

**SENATE CS FOR CS FOR HOUSE BILL NO. 170(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 3/5/98

Referred: Rules

Sponsor(s): REPRESENTATIVES BRICE, Croft, Ryan

SENATORS Wilken, Leman, Taylor

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to interference with the rights of physically and mentally  
2 challenged persons; and relating to service animals during their pre-training and  
3 training period."

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

5 \* Section 1. AS 11.76.130 is amended to read:

6 Sec. 11.76.130. Interference with rights of physically or mentally  
7 challenged [DISABLED] person. (a) A person commits the crime of interference  
8 with the rights of a physically or mentally challenged [DISABLED] person if the  
9 person intentionally prevents or restricts

10 (1) a physically or mentally challenged [DISABLED] person from  
11 having full and free pedestrian use of a street, highway, sidewalk, walkway, or other  
12 thoroughfare [,] to the same extent that any other person has a right to pedestrian use;  
13 or

14 (2) a physically or mentally challenged [DISABLED] person from

1 being accompanied or assisted by a certified service animal, without an extra charge  
 2 for the service animal, in a common carrier, place of public accommodation, or other  
 3 place to which the general public is invited [,] except as provided in (b) of this section.

4 (b) A physically **or mentally challenged** [DISABLED] person who is  
 5 accompanied or assisted by a certified service animal in a common carrier, place of  
 6 public accommodation, or other place to which the general public is invited [,] is liable  
 7 for property damage done by the animal.

8 (c) In this section,

9 (1) "certified service animal" means an animal **that is wearing**  
 10 **identification issued by the Department of Health and Social Services under**  
 11 **AS 47.80.350 that indicates that the animal is** trained to assist a physically **or**  
 12 **mentally challenged** [DISABLED] person [AND CERTIFIED BY A SCHOOL OR  
 13 TRAINING FACILITY FOR SERVICE ANIMALS AS HAVING COMPLETED  
 14 SUCH TRAINING];

15 (2) "physically or mentally **challenged** [DISABLED]" **means**  
 16 **physically or mentally disabled, as defined** [HAS THE MEANING GIVEN] in  
 17 AS 18.80.300.

18 (d) Interference with the rights of a **physically or mentally challenged**  
 19 [DISABLED] person is a class B misdemeanor.

20 \* **Sec. 2.** AS 11.76 is amended by adding a new section to read:

21 **Sec. 11.76.133. Interference with the training of a service animal.** (a) A  
 22 person commits the crime of interference with the training of a service animal if the  
 23 person intentionally prevents or restricts a person who is authorized to train service  
 24 animals from being accompanied by an animal that is identified as being in training  
 25 to be a service animal, or assesses an extra charge because of the animal, in a public  
 26 facility, except as provided in (b) and (c) of this section.

27 (b) An authorized trainee who is accompanied by an animal identified as being  
 28 in training to be a service animal in a public facility is liable for property damage done  
 29 by the animal.

30 (c) It is an affirmative defense to a prosecution under this section that

31 (1) the person accompanied by the animal identified as being in training

1 to be a service animal did not, when requested by the defendant, show identification  
2 indicating that the person was authorized to train service animals; or

3 (2) the defendant prevented entry into the facility or caused the trainer  
4 and the animal to leave or be removed from the facility based on unruly or disruptive  
5 conduct of the animal that created

6 (A) a substantial risk of imminent physical injury to a person  
7 other than the trainer; or

8 (B) an atmosphere that made regular activities by other persons  
9 in the facility substantially more difficult than usual.

10 (d) In this section,

11 (1) "authorized" means having identification issued by the Department  
12 of Health and Social Services under AS 47.80.350 that indicates that the person is  
13 certified to train service animals;

14 (2) "identified as being in training" means wearing identification issued  
15 by the Department of Health and Social Services under AS 47.80.350 that identifies  
16 the animal as being in training to be a service animal;

17 (3) "public facility" means a capital improvement owned, operated, or  
18 occupied by, or a mode of transportation owned or operated by, the state, a public  
19 corporation of the state, the University of Alaska, a political subdivision of the state,  
20 or a regional educational attendance area.

21 (e) Interference with the training of a service animal is a violation.

22 \* **Sec. 3.** AS 47.80 is amended by adding a new section to read:

23 **Article 5A. Service Animals.**

24 **Sec. 47.80.350. Certification program for service animals and their**  
25 **trainers.** (a) The department shall develop a program under which the department  
26 will issue to an individual a form of identification that indicates that

27 (1) the individual may train service animals;

28 (2) an animal specified by the individual is a certified service animal;

29 or

30 (3) an animal specified by the individual is certified as being in training  
31 to be a service animal.

1           (b) The department may, by regulation, establish minimum standards that must  
2 be met by an applicant before identification is issued under this section. The standards  
3 may provide that an individual or animal that is certified by another entity approved  
4 by the department is entitled to the identification issued by the department.

5           (c) The identification issued under this section for an animal must be in a form  
6 that can be exhibited on the animal.

7           (d) The department may charge an application fee under this section and a fee  
8 for each identification issued under this section. The total fees charged under this  
9 section in a fiscal year may not exceed the cost to the department of administering this  
10 section during the fiscal year.

11           (e) In this section, "service animal" means an animal trained to assist a  
12 physically or mentally disabled person, as defined in AS 18.80.300.