

## CHAPTER 140

( HB 335 )

AN ACT relating to animals.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 258.500 is amended to read as follows:

- (1) As used in ~~subsections (1) to (11) of~~ this section, ***unless the context requires otherwise:***~~;~~
- (a) ***"Assistance dog" means a dog that has been individually trained to do work or perform tasks for a person with disabilities and is considered a service animal under the Americans with Disabilities Act, 42 U.S.C. sec. 12101 et seq.;***
- (b) ***"Emotional support animal" means a companion animal that may provide support to alleviate the symptoms or effects of a person's disability, but the animal has not been individually trained to do work or perform tasks for a person with disabilities and is not considered a service animal under the Americans with Disabilities Act, 42 U.S.C. sec. 12101 et seq.;***
- (c) 1. "Person" means a "person with a disability" as defined by KRS 210.770 ***who has an ongoing therapeutic relationship with a health care provider for the provision of care with at least one (1) of the following health care providers who maintains an active practice within the state:***
- a. ***A licensed clinical social worker who holds a valid, unrestricted state license under KRS 335.100;***
- b. ***A professional clinical counselor or professional counselor associate who holds a valid, unrestricted state license under KRS 335.525;***
- c. ***An advanced practice registered nurse who holds a valid, unrestricted state license under KRS 314.042;***
- d. ***A psychologist who holds a valid, unrestricted state license under KRS 319.050;***
- e. ***A licensed psychological practitioner who holds a valid, unrestricted state license under KRS 319.053; or***
- f. ***A physician who holds a valid, unrestricted state license under KRS 311.571.***
2. "Person" also includes a trainer of an assistance dog; ***and***
- (d) ***"Therapeutic relationship with a health care provider" does not include transactions for documentation of disability in exchange for a fee unless there has been a face-to-face in-office consultation with the health care provider.***
- (2) If a person is accompanied by an assistance dog, neither the person nor the dog shall be denied admittance to any hotel, motel, restaurant, or eating establishment, nor shall the person be denied full and equal accommodations, facilities, and privileges of all public places of amusement, theater, or resort when accompanied by an assistance dog.
- (3) Any person accompanied by an assistance dog shall be entitled to full and equal accommodations on all public transportation~~;~~ if the dog does not occupy a seat in any public conveyance~~;~~ nor endanger the public safety.
- (4) No person shall be required to pay additional charges or fare for the transportation of any accompanying assistance dog.
- (5) No person accompanied by an assistance dog shall be denied admittance and use of any public building~~;~~ nor denied the use of any elevator operated for public use.
- (6) Any person accompanied by an assistance dog may keep the dog in his ***or her*** immediate custody while a tenant in any apartment~~;~~ or building used as a public lodging.
- (7) All trainers accompanied by an assistance dog shall have in their personal possession identification verifying that they are trainers of assistance dogs.

- (8) The *rights, privileges, and accommodations granted to a person under this section shall not be enforceable if* ~~provisions of this section shall not apply unless~~ the person *has not complied, at the time of seeking the accommodation,* ~~complies~~ with the legal *requirements to:*
- (a) *Tag and vaccinate the assistance dog pursuant to* ~~limitations applicable to nondisabled persons and unless all requirements of~~ KRS 258.015;
  - (b) *Leash, unless the person's disability otherwise requires, and control the assistance dog at all times;*
  - (c) *Prevent the assistance dog from disrupting or fundamentally altering the provision of goods or services offered by the establishment regardless of whether the establishment is in a public place;*
  - (d) *Prevent the assistance dog from becoming a nuisance, urinating or defecating, or running at large;* and
  - (e) *License the assistance dog pursuant to KRS 258.135* ~~have been complied with~~.
- (9) Assistance dogs are exempt from all state and local licensing fees.
- (10) Licensing authorities shall accept that the dog for which the license is sought is an assistance dog if the person requesting the license is a person with a disability or the trainer of the dog.
- (11) Emergency medical treatment shall not be denied to an assistance dog assigned to a person regardless of the person's ability to pay prior to treatment.
- (12) No person shall willfully or maliciously interfere with an assistance dog or the dog's user.
- (13) *It shall not be a violation of this section for an establishment to:*
- (a) *Ask if the dog is an assistance dog and what tasks the dog performs for the person making the request to be accompanied by an assistance dog;*
  - (b) *Maintain a general no pets policy if the policy is not used to exclude assistance dogs; or*
  - (c) *Refuse admittance of an assistance dog if admittance jeopardizes the health and safety of others.*
- (14) *Any establishment under subsection (6) of this section that would admit an animal under tenancy may request documentation if the disability or disability-related need is not readily apparent. Documentation shall be from a health care provider listed in subsection (1)(c)1.a. to f. of this section with whom the person requesting an assistance dog has an ongoing therapeutic relationship. Documentation shall identify the work or tasks that the assistance animal performs for the person that are directly related to that person's disability or therapeutic needs.*
- (15) *The handler of an assistance dog shall be liable for damage caused by the assistance dog.*
- (16) *Nothing in this section shall be construed to require the admittance of an emotional support animal in establishments where assistance dogs are required to be admitted, except with regard to the establishments described in subsection (6) of this section, in which case the requirements of KRS 383.085 shall apply. Nothing in this section shall be construed to extend any other rights, privileges, or exemptions afforded to assistance dogs to emotional support animals.*
- ➔Section 2. KRS 258.335 is amended to read as follows:
- (1) It shall be unlawful for any person knowingly to make any false statement or to conceal any fact required to be disclosed under any of the provisions of this chapter.
  - (2) *It shall be unlawful for any person to misrepresent a dog as an assistance dog as part of a request for an accommodation granted under Section 1 of this Act, regardless of whether the misrepresentation is communicated verbally, in writing, or nonverbally by placing a harness, collar, vest, or sign on the dog that falsely indicates it is an assistance dog.*
- ➔Section 3. KRS 258.991 is amended to read as follows:
- (1) Any person violating KRS 258.500(2), (3), (4), (5), (6), (11), or (12) shall be punished by a fine of not less than *five hundred dollars (\$500)* ~~two hundred and fifty dollars (\$250),~~ nor more than one thousand dollars (\$1,000) ~~, or by imprisonment in the county jail for not less than ten (10) nor more than thirty (30) days, or both~~. No person shall be charged with a violation of KRS 258.500(2), (3), (4), (5), (6), (11), or (12) if the requirements of KRS 258.500(7) *and (8)* are not met.

