

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 640 Session of 2015

INTRODUCED BY DINNIMAN, FONTANA, GREENLEAF, YUDICHAK, ALLOWAY, RAFFERTY, COSTA, STEFANO, WARD AND LEACH, MARCH 23, 2015

SENATOR FOLMER, STATE GOVERNMENT, AS AMENDED, JUNE 2, 2015

AN ACT

1 Amending the act of October 27, 1955 (P.L.744, No.222),
2 entitled, as amended, "An act prohibiting certain practices
3 of discrimination because of race, color, religious creed,
4 ancestry, age or national origin by employers, employment
5 agencies, labor organizations and others as herein defined;
6 creating the Pennsylvania Human Relations Commission in the
7 Governor's Office; defining its functions, powers and duties;
8 providing for procedure and enforcement; providing for
9 formulation of an educational program to prevent prejudice;
10 providing for judicial review and enforcement and imposing
11 penalties," further providing for FINDINGS AND DECLARATION OF <--
12 POLICY AND FOR right to freedom from discrimination in
13 employment, housing and public accommodation; AND PROVIDING <--
14 FOR THERAPY DOGS AND PUBLIC TRANSPORTATION AND UNLAWFUL
15 DISCRIMINATORY PRACTICES.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 ~~Section 1. Section 3 of the act of October 27, 1955~~ <--
19 ~~(P.L.744, No.222), known as the Pennsylvania Human Relations~~
20 ~~Act, amended December 20, 1991 (P.L.414, No.51), is amended to~~
21 ~~read:~~

22 SECTION 1. SECTIONS 2 AND 3 OF THE ACT OF OCTOBER 27, 1955 <--
23 (P.L.744, NO.222), KNOWN AS THE PENNSYLVANIA HUMAN RELATIONS
24 ACT, AMENDED DECEMBER 20, 1991 (P.L.414, NO.51), ARE AMENDED TO

1 READ:

2 SECTION 2. FINDINGS AND DECLARATION OF POLICY.--

3 * * *

4 (B.1) IT IS HEREBY DECLARED TO BE THE PUBLIC POLICY OF THIS
5 COMMONWEALTH TO SAFEGUARD THE RIGHTS OF ALL INDIVIDUALS WITH
6 DISABILITIES, OWNERS OR HANDLERS OF THERAPY DOGS AND PERSONS
7 LICENSED TO TRAIN THERAPY DOGS TO USE ALL FORMS OF PUBLIC
8 TRANSPORTATION REGARDLESS OF THE USE OF ACCOMPANYING THERAPY
9 DOGS BECAUSE OF DISABILITIES OF THE USERS OR BECAUSE THE USERS
10 ARE HANDLERS OR TRAINERS OF THERAPY DOGS.

11 * * *

12 Section 3. Right to Freedom from Discrimination in
13 Employment, Housing and Public Accommodation.--

14 (a) The opportunity for an individual to obtain employment
15 for which he is qualified, and to obtain all the accommodations,
16 advantages, facilities and privileges of any public
17 accommodation and of any housing accommodation and commercial
18 property without discrimination because of race, color, familial
19 status, religious creed, ancestry, handicap or disability, age,
20 sex, national origin, the use of a guide or support animal
21 because of the blindness, deafness or physical handicap of the
22 user or because the user is a handler or trainer of support or
23 guide animals is hereby recognized as and declared to be a civil
24 right which shall be enforceable as set forth in this act.

25 ~~(b) All forms of public transportation shall permit a~~ <--
26 ~~therapy dog properly harnessed, accompanying a person with a~~
27 ~~disability or an owner or handler of a therapy dog or a person~~
28 ~~licensed to train therapy dogs, to aid and guide a disabled~~
29 ~~person and to ride on all vehicles operated for transportation,~~
30 ~~and no charge shall be made for the transportation of such dog.~~

1 ~~(c) The following words and phrases shall have the meanings~~
2 ~~given to them in this subsection unless the context clearly~~
3 ~~indicates otherwise:~~

4 ~~The term "recognized therapy dog training organization" means~~
5 ~~any of the following:~~

6 ~~(1) Pet Partners of Bellevue, Washington;~~

7 ~~(2) Therapy Dogs Incorporated of Cheyenne, Wyoming;~~

8 ~~(3) Therapy Dogs International of Flanders, New Jersey;~~

9 ~~(4) Bright and Beautiful Therapy Dogs of Morris Plains, New~~
10 ~~Jersey; or~~

11 ~~(5) Comfort Caring Canines of Hatfield, Pennsylvania.~~

12 ~~The term "therapy dog" means any dog that is trained to work~~
13 ~~or perform specific tasks for the benefit of persons, including~~
14 ~~those with special needs, autism, drug addiction, distress due~~
15 ~~to emotional and physical abuse and clinical depression or~~
16 ~~bipolar disease by a recognized therapy dog training~~
17 ~~organization and is actually used for such purpose. THE~~ <--

