Current Law

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

(A) 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.

(B) 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.

(C) As used in this section, "institutions of education" means:

(1) Any state university or college as defined in section [3345.32](http://codes.ohio.gov/orc/3345.32) of the Revised Code;

(2) Any private college or university that holds a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code;

(3) Any elementary or secondary school operated by a board of education;

(4) Any chartered or nonchartered nonpublic elementary or secondary school;

(5) Any school issued a certificate of registration by the state board of career colleges and schools.

Effective Date: 04-03-2003; 06-30-2006

PROPOSED CHANGES TO SERVICE ANIMAL LAW, 955.43

The title of this law should be Persons With Disabilities and Service Dogs

All references to “assistance animals” should be changed to “service animals.”

All references to “blind, deaf or hearing impaired or mobility impaired” should be changed to “a person with a disability.”

The following should be added to the current law.

“service animal” means an animal that is trained to perform tasks for an individual with a disability. The tasks may include, but are not limited to, 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 can ask two questions to ascertain that the animal is a service animal: is the animal a service animal? 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.

An individual 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 nondisabled persons for damages caused by their pets.

The care or supervision of a service animal is the responsibility of the individual owner.

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 and safety of others. Allergies and fear of animals are not valid reasons for denying access or refusing service to an individual 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 individual with a disability the option of continuing access to the public accommodation without having the service animal on the premises.

A person who knowingly and willfully misrepresents himself or herself through conduct or verbal 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 a2nd degree misdemeanor. Instead of or in addition to a fine, a person who misrepresents themselves as using a service animal could also be required to volunteer a number of hours at an organization working with persons with disabilities.

All penalties should be a 2nd degree misdemeanor.