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DIGEST

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Buffington

SB No. 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 persons with disabilities from being denied the use of a white cane, service dogs, 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 persons with disabilities.

Proposed law defines "service dog" as one trained or is being trained to do work or perform a task for a person with a disability. "Service dog" refers to 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 service dog providing assistance to persons, including veterans with traumatic brain injury or post traumatic stress disorder.

Proposed law defines "person with a disability" 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, including military veterans with traumatic brain injury or post traumatic stress disorder.

Present law authorizes persons with physical disabilities accompanied by a service 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 service dog.

Present law authorizes a person with disabilities accompanied by a service 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 service dog.

Present law provides that every person with a disability is allowed to keep his service dog with him at all times in his place of employment and is allowed to bring a service dog who is training to his place of employment.

Proposed law retains present law.

Proposed law provides a public entity may ask a person with a disability to remove his service dog from a premises if either of the following is present:

- (1) The service dog is out of control, and the person with the disability accompanying the service dog does not take effective action to control it.
- (2) The service dog is not housebroken.

Proposed law provides if the service dog is properly excluded, the public entity shall give the person with a disability the opportunity to enter without the service dog.

Proposed law provides a public entity shall not ask about the nature or extent of a person's disability or require proof through documentation, but may make two inquiries to determine whether such a dog qualifies as a service dog:

- (1) A public entity may ask if the service dog is required because of a disability.
- (2) A public entity may ask what work or task the service dog has been trained to perform.

Present law provides that every person with a disability 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.

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

Proposed law retains present law.

Present law authorizes each person with a disability who has a service 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 person with a disability from being required to pay extra compensation for such dog but such person with a disability shall be liable for any damage done to the premises or any person on the premises by such dog.

Present law provides for the training of service dogs and puppies for persons with a disabilities.

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 person with a disability or a trainer or puppy raiser of a service 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 person with a disability 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.

Present law requires that any person who purposely or negligently injures a service dog or any owner of a dog who allows that dog to injure a service 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 service dog and, if necessary, the replacement and compensation for the loss of the service dog.

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

Proposed law retains present law.

Effective August 1, 2014.

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

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Changes "disabled person" to "person with a disability".
2. Changes "assistance dog" to "service dog".
3. Provides what questions a public entity may ask a person with a disability regarding his service animal.
4. Provides when a public entity may ask a person with a disability to remove his service dog.
5. Removes the unlawful misrepresentation provision.
6. Makes technical changes.

#### Summary of Amendments Adopted by House

##### Committee Amendments Proposed by House Committee on Health and Welfare to the reengrossed bill.

1. Made technical changes.