

Senate Bill 742

Sponsored by Senator BOQUIST (at the request of Tim Kirkman)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires Department of Human Services to adopt procedures for issuance of assistance animal certificates. Requires department to make reasonable accommodation for persons with disabilities in application process. Requires waiver of application fee for persons with disabilities who receive disability services provided by or paid for by department and who are eligible for medical assistance. Allows food establishment or restaurant to inquire whether animal present on premises has valid assistance animal certificate.

A BILL FOR AN ACT

1
2 Relating to assistance animals; creating new provisions; and amending ORS 659A.143.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in this section:**

5 (a) "Assistance animal" has the meaning given that term in ORS 659A.143.

6 (b) "Health care practitioner" means a person licensed or certified to provide health care
7 services in this state.

8 (2) The Department of Human Services shall adopt by rule procedures for the issuance
9 and renewal of assistance animal certificates. The department shall issue an assistance ani-
10 mal certificate to any person who:

11 (a) Submits an application in the form and manner prescribed by the department;

12 (b) Pays the application fee prescribed by the department by rule; and

13 (c) Provides a statement signed by the person's treating health care practitioner, dated
14 within six months preceding the date of application:

15 (A) Stating that the person requires an assistance animal due to a disability; and

16 (B) Briefly summarizing the nature of the work or task that the assistance animal per-
17 forms or the other assistance provided by the animal.

18 (3) The procedures adopted by the department under subsection (2) of this section shall
19 ensure that reasonable accommodations are made for the applicant's disability, including, but
20 not limited to:

21 (a) Permitting the application and the health care practitioner's statement to be sub-
22 mitted by mail, in person or electronically; and

23 (b) Providing application assistance, including, if appropriate, assisting the person in ob-
24 taining the statement from the person's health care practitioner.

25 (4) The department shall waive the application fee for any person with a disability who:

26 (a) Receives disability services provided by or paid for by the department; and

27 (b) Is eligible for medical assistance.

28 **SECTION 2. ORS 659A.143 is amended to read:**

29 659A.143. (1) As used in this section:

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (a) "Assistance animal" means a dog or other animal designated by administrative rule that has
2 been individually trained to do work or perform tasks for the benefit of an individual.

3 (b) "Assistance animal trainee" means an animal that is undergoing a course of development and
4 training to do work or perform tasks for the benefit of an individual that directly relate to the dis-
5 ability of the individual.

6 (c) "Assistance animal trainer" means an individual exercising care, custody and control over
7 an assistance animal trainee during a course of training designed to develop the trainee into an
8 assistance animal.

9 **(d) "Food establishment" has the meaning given that term in ORS 616.695.**

10 [(d)] (e) "Place of public accommodation" means a place of public accommodation as defined in
11 ORS 659A.400.

12 **(f) "Restaurant" has the meaning given that term in ORS 624.010.**

13 (2) A place of public accommodation or of access to state government services, programs or
14 activities may not:

15 (a) Ask an individual about the nature or extent of a disability that the individual has or may
16 have;

17 (b) **Unless the place is a food establishment or restaurant**, require an individual to provide
18 documentation proving that an animal is an assistance animal or an assistance animal trainee; or

19 (c) Notwithstanding any fee or admission charge imposed for pets, require that a person with a
20 disability or an assistance animal trainer pay a fee or admission charge for an assistance animal
21 or assistance animal trainee.

22 (3) A place of public accommodation or of access to state government services, programs or
23 activities may:

24 (a) Ask whether an animal is required due to a disability; [and]

25 (b) Ask about the nature of the work or task that an animal is trained to do or perform or is
26 being trained to do or perform, unless it is readily apparent that the animal performs or is being
27 trained to perform work or a task for the benefit of a person with a disability[.]; and

28 **(c) If the place is a food establishment or restaurant, require proof that the animal has**
29 **a valid assistance animal certificate issued under section 1 of this 2015 Act.**

30 (4) If a place of public accommodation or of access to state government services, programs or
31 activities customarily charges a person for damages that the person causes to the place, the place
32 may charge a person with a disability or an assistance animal trainer for damages that an assistance
33 animal or assistance animal trainee causes to the place.

34 (5) A person with a disability or an assistance animal trainer must maintain control of an as-
35 sistance animal or assistance animal trainee. Except as provided in this subsection, control shall be
36 exerted by means of a harness, leash or other tether. If the use of a harness, leash or other tether
37 would interfere with the ability of the animal to do the work or perform the tasks for which the
38 animal is trained or is being trained, control may be exerted by the effective use of voice commands,
39 signals or other means. If an animal is not under control as required in this subsection, a place of
40 public accommodation or of access to state government services, programs or activities may con-
41 sider the animal to be out of control for purposes of subsection (6) of this section.

42 (6)(a) Except as provided in this subsection, a place of public accommodation or of access to
43 state government services, programs or activities may not deny a person with a disability or an
44 assistance animal trainer the right to be accompanied by an assistance animal or assistance animal
45 trainee in any area of the place that is open to the public or to business invitees. A place of public

1 accommodation or of access to state government services, programs or activities may require a
 2 person with a disability or an assistance animal trainer to remove an assistance animal or assist-
 3 ance animal trainee if:

4 (A) The animal is not housebroken; or

5 (B) The animal is out of control and effective action is not taken to control the animal.

6 (b) A place of public accommodation or of access to state government services, programs or
 7 activities may impose legitimate requirements necessary for the safe operations of the place of
 8 public accommodation or the services, programs or activities. The place of public accommodation
 9 or of access to state government services, programs or activities shall ensure that the safety re-
 10 quirements are based on actual risks, not on speculation, stereotypes or generalizations about per-
 11 sons with disabilities.

12 (7) A place of public accommodation or of access to state government services, programs or
 13 activities shall make reasonable modifications as necessary to allow an opportunity for a person
 14 with a disability who is benefited by the use of an assistance animal to obtain goods, services and
 15 the use of the advantages, facilities and privileges of the place or the advantages, facilities and
 16 privileges of the state government services, programs or activities. For purposes of this subsection,
 17 except as provided in subsections (6) and (8) of this section, in addition to any other applicable ac-
 18 commodation requirement, allowing the presence of the assistance animal is a reasonable modifica-
 19 tion.

20 (8) If a place of public accommodation or of access to state government services, programs or
 21 activities requires a person with a disability to remove an assistance animal under subsection (6)
 22 of this section, the place shall give the person with a disability a reasonable opportunity to obtain
 23 goods, services and the use of the advantages, facilities and privileges of the place or the advan-
 24 tages, facilities and privileges of the state government services, programs or activities without the
 25 assistance animal's presence.

26 (9) A place of public accommodation or of access to state government services, programs or
 27 activities is not required to provide care or supervision for an assistance animal or assistance ani-
 28 mal trainee.

29 (10) The protection granted under this section to a person with a disability or an assistance
 30 animal trainer does not invalidate or limit the remedies, rights and procedures of any other federal,
 31 state or local laws that provide equal or greater protection of the rights of a person with a disa-
 32 bility, an assistance animal trainer or individuals associated with a person with a disability.

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