

HOUSE BILL NO. HB0114

Service and assistance animals.

Sponsored by: Representative(s) Brown, Blake, Byrd,
Connolly, Flitner, Gierau, Kirkbride, Lone,
Sweeney and Zwonitzer and Senator(s) Boner,
Emerich, Landen and Pappas

A BILL

for

1 AN ACT relating to service and assistance animals; creating
2 an offense for the misrepresentation of a service or
3 assistance animal; prohibiting the killing or injuring of a
4 service or assistance animal; specifying penalties;
5 conforming provisions to federal law provisions on service
6 and assistance animals; making conforming amendments;
7 providing exemptions from liability as specified; and
8 providing for an effective date.

9

10 *Be It Enacted by the Legislature of the State of Wyoming:*

11

12 **Section 1.** W.S. 35-13-201(a)(ii), (b) and by creating
13 new subsections (c) and (d), 35-13-203, 35-13-205(a) by

1 creating new paragraphs (iv) through (viii) and
2 35-13-206(a), (b)(intro) and (ii) are amended to read:

3

4 **35-13-201. Generally; service and assistance animals.**

5

6 (a) Any blind, visually impaired, deaf, hearing
7 impaired person or other person with a disability, subject
8 to the conditions and limitations established by law and
9 applicable alike to all persons:

10

11 (ii) Shall be afforded full and equal
12 accommodations, advantages, facilities and privileges of
13 ~~all hotels, motels, lodging places, restaurants, public~~
14 ~~elevators, places~~ any place of public accommodation
15 ~~amusement or resort~~ and any other place to which the
16 general public is invited; and

17

18 (b) Any blind, visually impaired, deaf, hearing
19 impaired person or other person with a disability may be
20 accompanied by a service ~~dog~~ animal in any ~~of the places~~
21 ~~listed in subsection (a) of this section without paying an~~
22 ~~extra charge for the service dog,~~ facility of a public
23 entity in accordance with 28 C.F.R. 35.136 and any place of

1 public accommodation in accordance with 28 C.F.R.
2 36.302(c).

3
4 (c) A person shall not be discriminated against in
5 the leasing or rental of residential property because the
6 person has ~~a service dog and is~~ an assistance animal, which
7 shall be permitted in leased or rented residential property
8 in accordance with the federal Fair Housing Act. The person
9 shall be liable for any damage done by his assistance
10 animal to the premises or facilities ~~by the dog of the~~ of the
11 leased or rented residential property.

12
13 (d) A public accommodation, or any agent or employee
14 thereof, that permits a service animal or an animal
15 believed in good faith to be a service animal in its place
16 of public accommodation is not liable for any damage or
17 injury caused by the animal.

18
19 **35-13-203. Interfering with rights; misrepresentation**
20 **of a service or assistance animal; penalties.**

21
22 (a) Any person denying or interfering with admittance
23 to or enjoyment of ~~the public facilities enumerated~~ any

1 place or facility referenced in W.S. ~~35-13-201~~ 35-13-201(a)
2 through (c) or otherwise interfering with the rights of the
3 blind, partially blind, deaf, hearing impaired person or
4 other person with a disability is guilty of a misdemeanor
5 and may be fined not more than seven hundred fifty dollars
6 (\$750.00).

7
8 (b) Any person who knowingly and intentionally
9 misrepresents that an animal is a service animal or an
10 assistance animal for the purpose of obtaining any of the
11 rights or privileges set forth in this article is guilty of
12 a misdemeanor and may be fined not more than seven hundred
13 fifty dollars (\$750.00).

14
15 **35-13-205. Definitions.**

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17 (a) As used in this article:

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19 (iv) "Assistance animal" means an animal that
20 works, provides assistance or performs tasks for the
21 benefit of a person with a disability, or provides
22 emotional support that alleviates one or more identified
23 symptoms or effects of a person's disability;

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2

(v) "Place of public accommodation" means as defined in 28 C.F.R. 36.104;

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(vi) "Public accommodation" means as defined in 28 C.F.R. 36.104;

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(vii) "Public entity" means as defined in 28 C.F.R. 35.104;

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(viii) "Service animal" means as defined in 28 C.F.R. 35.104 and 28 C.F.R. 36.104 and includes service miniature horses pursuant to 28 C.F.R. 35.136 and 28 C.F.R. 36.302(c).

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35-13-206. Injuring or killing a service or assistance animal prohibited; penalties.

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(a) Any person who knowingly, willfully and without lawful cause or justification inflicts, or permits or directs any animal under his control or ownership to inflict, serious bodily harm, permanent disability or death upon any service ~~dog as defined in W.S. 35-13-205(a)(i)~~

23

1 animal or assistance animal is guilty of a misdemeanor
2 punishable by imprisonment for not more than six (6)
3 months, a fine of not more than seven hundred fifty dollars
4 (\$750.00), or both.

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6 (b) A court shall order a defendant convicted of an
7 offense under subsection (a) of this section to make
8 restitution to the owner of the service ~~dog~~ animal or
9 assistance animal for:

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11 (ii) The cost of replacing the service ~~dog~~
12 animal or assistance animal or retraining an injured
13 service ~~dog by an organization generally recognized by~~
14 ~~agencies involved in the rehabilitation of persons with~~
15 ~~disabilities as reputable and competent to provide special~~
16 ~~equipment for or special training to an animal to help a~~
17 ~~person with a disability~~ animal or assistance animal; and

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19 **Section 2.** W.S. 35-13-205(a)(i) is repealed.

20

21 **Section 3.** This act is effective July 1, 2017.

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23

(END)