

# SENATE BILL NO. 609

October 24, 2019, Introduced by Senators ZORN and MACGREGOR and referred to the Committee on Local Government.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending section 502c (MCL 750.502c), as amended by 2015 PA 144.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 502c. (1) Except as otherwise provided in subsection (2),  
2 a public accommodation shall modify its policies, practices, and  
3 procedures to permit the use of a service animal by a person with a  
4 disability. If the service animal is a miniature horse, a public  
5 accommodation may use the following assessment factors to determine  
6 whether the miniature horse can be accommodated in its facility:

1 (a) The type, size, and weight of the miniature horse and  
2 whether the facility can accommodate these features.

3 (b) Whether the handler has sufficient control of the  
4 miniature horse.

5 (c) Whether the miniature horse is housebroken.

6 (d) Whether the miniature horse's presence in a specific  
7 facility compromises legitimate safety requirements that are  
8 necessary for safe operation.

9 (2) A public accommodation shall not ask a person with a  
10 disability to remove a service animal from the premises due to  
11 allergies or fear of the animal. A public accommodation may only  
12 ask a person with a disability to remove his or her service animal  
13 from the premises if either of the following applies:

14 (a) The service animal is out of control and its handler does  
15 not take effective action to control it.

16 (b) The service animal is not housebroken.

17 (3) If a public accommodation properly excludes a service  
18 animal under subsection (2), it shall give the person with a  
19 disability the opportunity to obtain goods, services, or  
20 accommodations without having the service animal on the premises.

21 (4) A service animal shall be under the control of its  
22 handler, and shall have a harness, leash, or other tether, unless  
23 the handler is unable because of a disability to use a harness,  
24 leash, or other tether or the use of a harness, leash, or other  
25 tether would interfere with the service animal's safe and effective  
26 performance of work or tasks, in which case the service animal  
27 shall be otherwise under the handler's control. As used in this  
28 subsection, "otherwise under the handler's control" includes, but  
29 is not limited to, voice control or signals.

1 (5) A public accommodation is not responsible for the care or  
2 supervision of a service animal.

3 (6) If it is not obvious what service a service animal  
4 provides, staff of a public accommodation shall not ask about a  
5 person with a disability's disability, require medical  
6 documentation, require a special identification card or training  
7 documentation for the service animal, or ask that the service  
8 animal demonstrate its ability to perform work or a task. Subject  
9 to subsection (7), staff may make the following 2 inquiries to  
10 determine whether an animal qualifies as a service animal:

11 (a) Whether the service animal is required because of a  
12 disability.

13 (b) What work or task the service animal has been trained to  
14 perform.

15 (7) A public accommodation shall not do either of the  
16 following:

17 (a) Require documentation when making an inquiry under  
18 subsection (6).

19 (b) Make an inquiry under subsection (6) if it is readily  
20 apparent that the service animal is trained to do work or perform  
21 tasks for ~~an individual~~ **a person** with a disability.

22 (8) A person with a disability shall be permitted to be  
23 accompanied by his or her service animal in all areas of a place of  
24 public accommodation where members of the public, program  
25 participants, clients, customers, patrons, or invitees are  
26 permitted to go, including public areas of establishments that sell  
27 or prepare food, even if state or local health codes prohibit  
28 animals on the premises. A public accommodation may exclude a  
29 service animal from a facility if the service animal's presence

1 interferes with legitimate safety requirements of the facility such  
2 as a surgery or burn unit in a hospital in which a sterile field is  
3 required.

4 (9) A public accommodation shall not isolate a person with a  
5 disability accompanied by his or her service animal, treat a person  
6 with a disability accompanied by his or her service animal less  
7 favorably than other patrons, or charge a fee to a person with a  
8 disability accompanied by his or her service animal that is not  
9 charged to other patrons without service animals. A public  
10 accommodation shall not ask or require a person with a disability  
11 to pay a surcharge, regardless of whether people accompanied by  
12 pets are required to pay a surcharge, or to comply with other  
13 requirements that are not applicable to people ~~without~~ **that are not**  
14 **accompanied by** pets. If a public accommodation normally charges  
15 people for damage caused, the public accommodation may charge a  
16 person with a disability for damage caused by his or her service  
17 animal.

18 (10) A public accommodation that violates subsections (1),  
19 (3), or (6) to (9) is guilty of a misdemeanor.

20 (11) As used in this section:

21 (a) "Facility" means that term as defined in 28 CFR 36.104.

22 (b) "Person with a disability" means ~~a person~~ **an individual**  
23 who has a disability as **that term is** defined in section 12102 of  
24 the Americans with disabilities act of 1990, 42 USC 12102, and 28  
25 CFR 36.104.

26 (c) As used in subdivision (b), "person with a disability"  
27 includes a veteran who has been diagnosed with 1 or more of the  
28 following:

29 (i) Post-traumatic stress disorder.

1 (ii) Traumatic brain injury.

2 (iii) Other service-related disabilities.

3 (d) "Place of public accommodation" means that term as defined  
4 in 28 CFR 36.104.

5 (e) "Public accommodation" means that term as defined in  
6 section 12181 of the Americans with disabilities act of 1990, 42  
7 USC 12181, and 28 CFR 36.104.

8 (f) "Service animal" means all of the following:

9 (i) That term as defined in 28 CFR 36.104. **An animal is not a**  
10 **service animal unless it has been individually trained to do work**  
11 **or perform tasks for the benefit of a person with a disability. The**  
12 **provision of emotional support, well-being, comfort, or**  
13 **companionship does not constitute work or tasks for the purposes of**  
14 **this definition.**

15 (ii) A miniature horse that has been individually trained to do  
16 work or perform tasks as described in 28 CFR 36.104 for the benefit  
17 of a person with a disability.

18 (g) "Veteran" means any of the following:

19 (i) ~~A person~~ **An individual** who performed military service in  
20 the armed forces for a period of more than 90 days and separated  
21 from the armed forces in a manner other than a dishonorable  
22 discharge.

23 (ii) ~~A person~~ **An individual** discharged or released from  
24 military service because of a service-related disability.

25 (iii) A member of a reserve branch of the armed forces at the  
26 time he or she was ordered to military service during a period of  
27 war, or in a campaign or expedition for which a campaign badge is  
28 authorized, and was released from military service in a manner  
29 other than a dishonorable discharge.