

FINAL BILL REPORT SHB 1728

C 237 L 11

Synopsis as Enacted

Brief Description: Requiring businesses where food for human consumption is sold or served to allow persons with disabilities to bring their service animals onto the business premises.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Eddy, Rodne, Green, Goodman, Kagi and Kenney).

House Committee on Judiciary

Senate Committee on Labor, Commerce & Consumer Protection

Background:

Under Washington's Law Against Discrimination, it is an unfair practice to discriminate in places of public accommodation on the basis of race, color, creed, national origin, sexual orientation, sex, veteran or military status, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal. "Service animal" means any animal that is trained for the purposes of assisting or accommodating a disabled person's sensory, mental, or physical disability.

The prohibition against discriminating in providing public accommodations applies to "any place of public resort, accommodation, assemblage, or amusement" and includes restaurants, hotels, motels, inns, stores, markets, shopping malls, theaters, cinemas, concert halls, arenas, parks, fairs, arcades, libraries, schools, government offices, and hospitals.

Under federal law, the Americans with Disabilities Act (ADA) prohibits discrimination on the basis of disability in employment, state and local government services, public accommodations, commercial facilities, transportation, and telecommunications. The United States Department of Justice's regulations implementing the ADA defines "service animal" to mean any dog 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. Other species of animals, whether wild or domestic, trained or untrained, are not service animals. There is an exception for miniature horses, which may be considered service animals in some circumstances.

The ADA requires privately owned businesses that serve the public to allow people with disabilities to bring their service animals into the public areas of the business premises unless

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

the business can demonstrate that making such modifications would fundamentally alter the nature of its goods, services, facilities, privileges, advantages, or accommodations.

Summary:

Food establishments are prohibited from discriminating on the basis of the use of a service animal by a person with a disability only with respect to animals covered under the current federal regulatory definition of the term. A service animal is defined as any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability. With the exception of miniature horses, other species of animals are not considered service animals. A food establishment must make reasonable modifications to permit the use of a miniature horse by an individual with a disability, as long as the horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.

"Food establishment" means any places of business that sells or serves food for human consumption that has a North American Classification System Code in the provided list, which includes industries in the following areas: super markets and other grocery stores; convenience stores; meat markets; fish and seafood markets; fruit and vegetable markets; baked goods stores; confectionary and nut stores; specialty food stores; warehouse clubs and supercenters; full-service restaurants; limited service restaurants; cafeterias, grill buffets, and buffets; snack and non-alcoholic beverage bars; and drinking places.

Votes on Final Passage:

House	95	1
Senate	46	2

Effective: July 22, 2011