

1 AN ACT relating to animals and making an appropriation therefor.

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

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

4 (1) As used in subsections (1) to ~~(14)~~~~[(11)]~~ of this section **unless the context otherwise**
5 **requires**, "person" means a "person with a disability" as defined by KRS 210.770
6 **who has an ongoing therapeutic relationship for the provision of care with at**
7 **least one (1) of the following health care providers who maintain an active**
8 **practice within the state:**

9 **(a) A licensed clinical social worker who holds a valid, unrestricted state**
10 **license under KRS 335.100;**

11 **(b) A professional clinical counselor who holds a valid, unrestricted state**
12 **license under KRS 335.525;**

13 **(c) An advanced practice registered nurse who holds a valid, unrestricted state**
14 **license under KRS 314.042;**

15 **(d) A psychologist who holds a valid, unrestricted state license under KRS**
16 **319.050 or 319.053; or**

17 **(e) A physician who holds a valid, unrestricted state license under KRS**
18 **311.571.**

19 "Person" also includes a trainer of an assistance dog. **A Therapeutic relationship**
20 **with a health care provider shall not include transactions for documentation of**
21 **disability in exchange for fee unless there has been a face-to-face in-office**
22 **consultation with the health care provider.**

23 (2) If a person is accompanied by an assistance dog, neither the person nor the dog shall
24 be denied admittance to any hotel, motel, restaurant, or eating establishment, nor
25 shall the person be denied full and equal accommodations, facilities, and privileges
26 of all public places of amusement, theater, or resort when accompanied by an
27 assistance dog.

- 1 (3) Any person accompanied by an assistance dog shall be entitled to full and equal
2 accommodations on all public transportation, if the dog does not occupy a seat in
3 any public conveyance, nor endanger the public safety.
- 4 (4) No person shall be required to pay additional charges or fare for the transportation
5 of any accompanying assistance dog.
- 6 (5) No person accompanied by an assistance dog shall be denied admittance and use of
7 any public building, nor denied the use of any elevator operated for public use.
- 8 (6) Any person accompanied by an assistance dog may keep the dog in his immediate
9 custody while a tenant in any apartment, or building used as a public lodging.
- 10 (7) All trainers accompanied by an assistance dog shall have in their personal
11 possession identification verifying that they are trainers of assistance dogs.
- 12 (8) The **rights, privileges, and accommodations granted to a person under this**
13 **section shall not be enforceable if**~~provisions of this section shall not apply unless~~
14 the person **has not complied, at the time of seeking the accommodation,**~~complies~~
15 with the legal **requirements to:**
- 16 **(a) Tag and vaccinate the assistance dog pursuant to**~~limitations applicable to~~
17 ~~nondisabled persons and unless all requirements of~~ KRS 258.015;
- 18 **(b) Leash, unless the person's disability otherwise requires, and control the**
19 **assistance dog at all times;**
- 20 **(c) Prevent the assistance dog from disrupting or fundamentally altering the**
21 **provision of goods or services offered by the establishment regardless of**
22 **whether the establishment is in a public place;**
- 23 **(d) Prevent the assistance dog from becoming a nuisance, urinating or**
24 **defecating, or running at large;** and
- 25 **(e) License the assistance dog pursuant to KRS** 258.135~~have been complied~~
26 ~~with~~.
- 27 (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) 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.

(13) 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 provider under subsection (1)(a) to (e) 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.

(14) The handler of an assistance dog shall be liable for damage caused by the assistance animal.

(15) No person shall willfully or maliciously interfere with an assistance dog or the dog's user.

➔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

1 part of a request for an accommodation granted under Section 1 of this Act,
2 regardless of whether the misrepresentation is communicated verbally, in writing,
3 or non-verbally by placing a harness, collar, vest, or sign on the dog that falsely
4 indicates it is an assistance dog.

5 ➔ Section 3. KRS 258.991 is amended to read as follows:

6 (1) Any person violating KRS 258.500(2), (3), (4), (5), (6), (11), or (15)~~[(12)]~~ shall be
7 punished by a fine of not less than ~~[two hundred and fifty dollars (\$250), nor more~~
8 ~~than one thousand dollars (\$1,000), or by imprisonment in the county jail for not~~
9 ~~less than ten (10) nor more than thirty (30) days, or both]~~ five hundred dollars
10 (\$500). No person shall be charged with a violation of KRS 258.500(2), (3), (4), (5),
11 (6), (11), or (15)~~[(12)]~~ if the requirements of KRS 258.500(7) and subsection (8) of
12 Section 1 of this Act are not met.

