
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Cathy Wells.

DIGEST

Buffington (SB 432)

Present law provides relative to the Louisiana White Cane Law which provides for the policy of the state for those with only physical disabilities.

Proposed law creates and provides for the policy of the state for those with all disabilities, both physical and mental.

Proposed law prohibits any person with a disability from being denied admittance to any public facility because of such person's disability. Proposed law prohibits the disabled from being denied the use of a white cane, assistance animal, wheelchair, crutches, or other device of assistance. Proposed law further prohibits refusing or allowing a person with a disability to use or to be admitted to any public facility to which the general public is invited or using a ruse or subterfuge calculated to prevent or discourage a person with a disability from using or being admitted to a facility that is open to the public.

Present law does not require any person who owns, leases, or operates any facility that is open to the public or public conveyance or modes of transportation to modify his property or facility in any way or provide a higher degree of care for a physically disabled person than for a person who is not physically disabled.

Proposed law extends present law to all disabled persons.

Proposed law defines "assistance dog" as one trained or is being trained to provide assistance to any disabled person and includes a dog trained as:

- (1) A hearing dog.
- (2) A guide dog.
- (3) A seizure alert dog.
- (4) A mobility dog.
- (5) An autism service dog.
- (6) A dog providing assistance during a medical crisis.
- (7) A psychiatric service dog providing assistance to persons, including veterans with traumatic brain injury or post traumatic stress disorder.

Present law limits the definition of an "assistance dog" to one trained or being trained to aid a physically disabled person.

Proposed law requires an assistance dog to wear a leash, collar, cape, harness, backpack, or other such signage that identifies in writing that such dog is an assistance dog. Proposed law further requires the written identification to be visible and legible from a distance of a minimum of 20 feet.

Proposed law defines "disabled person" as a person who has a physical or mental impairment that substantially limits one or more of such person's major life activities and who has a record of such impairment or who is regarded as having such an impairment.

Present law authorizes persons with physical disabilities accompanied by an assistance dog to have the full and free use of public buildings and facilities, streets, highways, sidewalks, and all other public places. Present law prohibits an extra fee being charged for the assistance dog.

Proposed law retains present law and extends such authorization to all disabled persons accompanied by an assistance dog to have the full and free use of public buildings and facilities, streets, highways, sidewalks, and all other public places. Proposed law continues prohibition on an extra fee being charged for the assistance dog.

Present law authorizes a person with physical disabilities accompanied by an assistance dog to full and equal accommodation on common carriers or other modes of transportation or public conveyances, or in educational institutions, hotels, lodging places, restaurants, places of public amusements, resorts, housing accommodations, and all other places to which the general public is invited. Present law prohibits an extra fee being charged for the assistance dog.

Proposed law retains present law and authorizes all disabled persons accompanied by an assistance dog to full and equal accommodation on common carriers or other modes of transportation or public conveyances, or in educational institutions, hotels, lodging places, restaurants, places of public amusements, resorts, housing accommodations, and all other places to which the general public is invited. Proposed law continues prohibition on an extra fee being charged for the assistance dog.

Present law provides that every physically disabled person is allowed to keep his assistance animal with him at all times in his place of employment and is allowed to bring an assistance dog who is training to his place of employment.

Proposed law provides that every disabled person is allowed to keep his assistance animal with him at all times in his place of employment and is allowed to bring an assistance dog who is training to his place of employment.

Present law provides that every disabled person shall be entitled to full and equal access, as other members of the general public, to all housing accommodations offered for rent, lease, or compensation in this state, subject to the conditions and limitations established by law and

applicable alike to all persons.

Proposed law retains present law.

Present law provides that any person renting, leasing, or providing for compensation real property shall not be required to modify his property in any way or to provide a higher degree of care for a physically disabled person than for a person who is not physically disabled.

Proposed law retains present law and provides that any person renting, leasing, or providing for compensation real property shall not be required to modify his property in any way or to provide a higher degree of care for a disabled person than for a person who is not disabled.

