

The House Committee on Public and Community Health offers the following substitute to HB 668:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 16, Chapter 4 of Title 30, and Chapter 6 of Title 40 of the Official Code of  
2 Georgia Annotated, relating to crimes and offenses, rights of persons with disabilities, and  
3 uniform rules of the road, respectively, so as to change references to assistance and guide  
4 dogs to service dogs; to provide for definitions and conforming changes; to provide for a  
5 criminal penalty for a person who causes death or physical harm to a service dog; to provide  
6 for exceptions; to revise provisions relating to the use and training of service dogs; to provide  
7 for a penalty for persons who misrepresent the need for a service dog; to provide for related  
8 matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is  
12 amended in Chapter 11, relating to offenses against public order and safety, by revising Code  
13 Section 16-11-107.1, relating to harassment of assistance dog by humans or other dogs and  
14 penalty, as follows:

15 "16-11-107.1.

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

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

25 (2) 'Harass' means to engage in any conduct directed toward ~~an assistance~~ a service dog  
 26 that is ~~knowingly~~ likely to impede or interfere with the ~~assistance~~ service dog's  
 27 performance of its duties or that places the ~~blind, deaf, or physically limited~~ physically  
 28 or mentally impaired person being served or assisted by the service dog in danger of  
 29 injury.

30 ~~(3)~~(2) 'Notice' means an oral or otherwise communicated warning proscribing the  
 31 behavior of another person and a request that the person stop the particular behavior.

32 (3) 'Service dog' shall have the same meaning as set forth in Code Section 30-4-1.

33 (b) Any person who ~~knowingly and intentionally~~ with criminal negligence harasses or  
 34 attempts to harass ~~an assistance~~ a service dog, ~~knowing~~ when he or she knows or should  
 35 know the dog to be ~~an assistance~~ a service dog, shall be guilty of a misdemeanor and, upon  
 36 conviction thereof, shall be punished by ~~imprisonment~~ confinement for not less than 90  
 37 days or a fine not to exceed \$500.00, or both.

38 (c) Any person who has received notice that his or her behavior is interfering with the use  
 39 of ~~an assistance~~ a service dog ~~and~~ who continues to ~~knowingly and intentionally~~ harass ~~an~~  
 40 ~~assistance~~ the service dog, ~~knowing the dog to be an assistance dog,~~ shall be guilty of a  
 41 misdemeanor and, upon conviction thereof, shall be punished by ~~imprisonment~~  
 42 confinement for not less than 90 days or a fine not to exceed \$500.00, or both, provided

43 that any person who is convicted of a second or subsequent violation of this subsection  
44 shall be punished as for a misdemeanor of a high and aggravated nature.

45 (d) Any person who ~~knowingly and intentionally~~ with criminal negligence allows his or  
46 her dog to harass ~~an assistance a service dog~~, ~~knowing when he or she knows or should~~  
47 know the dog to be ~~an assistance a service dog~~, shall be guilty of a misdemeanor and, upon  
48 conviction thereof, shall be punished by ~~imprisonment~~ confinement for not less than 90  
49 days or a fine not to exceed \$500.00, or both, provided that any person who is convicted  
50 of a second or subsequent violation of this subsection shall be punished as for a  
51 misdemeanor of a high and aggravated nature.

52 (e) Any person who ~~knowingly and intentionally~~ with criminal negligence allows his or  
53 her dog to cause death or physical harm to ~~an assistance a service dog~~ by rendering a part  
54 of the ~~assistance service~~ dog's body useless or by seriously disfiguring the ~~assistance~~  
55 service dog, ~~knowing when he or she knows or should know~~ the dog to be ~~an assistance a~~  
56 service dog, shall be punished as for a misdemeanor of a high and aggravated nature.

57 (f) Any person who causes death or physical harm to a service dog by rendering a part of  
58 the service dog's body useless or by seriously disfiguring the service dog, when he or she  
59 knows or should know the dog to be a service dog, shall be guilty of a felony and, upon  
60 conviction thereof, shall be punished by imprisonment for not less than one nor more than  
61 five years and by a fine of not more than \$10,000.00. This subsection shall not apply to  
62 the euthanasia of a service dog for humane purposes in a manner consistent with the  
63 provisions of Code Section 4-11-5.1.

64 (g) The provisions of subsections (e) and (f) of this Code section shall not apply in  
65 instances where the service dog is the aggressor toward a person or a person's dog or other  
66 animal. In such instances, the person shall have the right to defend his or her person or  
67 property in a manner consistent with Code Section 4-8-5."