13 (2) Misrepresentation of an assistance dog to gain accommodation under subsection
14 (2) of Section 2 of this Act is a violation with a fine of up to one thousand dollars
15 (\$1,000).

16 (3) All fines collected under this section shall, after costs and commissions have been
17 deducted, be paid to the department to be credited to the animal control and care
18 fund with fifty percent (50%) to be used to fund spay and neuter clinics and fifty
19 percent (50%) to be used for block grants to county animal shelters.

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

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

22 (1) "Desecrate" means defacing, damaging, polluting, or otherwise physically
23 mistreating in a way that the actor knows will outrage the sensibilities of persons
24 likely to observe or discover his action.

25 (2) "Public" means affecting or likely to affect a substantial group of persons.

26 (3) "Public place" means a place to which the public or a substantial group of persons
27 has access and includes but is not limited to highways, transportation facilities,

1 schools, places of amusements, parks, places of business, playgrounds, and
2 hallways, lobbies, and other portions of apartment houses and hotels not
3 constituting rooms or apartments designed for actual residence. An act is deemed to
4 occur in a public place if it produces its offensive or proscribed consequences in a
5 public place.

6 (4) "Transportation facility" means any conveyance, premises, or place used for or in
7 connection with public passenger transportation by air, railroad, motor vehicle, or
8 any other method. It includes aircraft, watercraft, railroad cars, buses, and air, boat,
9 railroad, and bus terminals and stations and all appurtenances thereto.

10 (5) "Riot" means a public disturbance involving an assemblage of five (5) or more
11 persons which by tumultuous and violent conduct creates grave danger of damage
12 or injury to property or persons or substantially obstructs law enforcement or other
13 government function.

14 (6) "Service animal" includes a:

15 (a) "Bomb detection dog," which means a dog that is trained to locate bombs or
16 explosives by scent;

17 (b) "Narcotic detection dog," which means a dog that is trained to locate narcotics
18 by scent;

19 (c) "Patrol dog," which means a dog that is trained to protect a peace officer and
20 to apprehend a person;

21 (d) "Tracking dog," which means a dog that is trained to track and find a missing
22 person, escaped inmate, or fleeing felon;

23 (e) "Search and rescue dog," which means a dog that is trained to locate lost or
24 missing persons, victims of natural or man-made disasters, and human bodies;

25 (f) "Accelerant detection dog," which means a dog that is trained for accelerant
26 detection, commonly referred to as arson canines;

27 (g) "Cadaver dog," which means a dog that is trained to find human remains;

- 1 (h) "Assistance dog," which means any dog that is trained to work, provide
2 assistance, or perform tasks for the benefit of a person with a disability, or
3 provide support that alleviates one (1) or more identified symptoms or
4 effects of a person's disability~~[meet the requirements of KRS 258.500];~~
- 5 (i) Any dog that is trained in more than one (1) of the disciplines specified in
6 paragraphs (a) to (h) of this subsection; or
- 7 (j) "Police horse," which means any horse that is owned, or the service of which
8 is employed, by a law enforcement agency for the principal purpose of aiding
9 in detection of criminal activity, enforcement of laws, and apprehension of
10 offenders.

11 ➔Section 5. KRS 258.119 is amended to read as follows:

- 12 (1) The "Animal Control and Care Fund" is hereby created as a special fund in the State
13 Treasury. The fund may also receive gifts, finances collected under Section 3 of this
14 Act, grants from public and private sources, state appropriations, and federal funds.
15 Any unallotted or unencumbered balances in this fund shall be invested as provided
16 for in KRS 42.500(9). Income earned from the investments shall be credited to the
17 fund. Any fund balance at the close of the fiscal year shall not lapse but shall be
18 carried forward to the next fiscal year, and moneys in this fund shall be
19 continuously appropriated only for the purposes specified in this section.
- 20 (2) (a) Except as provided in paragraph (b) of this subsection, moneys from the
21 fund shall be used by the Animal Control Advisory Board for board expenses,
22 for the creation and support of statewide programs related to animal control
23 and care, and for training animal control officers. "Statewide programs"
24 includes, but is not limited to, the reimbursement of costs for preexposure
25 rabies vaccinations for all animal control and care workers. When determining
26 the distribution of the moneys relating to training, the need of the applicant
27 shall be one (1) of the criteria considered by the board. Based on

