

HOUSE BILL 165

By Butler

AN ACT to amend Tennessee Code Annotated, Title 8;
Title 39; Title 44 and Title 62, Chapter 7, Part 1,
relative to service animals.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 62-7-112, is amended by deleting the section and substituting:

(a) As used in this section:

(1) "Dog guide in training":

(A) Means a dog being trained by an employee or puppy raiser from a recognized training agency or school to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability; and

(B) Includes a dog in the socialization process that occurs with the dog's training or raiser prior to the dog's advanced training and that is authorized by an accredited school; and

(2) "Place of public accommodation, amusement, or recreation":

(A) Means a place, store, or other establishment, either licensed or unlicensed, that supplies goods or services to the general public, or solicits or accepts the patronage or trade of the general public, or that is supported directly or indirectly by government funds, except that:

(i) A bona fide private club is not a place of public accommodation, resort, or amusement if its policies are determined solely by its members; and

(ii) Its facilities or services are available only to its members and their bona fide guests; and

(B) Includes an inn, hotel, restaurant, eating house, barber shop, billiard parlor, store, public conveyance on land or water, theater, motion picture house, public education institution, or elevator.

(b)

(1) A proprietor, employee, or other person in charge of a place of public accommodation, amusement, or recreation shall not refuse to permit a blind, physically disable, or deaf or hard of hearing person to enter the place of public accommodation, amusement, or recreation or to make use of the accommodations provided by the public accommodation when the accommodations are available, for the reason that the blind, physically disabled, or deaf or hard-of-hearing person is being led or accompanied by a dog guide.

(2) A dog guide must be under the control of its handler.

(3) A place of public accommodation, amusement, or recreation shall not require documentation regarding the dog guide, such as proof that the guide dog has been certified, trained, or licensed as a dog guide.

(c) A proprietor, employee, or other person in charge of a place of public accommodation, amusement, or recreation:

(1) Shall not refuse to permit a dog guide trainer to enter the place of public accommodation, amusement, or recreation or to make use of the accommodations provided by the public accommodation when the accommodations are available, for the reason that the dog guide trainer is being led or accompanied by a dog guide in training; provided, that:

(A) The dog guide in training, when led or accompanied by a dog guide trainer:

(i) Wears a harness and is held on a leash by the dog guide trainer; or

(ii) Is held on a leash by the dog guide trainer; and

(B) The dog guide trainer presents for inspection credentials issued by an accredited school for training dog guides; and

(2) May ask what task the dog guide in training is being trained to perform, and if the trainer is currently engaged in the training of the dog guide.

(d) A person who utilizes a guide dog for tasks related to the person's disability or a trainer working with a dog guide in training is subject to the same liability for damages caused by the dog guide or dog guide in training as would be applied by the place of public accommodation, amusement, or recreation to a person whose pet causes damages to the place of public accommodation, amusement, or recreation.

(e) A place of public accommodation, amusement, or recreation is not required to provide care or food, or a special location, for a dog guide or dog guide in training.

SECTION 2. Tennessee Code Annotated, Section 39-16-304(b), is amended by adding the following as a new subdivision:

() Fraudulently represents or provides documentation that falsely states that an animal is a service animal or service animal in training to an employee of a public accommodation;

SECTION 3. Tennessee Code Annotated, Section 39-16-304, is amended by deleting subsection (c) and substituting:

(c) Misrepresentation of a service animal or support animal is a Class B misdemeanor. In addition to the penalty provided under this subsection (c), a person

who commits the offense of misrepresentation of a service animal shall perform one hundred (100) hours of community service for an organization that serves individuals with disabilities, or for another entity or organization, at the discretion of the court, to be completed within six (6) months of an order issued by the court.

SECTION 4. This act takes effect July 1, 2023, the public welfare requiring it.