

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 680

Short Title: Emotional Support Animal/Revise Laws. (Public)

Sponsors: Representatives Logan and Insko (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary, if favorable, Finance, if favorable, Appropriations, Health and Human Services, if favorable, Rules, Calendar, and Operations of the House

April 11, 2019

A BILL TO BE ENTITLED

AN ACT TO CREATE THE OFFENSE OF ASSAULTING AN EMOTIONAL SUPPORT ANIMAL AND TO ALLOW A PERSON WITH A DISABILITY TO BE ACCOMPANIED BY AN EMOTIONAL SUPPORT ANIMAL.

The General Assembly of North Carolina enacts:

PART I. ASSAULTING AN EMOTIONAL SUPPORT ANIMAL

SECTION 1.(a) G.S. 14-163.1 reads as rewritten:

"§ 14-163.1. **Assaulting a law enforcement agency animal, an assistance animal, an emotional support animal, or a search and rescue animal.**

(a) The following definitions apply in this section:

(1) Assistance animal. – An animal that is trained and may be used to assist a "person with a disability" as defined in G.S. 168A-3. The term "assistance animal" is not limited to a dog and includes any animal trained to assist a person with a disability as provided in Article 1 of Chapter 168 of the General Statutes.

(1a) Emotional support animal. – An animal that provides emotional support, well-being, comfort, or companionship for a person, but is not trained to assist a person with a disability as provided in Article 1 of Chapter 168 of the General Statutes.

...

(a1) Any person who knows or has reason to know that an animal is a law enforcement agency animal, an assistance animal, an emotional support animal, or a search and rescue animal and who willfully kills the animal is guilty of a Class H felony.

(b) Any person who knows or has reason to know that an animal is a law enforcement agency animal, an assistance animal, an emotional support animal, or a search and rescue animal and who willfully causes or attempts to cause serious harm to the animal is guilty of a Class I felony.

(c) Unless the conduct is covered under some other provision of law providing greater punishment, any person who knows or has reason to know that an animal is a law enforcement agency animal, an assistance animal, an emotional support animal, or a search and rescue animal and who willfully causes or attempts to cause harm to the animal is guilty of a Class 1 misdemeanor.



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1 (d) Unless the conduct is covered under some other provision of law providing greater
2 punishment, any person who knows or has reason to know that an animal is a law enforcement
3 agency animal, an assistance animal, an emotional support animal, or a search and rescue animal
4 and who willfully taunts, teases, harasses, delays, obstructs, or attempts to delay or obstruct the
5 animal in the performance of its duty as a law enforcement agency animal, an assistance animal,
6 or a search and rescue animal is guilty of a Class 2 misdemeanor.

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8 SECTION 1.(b) This section becomes effective December 1, 2019, and applies to
9 offenses committed on or after that date.

10 PART II. PERSON WITH DISABILITY/USE OF EMOTIONAL SUPPORT ANIMAL

11 SECTION 2.(a) G.S. 168-1 reads as rewritten:

12 "§ 168-1. Purpose and ~~definition~~definitions.

13 The State shall encourage and enable persons with disabilities to participate fully in the social
14 and economic life of the State and to engage in remunerative employment. For purposes of this
15 Article, the term (i) "person with a disability" shall have the same meaning as set forth in ~~G.S.~~
16 ~~168A-3(7a)~~G.S. 168A-3 and (ii) "emotional support animal" shall have the same meaning as in
17 G.S. 14-163.1."

18 SECTION 2.(b) G.S. 168-4.2 reads as rewritten:

19 "§ 168-4.2. May be accompanied by service ~~animal~~animal or emotional support animal.

