related to the individual's disability, including:
54 (A) assisting an individual who is blind or has low vision with navigation or other
55 tasks;
56 (B) alerting an individual who is deaf or hard of hearing to the presence of people or
57 sounds;

- 58 (C) providing non-violent protection or rescue work;
- 59 (D) pulling a wheelchair;
- 60 (E) assisting an individual during a seizure;
- 61 (F) alerting an individual to the presence of an allergen;
- 62 (G) retrieving an item for the individual;
- 63 (H) providing physical support and assistance with balance and stability to an
- 64 individual with a mobility disability; or
- 65 (I) helping an individual with a psychiatric or neurological disability by preventing or
- 66 interrupting impulsive or destructive behaviors.
- 67 (b) "Service animal" does not include:
- 68 (i) an animal other than a dog, whether wild or domestic, trained or untrained; or
- 69 (ii) an animal used solely to provide:
- 70 (A) a crime deterrent;
- 71 (B) emotional support;
- 72 (C) well-being;
- 73 (D) comfort; or
- 74 (E) companionship.