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LEADER DOG ACCESS

House Bill 4052 as enrolled
Public Act 114 of 1995
Second Analysis (6-23-95)

Sponsor: Rep. Penny Crissman
House Committee: Regulatory Affairs
Senate Committee: Local, Urban and State
Affairs

THE APPARENT PROBLEM:

Since 1931, it has been a misdemeanor under the Michigan Penal Code for the owner or operator of a public accommodation to deny access to a blind person because the person is accompanied by a "seeing eye dog". Amendments in 1980 and 1984 extended this provision to include hearing and service dogs and to include access to private accommodations.

However, the law does not specifically grant access to public and private accommodations for those who train the leader, hearing and service dogs. Often, trainers find themselves being denied access to stores, restaurants, or housing during the training process. Some proprietors are from cultures unfamiliar with the use of dogs in this capacity, while others deny access because they are not required by law to grant it. Meanwhile, the trainers have no recourse to gain access to properly train the dogs in the type of places that handicappers will need the assistance in. It has been recommended that the statute be amended to include access to public and private accommodations for trainers of leader, hearing, or service dogs.

THE CONTENT OF THE BILL:

The Penal Code prohibits denying access to public accommodations or private housing to handicapped people accompanied by guide dogs. House Bill 4052 would extend this provision to people who are training adult guide, leader, or service dogs and are accompanied by the dogs in places of public or private housing or accommodation. ("Adult dog" would mean a domestic dog of the species *Canis Familiaris* that is 12 months of age or older.) Under the bill, a trainer would have to have in his or her possession picture identification indicating

that he or she was employed by an organization that trains leader, hearing, or service dogs.

The bill would take effect January 1, 1996.

MCL 750.502c

FISCAL IMPLICATIONS:

According to the Senate Fiscal Agency, the bill would have no fiscal impact on state government. The fiscal impact on local government would be indeterminate, but most likely would be minimal. The SFA reports that the expanded provisions in the bill could result in increased misdemeanor violations for individuals refusing to admit trainers of leader dogs. While there are no data on the number of estimated future violators, the number of increased misdemeanor convictions is not expected to be significant. Under the Penal Code, a misdemeanor is punishable by up to 90 days in jail and a fine of up to \$100. (6-5-95)

ARGUMENTS:

For:

A well-trained guide dog needs to be familiar with types of environments in which it would be assisting a handicapped person. The bill would provide trainers accompanied by leader, hearing, or service dogs the same legal access to places that handicappers accompanied by their dogs currently enjoy under the law.

Against:

Proprietors should not be forced to grant access to trainers accompanied by guide dogs because patrons may be allergic to or bothered by the dogs.

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Response:

Current law already requires access to all public and private accommodations for handicapped persons accompanied by guide dogs. People are familiar with these dogs. In the case of a patron being allergic to a dog, current practice is for the person with the dog to be moved to a different section of the room. In addition, the bill specifies access for trainers with "adult" dogs. Therefore, situations where a dog in training may be disruptive would be minimal, if not non-existent.