

HOUSE BILL No. 6354

July 23, 2008, Introduced by Reps. Hopgood, Coulouris, LeBlanc, Kathleen Law, Polidori, Alma Smith and Meisner and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 20200.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 20200. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,
2 A GUIDE DOG OR OTHER SERVICE ANIMAL THAT IS ACCOMPANYING AN
3 INDIVIDUAL WITH DISABILITIES, WHICH ANIMAL IS ESPECIALLY TRAINED
4 AND EDUCATED FOR THAT PURPOSE, SHALL BE ALLOWED TO STAY WITH THE
5 INDIVIDUAL WITH DISABILITIES IN A HEALTH FACILITY OR AGENCY. DURING
6 AN EMERGENCY SITUATION, THE HEALTH FACILITY OR AGENCY SHALL PRESUME
7 THAT AN ANIMAL THAT IS ACCOMPANYING AN INDIVIDUAL WITH DISABILITIES
8 IS A GUIDE DOG OR OTHER SERVICE ANIMAL THAT IS ESPECIALLY TRAINED
9 AND EDUCATED FOR THAT PURPOSE IF THE ANIMAL IS WEARING A GUIDE DOG

1 OR LEADER DOG HARNESS, A BLAZE ORANGE LEASH AND COLLAR, A HEARING
2 DOG CAPE, OR A SERVICE ANIMAL BACKPACK. AFTER AN EMERGENCY
3 SITUATION HAS BEEN STABILIZED OR DURING A NONEMERGENCY SITUATION,
4 THE HEALTH FACILITY OR AGENCY MAY REQUIRE THE INDIVIDUAL WITH
5 DISABILITIES TO PRODUCE A PICTURED IDENTIFICATION CARD CERTIFYING
6 THAT THE ANIMAL WAS TRAINED BY A QUALIFIED ORGANIZATION OR TRAINER
7 THAT TRAINS GUIDE DOGS OR OTHER SERVICE ANIMALS. THE HEALTH
8 FACILITY OR AGENCY MAY USE THE LIST OF QUALIFIED ORGANIZATIONS AND
9 TRAINERS MAINTAINED BY THE DEPARTMENT OF LABOR AND ECONOMIC GROWTH
10 AS REQUIRED IN SECTION 502C OF THE MICHIGAN PENAL CODE, 1931 PA
11 328, MCL 750.502C, FOR VERIFICATION PURPOSES UNDER THIS SECTION.

12 (2) A HEALTH FACILITY OR AGENCY MAY REFUSE TO ALLOW A GUIDE
13 DOG OR OTHER SERVICE ANIMAL TO STAY WITH THE INDIVIDUAL WITH
14 DISABILITIES IF ANY OF THE FOLLOWING CIRCUMSTANCES EXIST:

15 (A) THE ANIMAL IS OUT OF CONTROL AND THE INDIVIDUAL WITH
16 DISABILITIES IS INEFFECTIVE IN REGAINING CONTROL.

17 (B) THE ANIMAL POSES A DIRECT THREAT TO THE HEALTH AND SAFETY
18 OF OTHERS.

19 (C) THE ANIMAL IS INTERFERING WITH THE FUNCTIONING OF THE
20 HEALTH FACILITY OR AGENCY STAFF.

21 (D) THERE IS NO ROOM IN THE HEALTH FACILITY OR AGENCY FOR THE
22 ANIMAL.

23 (E) THE ANIMAL POSES A THREAT TO THE STERILITY OF THE HEALTH
24 FACILITY OR AGENCY AND STERILITY IS ESSENTIAL DUE TO INFECTION.

25 (F) THE ANIMAL IS ALLOWED TO RUN FREE OR ROAM IN THE HEALTH
26 FACILITY OR AGENCY.

27 (G) THE ANIMAL IS NOT IN A GUIDING HARNESS OR ON A LEASH AND

1 UNDER THE CONTROL OF THE INDIVIDUAL WITH DISABILITIES OR OTHER
2 APPROPRIATE INDIVIDUAL AT ALL TIMES WHILE IN THE HEALTH FACILITY OR
3 AGENCY.

4 (H) THE INDIVIDUAL WITH DISABILITIES IS UNABLE TO PRODUCE A
5 PICTURED IDENTIFICATION CARD AS REQUIRED IN SUBSECTION (1).

6 (3) A HEALTH FACILITY OR AGENCY THAT REFUSES TO ALLOW A GUIDE
7 DOG OR OTHER SERVICE ANIMAL TO STAY WITH AN INDIVIDUAL WITH
8 DISABILITIES UNDER SUBSECTION (2) SHALL TAKE REASONABLE STEPS TO
9 ENSURE THAT THE ANIMAL IS DELIVERED TO A FAMILY MEMBER OF THE
10 INDIVIDUAL WITH DISABILITIES OR OTHER APPROPRIATE CARETAKER. AS
11 SOON AS PRACTICAL, THE HEALTH FACILITY OR AGENCY SHALL INFORM THE
12 INDIVIDUAL WITH DISABILITIES OR HIS OR HER LEGAL REPRESENTATIVE OF
13 THE ACTION IT HAS TAKEN WITH REGARD TO THE ANIMAL.

14 (4) AS USED IN THIS SECTION, "GUIDE DOG OR OTHER SERVICE
15 ANIMAL" AND "INDIVIDUAL WITH DISABILITIES" MEAN THOSE TERMS AS USED
16 IN 40 USC 3103.