

2019 -- S 0308 SUBSTITUTE A

LC001238/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO HUMAN SERVICES - EQUAL RIGHTS OF BLIND AND DEAF PERSONS
TO PUBLIC FACILITIES

Introduced By: Senator Roger Picard

Date Introduced: February 13, 2019

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 40-9.1-1, 40-9.1-1.1, 40-9.1-2, 40-9.1-2.1, 40-9.1-3 and 40-9.1-5
2 of the General Laws in Chapter 40-9.1 entitled "Equal Rights of Blind and Deaf Persons to Public
3 Facilities" are hereby amended to read as follows:

4 **40-9.1-1. Declaration of policy.**

5 It is the policy of this state that:

6 (a) Persons who are blind, visually impaired, deaf, hard-of-hearing ~~and otherwise~~
7 ~~disabled~~ or otherwise have a disability have the same rights as the able-bodied to the full and free
8 use of the streets, highways, walkways, public buildings, public facilities and other public places.

9 (b) Persons who are blind, visually impaired, deaf, hard-of-hearing ~~and otherwise~~
10 ~~disabled~~ or otherwise have a disability are entitled to full and equal accommodations, advantages,
11 facilities and privileges on any public conveyance operated on land or water or in the air, or any
12 stations and terminals thereof, not limited to taxis, airplanes, motor vehicles, railroad trains,
13 motor buses, street cars, boats and in any educational institution, not limited to any kindergarten,
14 primary and secondary school, trade or business school, high school, academy, college and
15 university, and in places of public resort, accommodation, assemblage or amusement, not limited
16 to hotels, lodging places, restaurants, theater and in all other places to which the general public is
17 invited, subject only to the conditions and limitations established by law and applicable alike to
18 all persons.

1 (c) ~~Persons who are blind, visually impaired, deaf, hard of hearing and otherwise~~
2 ~~disabled persons shall be entitled to rent, lease or purchase, as other members of the general~~
3 ~~public, any housing accommodations offered for rent, lease or other compensation in this state,~~
4 ~~subject to the conditions and limitations established by law and applicable alike to all persons.~~

5 **40-9.1-1.1. Definitions.**

6 (1) "Disability" means a disability as defined in § 42-87-1.

7 ~~(a)(2) "Guide dog" means a dog that has been or is being specially trained to aid a~~
8 ~~particular blind or visually impaired person.~~

9 ~~(b)(3) "Hearing dog" means a dog that has been or is being specially trained to aid a~~
10 ~~particular deaf or hard-of-hearing person.~~

11 (c) ~~"Housing accommodations" means any real property or portion thereof that is used or~~
12 ~~occupied, or intended, arranged or designed to be used or occupied, as the home, residence or~~
13 ~~sleeping place of one or more human beings, but does not include any single family residence the~~
14 ~~occupants of which rent, lease or furnish for compensation to more than one room therein.~~

15 (d) ~~"Personal assistance animal" means a dog that has been or is being trained as a guide~~
16 ~~dog, hearing dog or service dog.~~

17 (e) ~~"Service dog" means a dog that has been or is being specially trained to aid a~~
18 ~~particular disabled person with a disability other than sight or hearing.~~

19 (f) ~~"Disabled" means a disability as defined in § 42-87-1.~~

20 (g) ~~"Closed captioning" means a transcript or dialog of the audio portion of a television~~
21 ~~program that is displayed on a television receiver screen when the user activates the feature.~~

22 (h) ~~"Public area" means a part of a place of public accommodation that is open to the~~
23 ~~general public.~~

24 (i) ~~"Regular hours" means the hours of any day in which a place of public~~
25 ~~accommodation is open to members of the general public.~~

26 (4) "Public area" means a part of a place listed in § 40-9.1-1 that is open to the general
27 public.

28 (5) "Regular hours" means the hours of any day in which a public place of a place listed
29 in § 40-9.1-1 is open to members of the general public.