68 **SECTION 2.**

69 Said title is further amended in Chapter 12, relating to offenses against public health and  
 70 morals, by revising paragraph (6) of subsection (a) of Code Section 16-12-120, relating to  
 71 certain acts in public transit buses, rapid rail cars, or stations and penalty, as follows:

72 "(6) Carries or possesses any explosives, acids, other dangerous articles, or live animals,  
 73 except for the following:

74 (A) A ~~guide dog or~~ service dog as described in Code Section 30-4-2, provided that  
 75 such ~~guide dog or~~ service dog is accompanied by a ~~physically disabled person, blind~~  
 76 ~~person, person with visual disabilities, deaf~~ physically or mentally impaired person; or  
 77 a person who is responsible for training a ~~guide dog or~~ service dog; and

78 (B) Small pets confined to rigid pet carriers with locks or latches;"

79 **SECTION 3.**

80 Chapter 4 of Title 30 of the Official Code of Georgia Annotated, relating to rights of persons  
 81 with disabilities, is amended by revising Code Section 30-4-1, relating to definitions, as  
 82 follows:

83 "30-4-1.

84 As used in this chapter, the term:

85 (1) 'Activities of daily living' means tasks that are essential, routine, and provide for an  
 86 individual's basic physical needs, including but not limited to eating, toileting, grooming,  
 87 dressings, shaving, walking, and transferring.

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

93 ~~(2) 'Physically disabled person' means any person, regardless of age, who is subject to~~  
94 ~~a physiological defect or deficiency regardless of its cause, nature, or extent that renders~~  
95 ~~the person unable to move about without the aid of crutches, a wheelchair, or any other~~  
96 ~~form of support, or that limits the person's functional ability to ambulate, climb, descend,~~  
97 ~~sit, rise, or to perform any related function.~~

98 (3) 'Owner training' means training of a dog to become a service dog by an owner who  
99 is a physically or mentally impaired person by teaching the dog to perform the specific  
100 tasks that directly assist such owner and directly relate to such owner's specific disability  
101 and to take a specific action when needed to assist the person.

102 (4) 'Physically or mentally impaired person' means any person, regardless of age, who,  
103 regardless of the cause, nature, or extent, is rendered substantially limited or unable to  
104 perform one or more activities of daily living as a result of developmental deficiencies,  
105 the aging process, learning disabilities, physical injury or disease, cognitive impairments,  
106 or psychological or social disabilities.

107 (5) 'Service dog' means any domestic canine that has been individually trained to do  
108 work or perform tasks that directly assist a physically or mentally impaired person and  
109 directly relate to such person's specific disability and to take a specific action when  
110 needed to assist the person, or if still in training, that is operating under the guidance of  
111 a trainer. Such term shall not include a dog that has not been trained to do a specific job  
112 or task or that solely provides comfort, companionship, or emotional support to a person,  
113 regardless of such person's disability status.

114 (6) 'Trainer' means a service dog owner with a disability who is involved in the training  
115 process of his or her service dog or an individual who is competent to train service  
116 animals and is involved in such processes."

117 **SECTION 4.**

118 Said chapter is further amended by revising Code Section 30-4-2, relating to right to equal  
 119 public accommodations and right to be accompanied by guide dog or service dog, as follows:  
 120 "30-4-2.

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

128 (b)(1) Every ~~totally or partially blind person shall have the right to be accompanied by~~  
 129 ~~a guide dog, and every physically disabled person and every deaf~~ physically or mentally  
 130 impaired person shall have the right to be accompanied by a service dog, especially  
 131 trained for the purpose, in any of the places listed in subsection (a) of this Code section  
 132 without being required to pay an extra charge for the ~~guide or~~ service dog; provided,  
 133 however, that he or she shall be liable for any damage done to the premises or facilities  
 134 by such service dog. In addition, if such ~~totally or partially blind person, physically~~  
 135 ~~disabled person, or deaf~~ physically or mentally impaired person is a student at a private  
 136 or public school in this state, such person shall have the right to be accompanied by a  
 137 ~~guide dog or~~ service dog subject to liability for damage as provided in the preceding  
 138 sentence. ~~The guide dog or service dog must be identified as having been trained by a~~  
 139 ~~school for seeing eye, hearing, service, or guide dogs.~~

140 (2) Every person engaged in the training of a ~~guide dog or~~ service dog for the purpose  
 141 of accompanying a person as provided in paragraph (1) of this subsection shall have the  
 142 same right to be accompanied by such service dog being trained as the ~~totally or partially~~  
 143 ~~blind person, deaf person, or physically disabled~~ physically or mentally impaired person

144 has under paragraph (1) of this subsection, so long as such trainer is engaged in owner  
145 training or is identified as an agent or employee of a school for ~~seeing eye, hearing,~~  
146 ~~service, or guide~~ service dogs.