18 ~~OPPORTUNITY FOR AN INDIVIDUAL WITH A DISABILITY, AN OWNER OR~~
19 ~~HANDLER OF A THERAPY DOG OR A PERSON LICENSED TO TRAIN THERAPY~~
20 ~~DOGS TO OBTAIN ALL THE ACCOMMODATIONS, ADVANTAGES, FACILITIES~~
21 ~~AND PRIVILEGES OF ANY FORM OF PUBLIC TRANSPORTATION WITHOUT~~
22 ~~DISCRIMINATION BECAUSE OF THE USE OF AN ACCOMPANYING THERAPY DOG~~
23 ~~PROPERLY HARNESSSED FOR PURPOSES OF AIDING AND GUIDING A DISABLED~~
24 ~~PERSON AND RIDING ON ALL VEHICLES OPERATED FOR PUBLIC~~
25 ~~TRANSPORTATION IS HEREBY RECOGNIZED AS AND DECLARED TO BE A~~
26 ~~CIVIL RIGHT WHICH SHALL BE ENFORCEABLE AS SET FORTH IN THIS ACT.~~

27 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

28 SECTION 5.4. THERAPY DOGS AND PUBLIC TRANSPORTATION AND
29 UNLAWFUL DISCRIMINATORY PRACTICES.--

30 (A) IT SHALL BE AN UNLAWFUL DISCRIMINATORY PRACTICE FOR ANY

1 FORM OF PUBLIC TRANSPORTATION TO:

2 (1) DENY, LIMIT, DISCOURAGE OR ATTEMPT TO DISCOURAGE OR
3 IMPOSE BURDENS OR PENALTIES ON AN INDIVIDUAL WITH A DISABILITY,
4 AN OWNER OR HANDLER OF A THERAPY DOG OR A PERSON LICENSED TO
5 TRAIN THERAPY DOGS WITH RESPECT TO ACCESSING ANY ACCOMMODATIONS,
6 ADVANTAGES, FACILITIES OR PRIVILEGES OF ANY FORM OF PUBLIC
7 TRANSPORTATION BECAUSE OF THE USE OF AN ACCOMPANYING THERAPY DOG
8 PROPERLY HARNESSSED FOR PURPOSES OF AIDING AND GUIDING A DISABLED
9 PERSON AND RIDING ON ALL VEHICLES OPERATED FOR PUBLIC
10 TRANSPORTATION.

11 (2) DENY OR LIMIT A THERAPY DOG PROPERLY HARNESSSED,
12 ACCOMPANYING A PERSON WITH A DISABILITY OR AN OWNER OR HANDLER
13 OF A THERAPY DOG OR A PERSON LICENSED TO TRAIN THERAPY DOGS,
14 FROM AIDING AND GUIDING A DISABLED PERSON OR FROM RIDING ON ALL
15 VEHICLES OPERATED FOR PUBLIC TRANSPORTATION, OR TO CHARGE A FEE
16 FOR THE TRANSPORTATION OF SUCH DOG.

17 (B) THE DEPARTMENT OF AGRICULTURE SHALL ESTABLISH CRITERIA
18 AND STANDARDS WITH WHICH A RECOGNIZED THERAPY DOG TRAINING
19 ORGANIZATION MUST COMPLY REGARDING THE CERTIFICATION AND
20 REGISTRATION OF THERAPY DOGS AND THEIR HANDLERS.

21 (C) THE FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANINGS
22 GIVEN TO THEM IN THIS SUBSECTION UNLESS THE CONTEXT CLEARLY
23 INDICATES OTHERWISE:

24 (1) THE TERM "RECOGNIZED THERAPY DOG TRAINING ORGANIZATION"
25 MEANS AN ORGANIZATION WHICH CERTIFIES OR REGISTERS THERAPY DOGS
26 AND THEIR HANDLERS IN ACCORDANCE WITH REGULATIONS ESTABLISHED BY
27 THE DEPARTMENT OF AGRICULTURE UNDER THIS SUBSECTION.

28 (2) THE TERM "THERAPY DOG" MEANS ANY DOG THAT IS TRAINED TO
29 WORK OR PERFORM SPECIFIC TASKS FOR THE BENEFIT OF PERSONS,
30 INCLUDING THOSE WITH SPECIAL NEEDS, AUTISM, DRUG ADDICTION,

1 DISTRESS DUE TO EMOTIONAL AND PHYSICAL ABUSE AND CLINICAL
2 DEPRESSION OR BIPOLAR DISEASE BY A RECOGNIZED THERAPY DOG
3 TRAINING ORGANIZATION AND IS ACTUALLY USED FOR SUCH PURPOSE.

4 Section 2 3. This act shall take effect in 60 days.

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