30 (6) "Service animal" means a dog that has been or is being specifically trained to assist an
31 individual with a disability, and includes a guide dog or hearing dog.

32 **40-9.1-2. Personal assistance animals in public places.**

33 Every ~~disabled~~ person with a disability has the right to be accompanied by a ~~personal~~
34 ~~assistance~~ service animal, specially trained for that person in any ~~housing accommodation or in~~

1 ~~any places~~ place listed in § 40-9.1-1(~~b) and (c)~~) without being required to pay an extra charge for
2 the personal assistance animal. Each ~~disabled~~ person with a disability using a ~~personal-assistance~~
3 service animal is solely liable for any damage done to persons, premises or facilities by the
4 ~~personal-assistance~~ service animal.

5 **40-9.1-2.1. Trainers of personal assistance animals and dogs in training.**

6 Every trainer or puppy raiser of a ~~personal-assistance~~ service animal shall have the same
7 rights and privileges as stated in § 40-9.1-2 for every person with a disability. Each trainer or
8 puppy raiser during the training of a ~~personal-assistance~~ service animal is liable for any damage
9 done to persons, premises or facilities by that ~~personal-assistance~~ service animal.

10 ~~**40-9.1-3. Penalty for injuring or interfering with a personal assistance animal --**~~
11 ~~**Civil actions -- Damages -- Cost and attorney's fees. Penalty for injuring or interfering with**~~
12 ~~**a service animal -- Civil actions -- Damages -- Cost and attorneys' fees.**~~

13 (a) It is unlawful for any person, corporation or the agent of any corporation to:

14 (1) Withhold, deny, deprive or attempt to withhold, deny or deprive any other person of
15 any right or privilege secured by §§ 40-9.1-2 and 40-9.1-2.1;

16 (2) Intimidate, threaten, coerce, or attempt to threaten, intimidate or coerce any other
17 person to interfere with any right or privilege secured by §§ 40-9.1-2 and 40-9.1-2.1;

18 (3) Punish or attempt to punish any person for exercising or attempting to exercise any
19 right or privilege secured by §§ 40-9.1-2 and 40-9.1-2.1;

20 (b) It is unlawful for any person to injure a ~~personal-assistance~~ service animal and shall
21 be liable for the injuries to the ~~assistance~~ service animal and if necessary the replacement and
22 compensation for the loss of the ~~personal-assistance~~ service animal.

23 (c) It is unlawful for the owner of ~~a dog~~ an animal to allow ~~that dog~~ their animal to injure
24 a ~~personal-assistance~~ service animal because the owner failed to control or leash ~~the dog~~ the
25 service animal. The owner shall also be liable for the injuries to the ~~personal-assistance-dog~~
26 service animal and if necessary the replacement and compensation for the loss of the ~~personal~~
27 ~~assistance~~ service animal.

28 (d) Any person who violates subsection (a)(1) is guilty of a misdemeanor. Any person
29 who purposely or negligently violates subsection (a)(2) or (a)(3) is guilty of a misdemeanor.
30 Violations shall be punished by imprisonment ~~in the county jail~~ for not more than six (6) months
31 or by a fine of not less than one hundred dollars (\$100), or by both fine and imprisonment. Any
32 person or corporation who violates subsections (a), (b), or (c) is also liable to the person whose
33 rights under §§ 40-9.1-2 and 40-9.1-2.1 were violated for actual damages for any economic loss
34 and/or punitive damages, to be recovered by a civil action in a court in and for the county in

1 which the infringement of civil rights occurred or in which the defendant lives.

2 (e) In an action brought under this section, the court shall award costs and reasonable
3 attorney's fees to the prevailing party.

4 **40-9.1-5. Family therapy pets in public places. Therapy pets in public places.**

5 (a) The privileges of access and transportation provided to ~~personal-assistance~~ [service](#)
6 animals in § 40-9.1-2 shall be extended to family therapy pets which are further defined as
7 primary companions which include, but are not limited to, dogs, cats, rabbits, and guinea pigs,
8 that are working in the provision of pet assisted therapy treatment and education.

