

House Bill 288

By: Representatives Kirby of the 114<sup>th</sup>, Benton of the 31<sup>st</sup>, England of the 116<sup>th</sup>, Frye of the 118<sup>th</sup>, Burns of the 159<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 30 of the Official Code of Georgia Annotated, relating to handicapped  
2 persons, so as to provide for additional rights and responsibilities of persons with service  
3 animals; to provide for accommodation of those requiring service animals; to authorize  
4 creation and issuance of information cards under the auspices of the Department of Human  
5 Services; to provide for criminal offenses and penalties relating to fraudulent representation  
6 relating to disability; to amend Part 1 of Article 4 of Chapter 11 of Title 16 of the Official  
7 Code of Georgia Annotated, relating to criminal offenses relative to dangerous  
8 instrumentalities and practices generally, so as to provide for criminal offenses and penalties  
9 related to the harassing, injuring, or killing of service animals; to provide for related matters;  
10 to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Title 30 of the Official Code of Georgia Annotated, relating to handicapped persons, is  
14 amended by revising Chapter 4, relating to rights of persons with disabilities, as follows:

15 style="text-align:center">"CHAPTER 4

16 30-4-1.

17 As used in this chapter, the term:

18 (1) 'Housing accommodations' means any real property or portion thereof which is used  
19 or occupied, or intended, arranged, or designed to be used or occupied, as the home,  
20 residence, or sleeping place of one or more human beings but shall not include any  
21 single-family residence the occupants of which rent, lease, or furnish for compensation  
22 not more than one room therein.

23 (2) 'Major life activities' means those actions necessary to function effectively in society  
 24 and shall include ambulating, seeing, hearing, learning, working, and interacting with  
 25 others.

26 ~~(2)~~(3) 'Physically disabled or mentally impaired person' means any person, regardless of  
 27 age, who is subject to is unable or substantially limited in his or her ability to perform one  
 28 or more major life activities as a result of:

29 (A) a A physiological defect or deficiency regardless of its cause, nature, or extent that  
 30 renders the person unable to move about without the aid of crutches, a wheelchair, or  
 31 any other form of support, or that limits the person's functional ability to ambulate,  
 32 climb, descend, sit, rise, or to perform any related function.; or

33 (B) A mental or psychological disorder or illness.

34 (4) 'Service animal' means an animal that is trained or is actively being trained to assist,  
 35 do work, or perform tasks for a physically or mentally impaired person and which is  
 36 actually utilized for the purpose of aiding such person in performing one or more major  
 37 life activities; provided, however, that such term shall not include an animal solely  
 38 providing comfort, emotional support, or companionship.

39 30-4-2.

40 ~~(a) Blind persons, persons with visual disabilities, persons with physical disabilities, and~~  
 41 ~~deaf~~ Physically or mentally impaired persons are entitled to full and equal  
 42 accommodations, advantages, facilities, and privileges on all common carriers, airplanes,  
 43 motor vehicles, railroad trains, motor buses, streetcars, boats, or any other public  
 44 conveyances or modes of transportation and at hotels, lodging places, places of public  
 45 accommodation, amusement, or resort, and other places to which the general public is  
 46 invited, subject only to the conditions and limitations established by law and applicable  
 47 alike to all persons.

48 ~~(b)(1) Every totally or partially blind physically or mentally impaired person shall have~~  
 49 ~~the right to be accompanied by a guide dog, and every physically disabled person and~~  
 50 ~~every deaf person shall have the right to be accompanied by a service dog service animal,~~  
 51 ~~especially trained for the~~ whenever necessary to perform its purpose, in any of the places  
 52 listed in subsection (a) of this Code section without being required to pay an extra charge  
 53 for the ~~guide or service dog~~ service animal; provided, however, that ~~he or she~~ any such  
 54 person shall be liable for any damage done to the premises or facilities by such ~~dog~~  
 55 service animal. In addition, if such ~~totally or partially blind person, physically disabled~~  
 56 ~~person, or deaf person~~ is a student at a private or public school in this state, ~~such person~~  
 57 ~~he or she~~ shall have the right to be accompanied by a ~~guide dog or service dog~~ service  
 58 animal, whenever necessary to perform its purpose, subject to liability for damage as

59 provided in the preceding sentence. ~~The guide dog or service dog must be identified as~~  
 60 ~~having been trained by a school for seeing eye, hearing, service, or guide dogs.~~

61 (2) Every person actively engaged in the training of a ~~guide dog or service dog for the~~  
 62 ~~purpose of accompanying a person as provided in paragraph (1) of this subsection~~ service  
 63 animal shall have the same right to be accompanied by such ~~dog being trained as the~~  
 64 ~~totally or partially blind person, deaf person, or physically disabled person has~~ service  
 65 animal as a physically or mentally impaired person under paragraph (1) of this  
 66 subsection, so long as such trainer is identified as the owner of such service animal or as  
 67 ~~an agent or employee of a school for seeing eye, hearing, service, or guide dogs.~~ training  
 68 service animals and:

