

258.500 Definitions for section -- Persons with assistance dogs not to be denied accommodations, transportation, or elevator service -- Conditions -- Exemption from licensing fees -- Denial of emergency medical treatment for assistance dog prohibited -- Documentation may be requested in some instances -- Handler liable for damages.

- (1) As used in 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 the person has not complied, at the time of seeking the accommodation, with the legal requirements to:
 - (a) Tag and vaccinate the assistance dog pursuant to 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.
- (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.

Effective: July 15, 2024

History: Amended 2024 Ky. Acts ch. 140, sec. 1, effective July 15, 2024. -- Amended 2007 Ky. Acts ch. 48, sec. 1, effective June 26, 2007. -- Amended 2004 Ky. Acts ch. 189, sec. 23, effective July 13, 2004. -- Amended 2002 Ky. Acts ch. 94, sec. 2, effective July 15, 2002. -- Amended 1998 Ky. Acts ch. 163, sec. 1, effective July 15, 1998. -- Amended 1990 Ky. Acts ch. 44, sec. 1, effective July 13, 1990. -- Amended 1982 Ky. Acts ch. 44, sec. 1, effective July 15, 1982. -- Amended 1978 Ky. Acts ch. 184, sec. 1, effective June 17, 1978. -- Amended 1970 Ky. Acts ch. 92, sec. 81. -- Created 1966 Ky. Acts ch. 118, secs. 1 to 4.