9 (b) The provisions are such that the pet assisted therapy facilitator is working in
10 conjunction with the ~~family~~ therapy pet in a predetermined medical or educational setting, with a
11 selected clientele. The medical interactions are to be individually planned, goal-oriented, and
12 treatment based, and the educational settings are to be classroom based.

13 (c) Throughout the interactions, the pet assisted therapy facilitator and the ~~family~~ therapy
14 pet will abide by a set code of ethics, and will follow professional guidelines to ensure that the
15 actions and deeds of the pet assisted therapy facilitator reflect advocacy of profession, pets, and
16 clients, and other professions; while simultaneously ensuring that the interaction of the ~~family~~
17 therapy pet and client remains beneficial and strives to enhance the quality of life through this
18 animal-human bond.

19 (d) Prior to any interactions, the ~~family~~ therapy pet must first meet the immunization
20 criteria, a current certificate of good health, which shall be issued by a licensed, practicing
21 veterinarian, as well as the temperament criteria, a certificate of good temperament, which shall
22 be issued from a certified or practicing dog trainer or animal behaviorist, and training criteria, in
23 which the pet assisted therapy facilitator and the ~~family~~ therapy pet learn to work as a team
24 learning together to execute safely and effective interaction, which are accepted in the field,
25 specifically other pet assisted animal facilitators, veterinarians, dog trainers, animal behaviorists
26 and the state of Rhode Island.

27 (e) Access and transportation privileges are only extended while the ~~family~~ therapy pet is
28 on the way to or actively participating in a program.

29 (f) The animal assisted therapy facilitator, an individual who has successfully completed
30 or is in the process of completing an accepted pet assisted therapy program, shall be responsible
31 for the control and safety of the pet, which is to include cleaning up and elimination of wastes,
32 keeping the pet on a proper leash and collar, carrying a smaller animal in a travel crate, adhering
33 to all standard rules, regulations, and laws within both the facility and the state of Rhode Island,
34 and upholding an active insurance policy that will cover an unforeseen mishap and/or accidental

1 occurrence which may result in causing property damage and/or personal injury while actively
2 participating in a program.

3 SECTION 2. Chapter 40-9.1 of the General Laws entitled "Equal Rights of Blind and
4 Deaf Persons to Public Facilities" is hereby amended by adding thereto the following sections:

5 **40-9.1-3.1. Misrepresentation of service animal.**

6 (a) It is a violation of this chapter for an individual to take an animal into a public area
7 where pets are not permitted, and state that the animal is a service animal entitled to be present, if
8 the animal is not a service animal.

9 (b) Businesses may post a decal suitable in a front window or door, stating that service
10 animals are welcome and that misrepresentation of a service animal is a violation of Rhode Island
11 law; and

12 (c) It shall be a violation for any individual to misrepresent a pet or any other animal as a
13 service animal when attempting to gain access to or remain in a public area. A violation of this
14 section occurs when:

15 (1) An individual expressly represents that an animal in their possession is a service
16 animal for the purpose of obtaining any rights or privileges afforded to persons with disabilities
17 accompanied by service animals, but unavailable to people and their pets or other animals; and

18 (2) Said individual knew or should have known that the animal in question did not meet
19 the definition of a service animal.

20 (d) A violation of this section shall be deemed a civil violation, punishable by up to thirty
21 (30) hours of community service for an organization that serves individuals with disabilities at the
22 discretion of the court.

23 **40-9.1-7. Non-interference with federal law.**

24 Nothing in this chapter shall be construed to interfere with any rights provided by federal
25 law to individuals with disabilities.

26 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO HUMAN SERVICES - EQUAL RIGHTS OF BLIND AND DEAF PERSONS
TO PUBLIC FACILITIES

- 1 This act would prohibit misrepresentation of the status of an animal as a service animal in
- 2 order to acquire any right or privilege afforded disabled persons.
- 3 This act would take effect upon passage.

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