- (2) ***Misrepresentation of a dog as an assistance dog to gain accommodation under subsection (2) of Section 2 of this Act is a violation with a fine of up to one thousand dollars (\$1,000).***

➔ Section 4. KRS 525.010 is amended to read as follows:

The following definitions apply in this chapter unless the context otherwise requires:

- (1) "Desecrate" means defacing, damaging, polluting, or otherwise physically mistreating in a way that the actor knows will outrage the sensibilities of persons likely to observe or discover his or her action.
- (2) "Public" means affecting or likely to affect a substantial group of persons.
- (3) "Public place" means a place to which the public or a substantial group of persons has access and includes but is not limited to highways, transportation facilities, schools, places of amusements, parks, places of business, playgrounds, and hallways, lobbies, and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence. An act is deemed to occur in a public place if it produces its offensive or proscribed consequences in a public place.
- (4) "Transportation facility" means any conveyance, premises, or place used for or in connection with public passenger transportation by air, railroad, motor vehicle, or any other method. It includes aircraft, watercraft, railroad cars, buses, and air, boat, railroad, and bus terminals and stations and all appurtenances thereto.
- (5) "Riot" means a public disturbance involving an assemblage of five (5) or more persons which by tumultuous and violent conduct creates grave danger of damage or injury to property or persons or substantially obstructs law enforcement or other government function.
- (6) "Service animal" includes a:
  - (a) "Bomb detection dog," which means a dog that is trained to locate bombs or explosives by scent;
  - (b) "Electronic detection dog," which means a dog that is trained to locate electronic devices by scent;
  - (c) "Narcotic detection dog," which means a dog that is trained to locate narcotics by scent;
  - (d) "Patrol dog," which means a dog that is trained to protect a peace officer and to apprehend a person;
  - (e) "Tracking dog," which means a dog that is trained to track and find a missing person, escaped inmate, or fleeing felon;
  - (f) "Search and rescue dog," which means a dog that is trained to locate lost or missing persons, victims of natural or man-made disasters, and human bodies;
  - (g) "Accelerant detection dog," which means a dog that is trained for accelerant detection, commonly referred to as arson canines;
  - (h) "Cadaver dog," which means a dog that is trained to find human remains;
  - (i) "Assistance dog," which ***has the same meaning as in***~~means any dog that is trained to meet the requirements of~~ KRS 258.500;
  - (j) Any dog that is trained in more than one (1) of the disciplines specified in paragraphs (a) to (i) of this subsection;
  - (k) "Police dog," which means any dog that is owned, or the service of which is employed, by a law enforcement agency as defined in KRS 61.298 for the principal purpose of aiding in detection of criminal activity, enforcement of laws, and apprehension of offenders; or
  - (l) "Police horse," which means any horse that is owned, or the service of which is employed, by a law enforcement agency for the principal purpose of aiding in detection of criminal activity, enforcement of laws, and apprehension of offenders.

**Signed by Governor April 9, 2024.**