

Appendix F: Legal Definition of Service Animals

Act No. 75 Public Acts of 2022
Approved by the Governor May 12, 2022
Filed with the Secretary of State May 12, 2022

EFFECTIVE DATE: Sine Die
STATE OF MICHIGAN 101ST LEGISLATURE
REGULAR SESSION OF 2022

Introduced by Reps. Brann, Hertel, Sowerby and Allor

ENROLLED HOUSE BILL No. 4256

AN ACT to amend 1931 PA 328, entitled “An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 502c (MCL 750.502c), as amended by 2015 PA 144.

The People of the State of Michigan enact:

- 1) Sec. 502c. Except as otherwise provided in subsections (2) and (3), a public accommodation shall modify its policies, practices, and procedures to permit the use of a service animal by a person with a disability. If the service animal is a miniature horse, a public accommodation may use the following assessment factors to determine whether the miniature horse can be accommodated in its facility:
 - a. The type, size, and weight of the miniature horse and whether the facility can accommodate these features.
 - b. Whether the handler has sufficient control of the miniature horse.
 - c. Whether the miniature horse is housebroken.
 - d. Whether the miniature horse’s presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.
- 2) A public accommodation shall not ask a person with a disability to remove a service animal from the premises because of allergies or fear of the animal. A public accommodation may ask a person with a disability to remove his or her service animal from the premises only if either of the following applies:
 - a. The service animal is out of control and its handler does not take effective action to control the service animal.
 - b. The service animal is not housebroken.
- 3) Except as otherwise provided in subsection (2) and this subsection, a public accommodation shall modify its policies, practices, and procedures to permit the use of a service animal in training by an animal raiser or trainer, if the animal raiser or trainer is being accompanied by the service animal in training for the purpose of training or socializing the animal. A public accommodation shall not ask an animal raiser or trainer to

remove a service animal in training from the premises because of allergies or fear of the animal. A public accommodation may ask an animal raiser or trainer to remove his or her service animal in training only if either of the following applies:

- a. The service animal in training is out of control and the animal raiser or trainer does not take effective action to control the animal.
 - b. The service animal in training is not housebroken.
- 4) If a public accommodation properly excludes a service animal under subsection (2) or a service animal in training under subsection (3), the public accommodation shall give the person with a disability or the animal raiser or trainer the opportunity to obtain goods, services, or accommodations without having the animal on the premises.
- 5) A service animal must be under the control of the person with a disability and must have a harness, leash, or other tether. If the person with a disability is unable because of a disability to use a harness, leash, or other tether or the use of a harness, leash, or other tether would interfere with the service animal's safe and effective performance of work or tasks, the service animal must be otherwise under the control of the person with a disability.
- 6) A service animal in training must be under the control of the animal raiser or trainer and must have a harness, leash, or other tether. If the use of a harness, leash, or other tether would interfere with the animal's safe and effective performance of work, tasks, training, or socialization, the service animal in training must be otherwise under the control of the animal raiser or trainer.
- 7) A public accommodation is not responsible for the care or supervision of a service animal or service animal in training.
- 8) If it is not obvious what service a service animal provides, staff of a public accommodation shall not ask about a person with a disability's disability, require medical documentation, require a special identification card or training documentation for the service animal, or ask that the service animal demonstrate its ability to perform work or a task. Subject to subsection (9), staff may make the following 2 inquiries to determine whether an animal qualifies as a service animal:
 - a. Whether the service animal is required because of a disability.
 - b. What work or task the service animal has been trained to perform.
- 9) A public accommodation shall not do either of the following:
 - a. Require documentation when making an inquiry under subsection (8).
 - b. Make an inquiry under subsection (8) if it is readily apparent that the service animal is trained to work or perform tasks for a person with a disability.
- 10) A public accommodation shall permit a person with a disability to be accompanied by his or her service animal and shall permit an animal raiser or trainer to be accompanied by his or her service animal in training in all areas of a place of public accommodation where members of the public, program participants, clients, customers, patrons, or invitees are permitted to go, including public areas of establishments that sell or prepare food, even if state or local health codes prohibit animals on the premises. A public accommodation may exclude a service animal or a service animal in training from a facility if the animal's presence interferes with legitimate safety requirements of the facility such as a surgery or burn unit in a hospital in which a sterile field is required.

- 11) A public accommodation shall not do any of the following:
- a. Isolate a person with a disability accompanied by his or her service animal.
 - b. Isolate an animal raiser or trainer accompanied by his or her service animal in training.
 - c. Treat a person with a disability accompanied by his or her service animal less favorably than other patrons.
 - d. Treat an animal raiser or trainer accompanied by his or her service animal in training less favorably than other patrons.
 - e. Charge a fee to a person with a disability accompanied by his or her service animal that is not charged to other patrons that are not accompanied by service animals.
 - f. Charge a fee to an animal raiser or trainer accompanied by his or her service animal in training that is not charged to other patrons that are not accompanied by service animals in training.
 - g. Ask or require a person with a disability or animal raiser or trainer to pay a surcharge, regardless of whether individuals accompanied by pets are required to pay a surcharge, or to comply with other requirements that are not applicable to individuals that are not accompanied by pets.
- 12) An animal raiser or trainer is liable for damage to a public accommodation or injury to an individual caused by his or her service animal in training. If a public accommodation normally charges people for damage caused, the public accommodation may charge a person with a disability for damage caused by his or her service animal.
- 13) A public accommodation that violates subsection (1), (3), (4), (8), (9), (10), (11), or (13) is guilty of a misdemeanor.
- 14) As used in this section:
- a. "Animal raiser or trainer" means an individual who raises and socializes a service animal in training with the intent that the animal will become a service animal.
 - b. "Facility" means that term as defined in 28 CFR 36.104.
 - c. "Otherwise under the control of" includes, but is not limited to, voice control or signals.
 - d. "Person with a disability" means an individual who has a disability as that term is defined in section 3 of the Americans with disabilities act of 1990, 42 USC 12102, and 28 CFR 36.105. Person with a disability includes a veteran who has been diagnosed with 1 or more of the following:
 - i. Post-traumatic stress disorder.
 - ii. Traumatic brain injury.
 - iii. Other service-related disabilities.
 - e. "Place of public accommodation" means that term as defined in 28 CFR 36.104.
 - f. "Public accommodation" means that term as defined in section 301 of the Americans with disabilities act of 1990, 42 USC 12181, and 28 CFR 36.104.
 - g. "Service animal" means all of the following:
 - i. That term as defined in 28 CFR 36.104.
 - ii. A miniature horse that has been individually trained to do work or perform tasks as described in 28 CFR 36.104 for the benefit of a person with a disability.

- h. "Service animal in training" means an animal accompanied by an animal raiser or trainer with the intent that animal is being raised, socialized, and trained to become a service animal.
- i. "Veteran" means any of the following:
 - i. An individual who performed military service in the armed forces for a period of more than 90 days and separated from the armed forces in a manner other than a dishonorable discharge.
 - ii. An individual discharged or released from military service because of a service-related disability.
 - iii. A member of a reserve branch of the armed forces at the time he or she was ordered to military service during a period of war, or in a campaign or expedition for which a campaign badge is authorized, and was released from military service in a manner other than a dishonorable discharge.