69 (3) ~~Every person engaged in the raising of a dog for training as a guide dog or service~~  
 70 ~~dog for the purpose of accompanying a person as provided in paragraph (1) of this~~  
 71 ~~subsection shall have the same right to be accompanied by such dog being raised for~~  
 72 ~~training as the totally or partially blind person, deaf person, or physically disabled person~~  
 73 ~~has under paragraph (1) of this subsection, so long as:~~

74 (A) ~~Such dog is being held on a leash and~~ service animal is under the control of the  
 75 ~~person raising such dog for an accredited school for seeing eye, hearing, service, or~~  
 76 ~~guide dogs~~ trainer at all times, whether by physical restraint or command;

77 (B) ~~Such person~~ The trainer has on his or her person and available for inspection  
 78 credentials from the ~~accredited~~ school for which ~~the dog~~ such service animal is being  
 79 ~~raised~~ trained or proof of ownership of such service animal; and

80 (C) ~~Such dog~~ service animal is wearing a collar, leash, or other appropriate apparel or  
 81 device that identifies such ~~dog~~ service animal with the ~~accredited~~ school for which ~~such~~  
 82 ~~dog~~ it is being raised trained.

83 (c) Every ~~totally or partially blind~~ physically or mentally impaired person operating a  
 84 vending stand shall have the right to be accompanied by a ~~trained guide dog~~ service animal  
 85 on the entire premises of his or her vending operation.

86 30-4-3.

87 (a) ~~Blind persons, visually disabled persons, physically disabled persons, and deaf~~  
 88 Physically or mentally impaired persons shall be entitled to rent, lease, or purchase, as  
 89 other members of the general public, all housing accommodations offered for rent, lease,  
 90 or other compensation in this state, subject to the conditions and limitations established by  
 91 law and applicable alike to all persons.

92 (b) Every ~~totally or partially blind person, every physically disabled person, and every deaf~~  
 93 physically or mentally impaired person who has a ~~guide dog or service dog or who obtains~~  
 94 ~~a guide dog or service dog~~ or obtains a service animal and every person engaged in the

95 training of a ~~guide dog or service dog~~ service animal shall be entitled to full and equal  
 96 access to all housing accommodations provided for in this Code section, and he or she shall  
 97 not be required to pay extra compensation for such ~~guide dog or service dog~~. However,  
 98 service animal; provided, however, that he or she shall be liable for any damage done to  
 99 the premises by such ~~guide dog or service dog~~ service animal.

100 (c) Nothing in this Code section shall require any person renting, leasing, or otherwise  
 101 providing real property for compensation to modify his or her property in any way or  
 102 provide a higher degree of care for a ~~blind, visually disabled, physically disabled, or deaf~~  
 103 physically or mentally impaired person than for a person who is not so disabled.

104 30-4-4.

105 (a) The Department of Human Services may authorize private service organizations that  
 106 provide assistance to physically or mentally impaired persons to create and issue  
 107 information cards containing the department's seal which briefly detail the rights of  
 108 physically or mentally impaired persons and the penalty for denial of, or interference with,  
 109 such rights as follows:

110 (1) The front side of such cards shall contain information identifying the owner of such  
 111 card. Such identifying information may include a photograph; and

112 (2) The reverse side of such cards shall contain the following language:

113 'Under the laws of the State of Georgia, the rights of certain persons with physical or  
 114 mental impairments include the right of equal access to public accommodations and the  
 115 right to be accompanied by a service animal at all places of public accommodation, subject  
 116 to limitations and conditions established by law. Denial of, or interference with, such  
 117 rights constitutes a misdemeanor of a high and aggravated nature punishable by a fine of  
 118 up to \$2,000.00, imprisonment for up to 30 days, or both.'

119 (b) The department may authorize private service organizations that provide assistance to  
 120 disabled persons to create and issue information cards containing the department's seal  
 121 which briefly detail the rights of persons training service animals and the penalty for denial  
 122 of, or interference with, such rights as follows:

123 (1) The front side of such cards shall contain information identifying the owner of such  
 124 card. Such identifying information may include a photograph; and

125 (2) The reverse side of such cards shall contain the following language:

126 'Under the laws of the State of Georgia, the rights of certain persons who train service  
 127 animals include the right of equal access to public accommodations and the right to be  
 128 accompanied by the service animal being trained at all places of public accommodation,  
 129 subject to limitations and conditions established by law. Denial of, or interference with,

130 such rights constitutes a misdemeanor of a high and aggravated nature punishable by a fine  
 131 of up to \$2,000.00, imprisonment for up to 30 days, or both.'

132 (c) The department shall promulgate such rules and regulations as necessary to implement  
 133 this Code section.

134 30-4-5.

135 (a) Any person, firm, corporation, or the agent of any person, firm, or corporation who  
 136 denies or interferes with admittance to or enjoyment of the facilities enumerated in this  
 137 chapter or otherwise interferes with the rights of a ~~totally or partially blind person,~~  
 138 ~~physically disabled person, or deaf~~ physically or mentally impaired person or person  
 139 engaged in the training or raising of a ~~guide dog or service dog~~ service animal as provided  
 140 by this chapter shall be guilty of a misdemeanor of a high and aggravated nature and, upon  
 141 conviction thereof, shall be punished by a fine not to exceed \$2,000.00, imprisonment for  
 142 not more than 30 days, or both.

