

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass as Amended and Be Printed Engrossed

Vote: 5 - 0 - 0

Yeas: Close, Dingfelder, Kruse, Roblan, Prozanski

Nays: 0

Exc.: 0

Prepared By: Anna Braun, Counsel

Meeting Dates: 3/28, 4/18

WHAT THE MEASURE DOES: Conforms state laws with federal Americans with Disabilities Act (ADA). Limits assistance animal definition to dogs and miniature horses and authorizes expansion of definition by Bureau of Labor and Industries (BOLI). Preserves the expansion of Oregon law to include animals in training. Covers all types of disability, including mental health. Adds transportation to public accommodation statute. Consolidates statutes regarding assistance animals. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Complexities of the ADA
- Different rules for employment, housing and public accommodations
- Faking a need for an assistance animal
- Rulemaking by BOLI

EFFECT OF COMMITTEE AMENDMENT: Replaces the measure.

BACKGROUND: Under the ADA, State and local governments, businesses and nonprofit organizations that serve the public generally must allow service animals to accompany people with disabilities in all areas of the facility where the public is normally allowed to go. Service animals must be leashed or harnessed unless the devices interfere with the service animals' work. Only limited inquiries are allowed by staff members about service animals. A staff person may ask if it is a service animal and, if it is, what service it provides. No questions about a persons' disability or requiring documentation is allowed. An owner can only ask a service animal to leave the premises if the animal is out of control or not housebroken.

Currently, Oregon has no limitations on what can be considered a service animal. Federal law states that dogs and miniature horses must be allowed as assistance animals. Senate Bill 610 A adopts that definition but also enables BOLI to make rules allowing other animals to be considered service animals.