1 recommendations of the Animal Control Advisory Board, any moneys not
2 expended under this subsection may be distributed annually as grants to
3 counties with an established animal control and care program meeting the
4 requirements of subsection (3) of this section or approved plan to establish an
5 animal control and care program under subsection (4) of this section; **and**

6 **(b) All moneys deposited in the fund based on fines imposed under Section 3 of**
7 **this Act shall be used as follows:**

8 **1. Fifty percent (50%) for spay and neuter clinics; and**

9 **2. Fifty percent (50%) for block grants to county animal shelters.**

10 (3) As used in this section, "animal control and care program" means a program in
11 which the county:

12 (a) Employs, appoints, or contracts with an animal control officer, or contracts
13 with an entity that employs, appoints, or contracts with an animal control
14 officer, as required by KRS 258.195, who is a high school graduate and has
15 completed the training requirements set forth by the Animal Control Advisory
16 Board; and

17 (b) Maintains an animal shelter, enters into an intergovernmental agreement for
18 the establishment of a regional animal shelter, or contracts with an entity
19 authorized to maintain sheltering and animal control services, to provide
20 services that:

- 21 1. Segregate male and female animals by species in runs and holding areas;
22 2. Provide separate runs or holding areas for ill or injured animals. An ill
23 or injured animal shall be treated with proper veterinary care or
24 euthanized;
25 3. Provide quarantine for dogs and cats presented to the shelter when
26 quarantine by the owner is not feasible or desirable, the cost of
27 quarantine to be borne by the animal owner at the shelter's regular

1 housing costs and fees. Quarantined dogs and cats shall be held in
2 isolation for observation of symptoms of rabies for a period of ten (10)
3 days from the date the dog or cat bit a person. If the dog or cat dies or is
4 euthanized while in quarantine, it shall be submitted to the local health
5 department for testing for the presence of the rabies virus. The cost of
6 the testing shall be borne by the animal owner or the local health
7 department may bear the cost at its discretion;

- 8 4. Provide holding areas with protection from the weather, including
9 heated quarters during cold weather. Holding areas shall be free of
10 debris or standing water; shall provide adequate lighting, ventilation,
11 and sanitary conditions to promote a safe, healthy environment; and
12 shall provide adequate space to allow for normal movement, including
13 standing to full height, sitting, turning, and lying down in a natural
14 position without coming in contact with the top or sides of the enclosure
15 or another animal;
- 16 5. Provide runs and cages built of materials which can be readily cleaned
17 and disinfected, including floors made of an impervious material;
- 18 6. Provide access to the public for no less than twenty-four (24) hours in
19 one (1) week, with the hours that the facility is open to the public posted
20 in a visible location;
- 21 7. Employ euthanasia methods specified as acceptable for that species by
22 the most recent report of the American Veterinary Medical Association
23 Panel on Euthanasia;
- 24 8. Provide potable, uncontaminated water to every animal at all times, and
25 palatable, uncontaminated food daily; and
- 26 9. Maintain a record on each animal impounded. Records shall be
27 maintained for a period of two (2) years and shall include:

- 1 a. Date impounded;
- 2 b. Location found or picked up;
- 3 c. Sex of animal and spay or neuter status, if known;
- 4 d. Breed or description, and color; and
- 5 e. Date reclaimed, adopted, or euthanized.

6 (4) Counties submitting plans proposing to establish an animal control and care
7 program for approval by the Animal Control Advisory Board shall comply with the
8 requirements of:

- 9 (a) Paragraph (a) of subsection (3) of this section within twelve (12) months of
10 the date the documentation is submitted; and
- 11 (b) Paragraph (b) of subsection (3) of this section within twenty-four (24) months
12 of the date the documentation is submitted.

13 (5) To be eligible for any moneys distributed as grants to counties under subsection (2)
14 of this section, counties shall submit an application to the commissioner, on a form
15 prescribed by the Department of Agriculture, by July 15 of each year. Moneys shall
16 be used for construction, equipment, educational supplies, and other uses or
17 programs approved by the advisory board, but shall not be used to increase wages of
18 animal control officers or other personnel. Counties receiving money from the
19 Department of Agriculture shall comply with the terms of the plan or program. If
20 the terms of the plan or program are not complied with, the county shall refund the
21 money to the Department of Agriculture.