143 (b) Any person who knowingly and willfully misrepresents himself or herself as qualified  
 144 to use or train a service animal in order to obtain accommodation or secure rights under this  
 145 chapter shall be guilty of a misdemeanor of a high and aggravated nature and, upon  
 146 conviction thereof, shall be punished by a fine not to exceed \$2,000.00, imprisonment for  
 147 not more than 30 days, or both."

148 **SECTION 2.**

149 Part 1 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,  
 150 relating to criminal offenses relative to dangerous instrumentalities and practices generally,  
 151 is amended by revising Code Section 16-11-107.1, relating to harassment of assistance dogs,  
 152 as follows:

153 "16-11-107.1.

154 (a) As used in this Code section, the term:

155 (1) ~~'Assistance dog' means a dog that is or has been trained by a licensed or certified~~  
 156 ~~person, organization, or agency to perform physical tasks for a physically challenged~~  
 157 ~~person. Assistance dogs include guide or leader dogs that guide individuals who are~~  
 158 ~~legally blind; hearing dogs that alert individuals who are deaf or hard of hearing to~~  
 159 ~~specific sounds; and service dogs for individuals with disabilities other than blindness or~~  
 160 ~~deafness, which are trained to perform a variety of physical tasks, including, but not~~  
 161 ~~limited to, pulling a wheelchair, lending balance support, picking up dropped objects, or~~  
 162 ~~providing assistance in a medical crisis.~~

163 (2) 'Harass' means to engage in any conduct directed toward ~~an assistance dog~~ a service  
 164 animal that is ~~knowingly~~ likely to impede or interfere with the ~~assistance dog's~~ service

165 animal's performance of its duties or that places the ~~blind, deaf, or physically limited~~  
 166 person being served or assisted by the ~~dog~~ service animal in danger of injury.

167 ~~(3)(2)~~ 'Notice' means an oral or otherwise communicated warning proscribing the  
 168 behavior of another person and a request that the person stop the particular behavior.

169 (3) 'Physical harm' means serious disfigurement or functional loss of limb or other body  
 170 part.

171 (4) 'Service animal' shall have the same meaning as in Code Section 30-4-1.

172 (b) Any person who ~~knowingly and intentionally~~ harasses or attempts to harass an  
 173 ~~assistance dog, knowing the dog to be an assistance dog,~~ a service animal and who knows  
 174 or should know such animal to be a service animal shall be guilty of a misdemeanor and,  
 175 upon conviction thereof, shall be punished by imprisonment for not less than 90 days or a  
 176 fine not to exceed \$500.00, or both.

177 (c) Any person who ~~has~~ continues to harass a service animal after having received notice  
 178 that his or her behavior is interfering with the use of ~~an assistance dog who continues to~~  
 179 ~~knowingly and intentionally harass an assistance dog, knowing the dog to be an assistance~~  
 180 ~~dog,~~ such service animal shall be guilty of a misdemeanor and, upon conviction thereof,  
 181 shall be punished by imprisonment for not less than 90 days or a fine not to exceed  
 182 \$500.00, or both, provided that any person who is convicted of a second or subsequent  
 183 violation of this subsection shall be punished as for a misdemeanor of a high and  
 184 aggravated nature.

185 (d) Any person who ~~knowingly and intentionally~~ allows his or her dog to harass an  
 186 ~~assistance dog, knowing the dog to be an assistance dog,~~ a service animal and who knows  
 187 or should know such animal to be a service animal shall be guilty of a misdemeanor and,  
 188 upon conviction thereof, shall be punished by imprisonment for not less than 90 days or a  
 189 fine not to exceed \$500.00, or both, provided that any person who is convicted of a second  
 190 or subsequent violation of this subsection shall be punished as for a misdemeanor of a high  
 191 and aggravated nature.

192 (e) Any person who ~~knowingly and intentionally~~ allows his or her dog to cause death or  
 193 physical harm to ~~an assistance dog by rendering a part of the assistance dog's body useless~~  
 194 ~~or by seriously disfiguring the assistance dog, knowing the dog to be an assistance dog,~~ a  
 195 service animal and who knows or should know such animal to be a service animal shall be  
 196 punished as for a misdemeanor of a high and aggravated nature.

197 (f) Any person who intentionally destroys or causes physical harm to a service animal and  
 198 who knows or should know such animal to be a service animal shall be guilty of a felony  
 199 and, upon conviction thereof, shall be punished by imprisonment for not less than one nor  
 200 more than five years, a fine not to exceed \$10,000.00, or both. This subsection shall not  
 201 apply to:

- 202 (1) The destruction of a service animal for humane purposes; or  
203 (2) The destruction or injury of a service animal caused in defense of an unprovoked  
204 attack by such service animal."

205 **SECTION 3.**

206 All laws and parts of laws in conflict with this Act are repealed.