147 (3) Every person engaged in the raising of a dog for training as a ~~guide dog or~~ service  
148 dog for the purpose of accompanying a person as provided in paragraph (1) of this  
149 subsection and every physically or mentally impaired person who is engaged in owner  
150 training of his or her dog as a service dog shall have the same right to be accompanied  
151 by such dog being raised for training or in owner training as the ~~totally or partially blind~~  
152 ~~person, deaf person, or physically disabled~~ physically or mentally impaired person has  
153 under paragraph (1) of this subsection, so long as:

154 (A) The trainer notifies an onsite manager that a service animal in training is being  
155 brought onto the premises;

156 (B) Each trainer or puppy raiser during the training of a service animal is liable for any  
157 damage done to persons, premises, or facilities by that service animal in training;

158 (C) Such dog is being held on a leash and is under the control of the person raising  
159 such dog for an accredited school for seeing eye, hearing, service, or guide dogs at all  
160 times and such control includes that such dog is on a harness, leash, or other tether,  
161 unless either the handler is unable because of a disability to use a harness, leash, or  
162 other tether, or the use of a harness, leash, or other tether would interfere with the  
163 service dog's safe, effective performance of work or tasks, in which case the service dog  
164 must be otherwise under the handler's control through the use of voice control, signals,  
165 or other effective means;

166 (B) ~~Such person has on his or her person and available for inspection credentials from~~  
167 ~~the accredited school for which the dog is being raised; and~~

168 (D) Such dog is at least six months of age and is reliably housebroken; and

169 ~~(C)~~(E) Such dog is wearing a collar, leash, or other appropriate apparel or device that  
 170 identifies such dog with the accredited school for which such dog is being raised as  
 171 being trained as a service dog.

172 (c) If a person engaged in the raising and training of a service dog does not uphold the  
 173 requirements of paragraph (3) of subsection (b), then business and public entities shall have  
 174 the right to ask the person to remove the service dog in training. In such instance, the staff  
 175 of the business or public entity shall offer the person with the disability the opportunity to  
 176 obtain goods or services without the animal's presence.

177 (d) Service dogs in training shall have the same rights and protections under the law as  
 178 working service dogs.

179 (e) Every totally or partially blind person operating a vending stand shall have the right to  
 180 be accompanied by a trained guide service dog on the entire premises of his or her vending  
 181 operation."

## 182 SECTION 5.

183 Said chapter is further amended by revising Code Section 30-4-3, relating to right to housing  
 184 accommodations, as follows:

185 "30-4-3.

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

191 (b) Every ~~totally or partially blind person, every physically disabled person, and every deaf~~  
 192 physically or mentally impaired person who has a ~~guide dog or~~ service dog or who obtains  
 193 a ~~guide dog or~~ service dog and every person engaged in the training of a ~~guide dog or~~  
 194 service dog shall be entitled to full and equal access to all housing accommodations

195 provided for in this Code section, and he or she shall not be required to pay extra  
 196 compensation for such ~~guide dog or service dog~~. However, he or she shall be liable for any  
 197 damage done to the premises by such ~~guide dog or service dog~~.

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

### 203 SECTION 6.

204 Said chapter is further amended by revising Code Section 30-4-4, relating to denial of or  
 205 interference with admittance to or enjoyment of facilities or exercise of rights, as follows:

206 "30-4-4.

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

215 (b) Any individual who deliberately misrepresents himself or herself as qualified to use  
 216 a service dog or train or raise service dogs for the purpose of obtaining accommodations  
 217 or securing rights under this chapter shall be guilty of a misdemeanor of a high and  
 218 aggravated nature and, upon conviction thereof, shall be punished by a fine not to exceed  
 219 \$2,000.00, confinement for not more than 30 days, or both."

220 **SECTION 7.**

221 Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to uniform rules  
222 of the road, is amended by revising Code Section 40-6-94, relating to right of way of blind  
223 pedestrian, as follows:

224 "40-6-94.

225 The driver of every vehicle shall yield the right of way to any blind pedestrian who is  
226 carrying a walking cane or stick white in color or white tipped with red or who is  
227 accompanied by a ~~guide dog~~ service dog."

228 **SECTION 8.**

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