Local Government Mandate Statement Kentucky Legislative Research Commission 2022 Regular Session

Part I: Measure Information

Bill Request #: 1675
Bill #: _HB 403
Document ID #: 3955
Bill Subject/Title: AN ACT relating to animals and making an appropriation therefor.
Sponsor: Representative Matt Lockett
Unit of Government: X City X County Y Urban-County Unified Local
X Charter County X Consolidated Local X Government
Office(s) Impacted: Local Law Enforcement; County Animal Shelters
Requirement: X Mandatory Optional
Effect on Powers & Duties: X Modifies Existing Adds New Eliminates Existing

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

Currently, KRS 258.500, which relates persons with assistance dogs and transportation and other public accommodations, defines "person" as a "person with a disability as defined by KRS 210.750." Section 1 of the bill expands the definition in KRS 258.500 by requiring the person to have an ongoing, in-person, therapeutic relationship with one of the five listed health care or mental health providers. The bill permits an establishment to inquire about the assistance dog and refuse admittance if it jeopardizes the health and safety of others. Additionally, the bill makes the handler liable for damage caused by the animal.

Section 2 makes it unlawful for a person to misrepresent a dog as an assistance dog, as part of a request for accommodation, by placing a harness, collar, vest, or sign on the dog that falsely represents it as an assistance dog.

Section 3 raises the minimum fine from \$250 to \$500 for various actions that violate the rights of a person with an assistance dog. Misrepresentation of a dog as an assistance animal to gain accommodation is subject to a maximum fine of \$1,000. It requires fines

collected, after costs and commissions, to be paid to the Department of Agriculture, to be credited to the animal control and care fund with 50% to be used to fund spay/neuter clinics and 50% to be used for block grants to county animal shelters. The bill also removes the term of imprisonment for the violations.

Section 4 amends the definition of "assistance dog" in KRS 525.010 (Penal Code) by requiring the dog to have been trained to work, provide assistance, or perform tasks for the benefit of the person with a disability, or provide support that alleviates at least one of the symptoms or effects of a disability, and by eliminating the reference to a dog that meets the requirements of KRS 258.500.

The fiscal impact for the bill is indeterminable yet minimal. Counties may receive additional funds under the bill by virtue of additional money for spay/neuter clinics and for block grants for county animal shelters. The amount would depend on the number of fines levied and collected and the applications received from the counties for their animal shelters.

The bill eliminates the term of imprisonment for certain offenses related to violating the rights of persons with assistance animals. Current law allows for imprisonment in the county jail for a period of 10 to 30 days. The elimination of imprisonment would result in fewer incarcerations and a cost savings of approximately \$35.43 per day at the local jail's expense. There could be violations for persons misrepresenting a dog as an assistance animal, but this would result only in fines with no incarceration.

Part III: Differences to Local Government Mandate Statement from Prior Versions

Part II, above, pertains to the bill as introduced.

Data Source(s): LRC Staff

Preparer: MJO Reviewer: KHC Date: 2/10/22