Present law authorizes each physically disabled person who has an assistance dog, especially trained to aid such person or who obtains such a dog, to be entitled to full and equal access to all housing accommodations as defined by law. Present law prohibits such physically disabled person from being required to pay extra compensation for such dog but such physically disabled person shall be liable for any damage done to the premises or any person on the premises by such dog.

Proposed law retains present law and extends same authorizations and prohibitions to all disabled persons, not just physically disabled persons.

Proposed law provides that a landlord may require proof that an animal assists, supports, or provides service to the disabled person and that this requirement may be satisfied, without limitation, by a statement from a provider of mental or physical health care that the animal performs a function that ameliorates the effects of the person's disability.

Present law provides for the training of assistance dogs and puppies for physically disabled persons.

Proposed law retains present law and extends same provisions to dogs and puppies trained for all disabled persons, not just physically disabled persons.

Present law provides that any person, firm, or corporation, or the agent, representative, or employee of any person, firm, or corporation who: withholds, denies, deprives, or attempts to withhold, deny, or deprive; intimidates, threatens, coerces, or attempts to threaten, intimidate, or coerce; punishes or attempts to punish a physically disabled person or a trainer or puppy raiser of an assistance dog, during the training of such dog, or for exercising his right to be admitted to or enjoy the places and facilities provided in present law; or otherwise interferes with the rights of a physically disabled person under present law shall be guilty of a misdemeanor and fined not less than \$100 nor more than \$500 or imprisoned for not more than six months, or both.

Proposed law retains present law and extends same prohibition and penalty to all disabled persons and their assistance dogs, and to all trainers and puppy raisers for assistance dogs, not just physically disabled persons.

Proposed law authorizes a place of public accommodation to require a person to remove an assistance dog if such dog:

- (1) Is out of control and the person accompanying the dog fails to take effective action to control it.
- (2) Poses a direct threat to the health or safety of others.

Proposed law does not relieve a disabled person or a person who trains an assistance dog or puppy trainer from liability for damage caused by the assistance dog.

Proposed law provides that disabled persons who are accompanied by an assistance dog are subject to the same conditions and limitations that apply to persons who are not so disabled and accompanied.

Present law requires that any person who purposely or negligently injures an assistance dog or any owner of a dog who allows that dog to injure an assistance dog because he fails to control or leash the dog is guilty of a misdemeanor and shall be fined not less than \$100 nor more than \$500 or imprisoned for not more than six months, or both. Such person shall also be liable for any injuries to the assistance dog and, if necessary, the replacement and compensation for the loss of the assistance dog.

Proposed law retains present law.

Proposed law requires a person with a disability who uses an assistance dog to keep the dog properly harnessed, leashed, or restrained while in public.

Proposed law provides that any person who abuses, neglects, or does not care or feed his assistance dog is subject to seizure of the dog and penalties provided in law for animal cruelty offenses.

Present law provides that for every offense, a person shall pay for actual damages for any economic loss to any person aggrieved thereby, to be recovered in any court of competent jurisdiction in the parish where such offense was committed or where the aggrieved person resides. Present law authorizes the court may award costs and reasonable attorney's fee to the prevailing party.

Proposed law retains present law.

Proposed law prohibits any person from representing that a person has the right to be accompanied by an assistance dog in or upon any place listed in present law, unless such person has the right to be accompanied in or upon such place by such dog pursuant to proposed law, or represent that such person has a disability for the purpose of acquiring an assistance dog unless such person has such disability.

Present law provides for precautions for operators of motor vehicles approaching a physically disabled pedestrian. Present law further provides that any motor vehicle operator who fails to take necessary precautions to avoid injury to a physically disabled person shall be liable in damages for any injury caused to the pedestrian and any injury caused to the pedestrian's assistance dog.

Proposed law retains present law and makes provisions applicable to all disabled persons, not just physically disabled.

Effective August 1, 2014.

(Amends R.S. 46:1951-1959)