20 (a) Every person with a disability has the right to be accompanied by a service animal
21 trained to assist the person with his or her specific ~~disability~~disability, or an emotional support
22 animal, in any of the places listed in G.S. 168-3, and has the right to keep the service animal or
23 emotional support animal on any premises the person leases, rents, or uses. A person with a
24 disability must register an emotional support animal with the Department of Health and Human
25 Services under G.S. 168-4.3 prior to being accompanied by or keeping an emotional support
26 animal in accordance with this section. The person qualifies for these rights to be accompanied
27 by or keep a service animal in accordance with this section upon the showing of a tag, issued by
28 the Department of Health and Human Services, under G.S. 168-4.3, stamped "NORTH
29 CAROLINA SERVICE ANIMAL PERMANENT REGISTRATION" and stamped with a
30 registration number, or upon a showing that the animal is being trained or has been trained as a
31 service animal. The person qualifies to be accompanied by or keep an emotional support animal
32 in accordance with this section upon the showing of an official copy of the registration issued by
33 the Department of Health and Human Services under G.S. 168-4.3. The service animal or
34 emotional support animal may accompany a person in any of the places listed in G.S. 168-3.

35"

36 SECTION 2.(c) G.S. 168-4.3 reads as rewritten:

37 "§ 168-4.3. Training and registration of service ~~animal~~animal; registration of emotional 38 support animal.

39 (a) Service Animals. – The Department of Health and Human Services, shall adopt rules
40 for the registration of service animals and shall issue registrations to a person with a disability
41 who makes application for registration of an animal that serves as a service animal or to a person
42 who is training an animal as a service animal.

43 The rules adopted regarding registration shall require that the animal be trained or be in
44 training as a service animal. The rules shall provide that the certification and registration need
45 not be renewed while the animal is serving or training with the person applying for the
46 registration. No fee may be charged the person for the application, registration, tag, or
47 replacement in the event the original is lost. The Department of Health and Human Services may,
48 by rule, issue a certification or accept the certification issued by the appropriate training facilities.

49 (b) Emotional Support Animals. – The Department of Health and Human Services, shall
50 adopt rules for the registration of emotional support animals and shall issue at least three official
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1 copies of the registration to a person with a disability who makes application for registration of
2 an emotional support animal.

3 The rules shall provide that the registration needs to be renewed on an annual basis. No fee
4 may be charged the person for the initial or renewal registration. A fee of ten dollars (\$10.00)
5 shall be charged for each replacement registration in the event the original is lost."

6 **SECTION 2.(d)** G.S. 168-4.4 reads as rewritten:

7 "**§ 168-4.4. Responsibility for service ~~animal~~animal or emotional support animal.**

8 Neither a person with a disability who is accompanied by a service ~~animal~~animal or
9 emotional support animal, nor a person who is training a service animal, may be required to pay
10 any extra compensation for the animal. The person has all the responsibilities and liabilities
11 placed on any person by any applicable law when that person owns or uses any animal, including
12 liability for any damage done by the animal."

13 **SECTION 2.(e)** G.S. 168-4.5 reads as rewritten:

14 "**§ 168-4.5. Penalty.**

15 It is unlawful to disguise an animal as a service ~~animal or animal~~, a service animal in ~~training~~
16 training, or an emotional support animal. It is unlawful to deprive a person with a disability or a
17 person training a service animal of any rights granted the person pursuant to G.S. 168-4.2 through
18 G.S. 168-4.4, or of any rights or privileges granted the general public with respect to being
19 accompanied by animals or to charge any fee for the use of the service ~~animal~~animal or
20 emotional support animal. Violation of this section shall be a Class 3 misdemeanor."

21 **SECTION 2.(f)** Subsection (e) of this section becomes effective December 1, 2019,
22 and applies to offenses committed on or after that date. The remainder of this section becomes
23 effective December 1, 2019.

24 25 **PART III. APPROPRIATION**

26 **SECTION 3.** Beginning in the 2019-2020 fiscal year, there is appropriated from the
27 General Fund to the Department of Health and Human Services the sum of two hundred thousand
28 dollars (\$200,000) in recurring funds to hire additional employees and cover other costs incurred
29 by the Department in implementing G.S. 168-4.3, as amended by Section 2 of this act.

30 31 **PART IV. EFFECTIVE DATE**

32 **SECTION 4.** Except as otherwise provided in this act, this act becomes effective
33 July 1, 2019.