**HB 303: A BILL FOR PEOPLE WITH DISABILITIES AND THEIR SERVICE ANIMALS**

**Summary:**

The language of the current law, Ohio Revised Code 955.43, was written before the most recent amendments to the Americans with Disabilities (ADA) Act. The result is that some terms in Ohio law are different from analogous terms in the ADA. For clarity and to reduce confusion, the Legislature should bring the language of Section 955.43 into compliance with that of the ADA. In addition all violations of the law should be raised from 4th-degree misdemeanors to 2nd-degree misdemeanors to encourage the general public and would-be service animal users to take infractions of this law seriously.

**Current Law:**

[955.43 Dogs with blind, deaf or mobility impaired person.](http://codes.ohio.gov/orc/955.43)

1. When either a blind, deaf or hearing impaired, or mobility impaired person or a trainer of an assistance dog is accompanied by an assistance dog , the person or the trainer, as applicable, is entitled to the full and equal accommodations, advantages, facilities, and privileges of all public conveyances, hotels, lodging places, all places of public accommodation, amusement, or resort, all institutions of education, and other places to which the general public is invited, and may take the dog into such conveyances and places, subject only to the conditions and limitations applicable to all persons not so accompanied, except that:

* 1. The dog shall not occupy a seat in any public conveyance.
  2. The dog shall be upon a leash while using the facilities of a common carrier.
  3. Any dog in training to become an assistance dog shall be covered by a liability insurance policy provided by the nonprofit special agency engaged in such work protecting members of the public against personal injury or property damage caused by the dog.

1. No person shall deprive a blind, deaf or hearing impaired, or mobility impaired person or a trainer of an assistance dog who is accompanied by an assistance dog of any of the advantages, facilities, or privileges provided in division (A) of this section, nor charge the person or trainer a fee or charge for the dog….

**CHANGES IN LANGUAGE OF THE LAW TO BE CONSISTENT WITH THE ADA:**

* The title should be 955.43 Disabled People and Service Animals
* All references to “assistance dogs or animals” should be changed to “service animals.”
* All references to “blind, deaf or hearing impaired or mobility impaired” should be changed to “disabled.”

**ADDITIONS AND SUBSTITUTIONS TO 955.43:**

* A “service animal” should be defined as an animal that is trained to perform tasks for a person with a disability. The tasks may include guiding a person who is blind, alerting a person who is deaf, pulling a person in a wheelchair, assisting with mobility or balance, alerting and protecting a person who is having a seizure, retrieving objects, or performing other special tasks. A service animal is not a pet. In addition, assistance animals and emotional support animals are not defined as service animals. A business owner or employee can ask only two questions to ascertain that an animal is a service animal: is the animal a service animal? And what tasks has the animal been trained to do? Documentation is not a precondition to providing service to an individual accompanied by a service animal.
* A person with a disability is liable for damage caused by a service animal if it is the regular policy and practice of the public accommodation to charge non-disabled people for damages caused by their pets.
* A public accommodation may exclude or remove any animal from the premises, including a service animal, if the animal’s behavior poses a direct threat to the health or safety of others. Allergies and fear of animals are not valid reasons for denying access or refusing service to a person with a service animal. If a service animal is excluded or removed for being a direct threat to others, the public accommodation must provide the person with a disability the option of continuing access to the public accommodation without having the service animal on the premises.
* The service animal must be harnessed, leashed, or tethered while in public places unless these devices interfere with the service animal's work or the person's disability prevent use of these devices. In that case, the person must use voice, signal, or other effective means to maintain control of the animal.
* A person who knowingly and willfully misrepresents himself or herself through conduct, oratory or written notice as using a service animal and being qualified to use a service animal or as a trainer of a service animal commits a 2nd degree misdemeanor. Instead of or in addition to a fine, a person who misrepresents himself or herself as using a service animal could also be required to volunteer a number of hours at an organization working with people with disabilities.

**WHAT YOU CAN DO:**

Co- sponsor HB 303 to bring the Ohio code in compliance to the ADA to protect the rights of disabled people and their service animals and trainers of service animals when they are accompanied by their service animals. Please contact sponsors Representative Scott Lipps at (614) 644-6023 or Representative Brigid Kelly at (614) 466-5786, for more information.

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