



Ohio Legislative Service Commission

Bill Analysis

Elizabeth Molnar

H.B. 310

130th General Assembly
(As Introduced)

Reps. Ruhl, Terhar, J. Adams, Grossman, Milkovich

BILL SUMMARY

- Extends certain rights, privileges, and protections associated with ownership or use of assistance dogs by mobility impaired persons to persons diagnosed with posttraumatic stress disorder and to assistance dogs used by such persons.
- Prohibits a person from using a harness vest, or leash to represent as an assistance dog a dog that is not trained or in training as an assistance dog.

CONTENT AND OPERATION

Use of assistance dogs by persons with PTSD

The bill extends certain rights, privileges, and protections associated with the ownership or use of an assistance dog by a mobility impaired person to a person diagnosed with posttraumatic stress disorder (PTSD) and to an assistance dog used by such a person. It does so by revising the definition of "mobility impaired person," for purposes of the statutes governing assistance dogs, to include a person diagnosed with PTSD.¹ The following rights, privileges, and protections are extended by the bill:

--Registration fee exemption

The bill exempts an owner of an assistance dog used by a person diagnosed with PTSD from any fee for registration on showing proof by certificate or other means that the dog is an assistance dog.²

¹ R.C. 955.011.

² R.C. 955.011(A).

--Use and enjoyment of all places of public accommodation

The bill provides that a person diagnosed with PTSD who uses an assistance dog, or a trainer of an assistance dog to be used by such a person, is entitled to full and equal accommodations, advantages, facilities, and privileges of all public conveyances, hotels, lodging places, all places of public accommodation, amusement, or resort, all institutions of education, and other places to which the general public is invited.³ Subject to certain conditions, the person diagnosed with PTSD or trainer is authorized to take the dog into these conveyances and places. Anyone who deprives such a person or trainer of any of the advantages, facilities, or privileges discussed above, or charges such a person or trainer a fee for the dog, is guilty of a misdemeanor of the fourth degree.⁴

--Protection from physical harm

The bill extends to assistance dogs used by persons diagnosed with PTSD current law's protections of other assistance dogs. Under the bill, a person who knowingly causes or attempts to cause physical harm to an assistance dog used by a person diagnosed with PTSD is guilty of the crime of assaulting an assistance dog if the offender caused or attempted to cause the physical harm (1) when the dog was assisting the person diagnosed with PTSD at the time the harm was caused or attempted or (2) when the offender had actual knowledge that the dog was an assistance dog.⁵ The violation is a misdemeanor of the second degree unless the dog is physically harmed. If the dog is physically harmed, the offense is a misdemeanor of the first degree if the harm is not serious, a felony of the fourth degree if the harm is serious, and a felony of the third degree if the violation results in the dog's death.⁶

--Harassment of an assistance dog

The bill also extends to assistance dogs used by persons with a diagnosis of PTSD current law's provisions concerning harassment of an assistance dog. Under the bill, a person is guilty of the crime of harassing an assistance dog for recklessly doing any of the following to an assistance dog used by a person diagnosed with PTSD:

- (1) Taunting, tormenting, or striking the dog;

³ R.C. 955.43.

⁴ R.C. 955.99(D).

⁵ R.C. 2921.321(C), not in the bill.

⁶ R.C. 2921.321(E)(3), not in the bill.

(2) Throwing an object or substance at the dog;

(3) Interfering with or obstructing the dog or interfering with or obstructing the person who is being assisted or served by the dog in a manner that does any of the following: (a) inhibits or restricts the person's control of the dog, (b) deprives the person of control of the dog, (c) releases the dog from its area of control, (d) enters the area of control of the dog without consent (including placing food or any other object or substance into that area), or (e) inhibits or restricts the ability of the dog to assist the person;

(4) Engaging in any conduct that was likely to cause serious physical injury or death to the assistance dog;

(5) Regarding a person who owns, keeps, or harbors a dog--failing to reasonably restrain that dog from (a) taunting, tormenting, chasing, or approaching in a menacing fashion or apparent attitude of attack or (b) attempting to bite or otherwise endanger an assistance dog that at the time of the conduct was assisting or serving the person diagnosed with PTSD, or that the person knew was an assistance dog used by a person diagnosed with PTSD.⁷

Harassing an assistance dog is a misdemeanor of the second degree unless the dog is harmed. If the harm is not serious, the violation is a misdemeanor of the first degree. If the harm is serious, the violation is a felony of the fourth degree, and if the harm results in the dog's death, the violation is a felony of the third degree.⁸

--Theft of an assistance dog

A person who steals an assistance dog and knew or should have known that the stolen property is an assistance dog is guilty of a felony of the third degree.⁹ The bill makes this crime applicable to theft of an assistance dog used by a person diagnosed with PTSD.

Donation of impounded dogs

The bill extends to dogs who may become assistance dogs to be used by persons diagnosed with PTSD provisions of current law under which dogs impounded by a county dog warden may be donated to a nonprofit agency that trains assistance dogs

⁷ R.C. 2921.321(D), not in the bill.

⁸ R.C. 2921.321(E)(4), not in the bill.

⁹ R.C. 2913.02(B)(7), not in the bill.



and requests that the dog be donated. Donated dogs are exempted from a requirement that dogs sold by the warden be registered and furnished with valid registration tags.¹⁰

Representation as an assistance dog

The bill prohibits a person from using a harness, vest, or leash of the type commonly used on assistance dogs in order to represent that the person's dog is an assistance dog if the dog has not been trained or is not in training as an assistance dog.¹¹ Violation is a misdemeanor of the fourth degree.¹²

HISTORY

ACTION	DATE
Introduced	10-24-13

H0310-I-130.docx/emr

¹⁰ R.C. 955.16(A), not in the bill.

¹¹ R.C. 955.43(C).

¹² R.C. 955.99(D).

