



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5790

by Rep. Michael Halpin

SYNOPSIS AS INTRODUCED:

105 ILCS 5/14-6.02 from Ch. 122, par. 14-6.02
210 ILCS 125/32
215 ILCS 5/356z.29 new
510 ILCS 70/2.01c
625 ILCS 60/5
720 ILCS 5/48-8
730 ILCS 5/3-12-16

Amends the School Code, the Swimming Facility Act, the Humane Care for Animals Act, the Pedestrians with Disabilities Safety Act, the Criminal Code of 2012, and the Unified Code of Corrections. Defines "service animal" for the purposes of those Acts as an animal that has completed a formal training program for the purposes of assisting or accommodating a person's sensory, mental, physical, or psychiatric disability, including, but not limited to, a person with post-traumatic stress disorder (PTSD) or a traumatic brain injury, by performing tasks for the benefit of that person that are directly related to the person's disability. Amends the Insurance Code. Provides that an individual or group policy of accident and health insurance amended, delivered, issued, or renewed on or after the effective date of the amendatory Act shall provide coverage for the purchase of a service animal that has completed a formal training program for the purposes of assisting or accommodating a person's sensory, mental, physical, or psychiatric disability, including, but not limited to, a person with post-traumatic stress disorder (PTSD) or a traumatic brain injury, by performing tasks for the benefit of that person that are directly related to the person's disability, provided that the insured's health care provider certifies in writing that a service dog is medically necessary.

LRB100 17498 SLF 32667 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning animals.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section
5 14-6.02 as follows:

6 (105 ILCS 5/14-6.02) (from Ch. 122, par. 14-6.02)

7 Sec. 14-6.02. Service animals. Service animals such as
8 guide dogs, signal dogs or any other animal individually
9 trained to perform tasks for the benefit of a student with a
10 disability shall be permitted to accompany that student at all
11 school functions, whether in or outside the classroom. For the
12 purposes of this Section, "service animal" has the same meaning
13 as in Section 2.01c of the Humane Care for Animals Act ~~48-8 of~~
14 ~~the Criminal Code of 2012.~~

15 (Source: P.A. 97-956, eff. 8-14-12; 97-1150, eff. 1-25-13.)

16 Section 10. The Swimming Facility Act is amended by
17 changing Section 32 as follows:

18 (210 ILCS 125/32)

19 Sec. 32. Service animals. It is the duty of a licensee
20 under this Act to allow the use of service animals as defined
21 in Section 2.01c of the Humane Care for Animals Act ~~and~~

1 ~~prescribed in 28 C.F.R. 35.104, 28 C.F.R. 35.136, 28 C.F.R.~~
2 ~~35.139, 28 C.F.R. 36.104, 28 C.F.R. 208, and 28 C.F.R. 302(e)~~
3 if the service animal has been trained to perform a specific
4 task or work in the water and the use of such animal does not
5 pose a direct threat to the health and safety of the patrons of
6 the facility or the function or sanitary conditions of the
7 facility. Any use of a licensed swimming facility by an animal
8 other than a service animal as authorized under this Section is
9 prohibited.

10 (Source: P.A. 97-957, eff. 1-1-13.)

11 Section 15. The Illinois Insurance Code is amended by
12 adding Section 356z.29 as follows:

13 (215 ILCS 5/356z.29 new)

14 Sec. 356z.29. Coverage for service animal or service dog.
15 An individual or group policy of accident and health insurance
16 amended, delivered, issued, or renewed on or after the
17 effective date of this amendatory Act of the 100th General
18 Assembly shall provide coverage for the purchase of a service
19 animal that has completed a formal training program for the
20 purposes of assisting or accommodating a person's sensory,
21 mental, physical, or psychiatric disability, including, but
22 not limited to, a person with post-traumatic stress disorder
23 (PTSD) or a traumatic brain injury, by performing tasks for the
24 benefit of that person that are directly related to the

1 person's disability, provided that the insured's health care
2 provider certifies in writing that a service dog is medically
3 necessary.

4 Section 20. The Humane Care for Animals Act is amended by
5 changing Section 2.01c as follows:

6 (510 ILCS 70/2.01c)

7 Sec. 2.01c. Service animal. "Service animal" means an
8 animal that has completed a formal training program for the
9 purposes of assisting or accommodating a person's sensory,
10 mental, physical, or psychiatric disability, including, but
11 not limited to, a person with post-traumatic stress disorder
12 (PTSD) or a traumatic brain injury, by performing tasks for the
13 benefit of that person that are directly related to the
14 person's disability ~~trained in obedience and task skills to~~
15 ~~meet the needs of a person with a disability.~~

16 (Source: P.A. 99-143, eff. 7-27-15.)

17 Section 25. The Pedestrians with Disabilities Safety Act is
18 amended by changing Section 5 as follows:

19 (625 ILCS 60/5)

20 Sec. 5. Definitions. For purposes of this Act:

21 "Mobility device" means a support cane, walker, crutches,
22 wheelchair, scooter, or other device, which may be necessary

1 for use by a pedestrian with a disability when traveling.

2 "Pedestrian with a disability" means a person with a
3 disability, as defined by the Americans with Disabilities Act,
4 who may require the use of a mobility device, service animal,
5 or white cane to travel on the streets, sidewalks, highways,
6 walkways, and walking, running, or bicycle paths of this State.

7 "Service animal" has the same meaning ascribed to that term
8 in Section 2.01c of the Humane Care for Animals Act ~~means a~~
9 ~~service animal as defined by the Code of Federal Regulations~~
10 ~~(28 CFR 36.104).~~

11 "White cane" means a cane that is predominantly white or
12 metallic in color, with or without a red tip, that is held in
13 an extended or raised position.

14 (Source: P.A. 100-76, eff. 1-1-18.)

15 Section 30. The Criminal Code of 2012 is amended by
16 changing Section 48-8 as follows:

17 (720 ILCS 5/48-8)

18 Sec. 48-8. Service animal access.

19 (a) When a person with a physical, mental, or intellectual
20 disability requiring the use of a service animal is accompanied
21 by a service animal or when a trainer of a service animal is
22 accompanied by a service animal, neither the person nor the
23 service animal shall be denied the right of entry and use of
24 facilities of any public place of accommodation as defined in

1 Section 5-101 of the Illinois Human Rights Act.

2 For the purposes of this Section, "service animal" has the
3 same meaning ascribed to the term in Section 2.01c of the
4 Humane Care for Animals Act ~~means a dog or miniature horse~~
5 ~~trained or being trained as a hearing animal, a guide animal,~~
6 ~~an assistance animal, a seizure alert animal, a mobility~~
7 ~~animal, a psychiatric service animal, an autism service animal,~~
8 ~~or an animal trained for any other physical, mental, or~~
9 ~~intellectual disability. "Service animal" includes a miniature~~
10 ~~horse that a public place of accommodation shall make~~
11 ~~reasonable accommodation so long as the public place of~~
12 ~~accommodation takes into consideration: (1) the type, size, and~~
13 ~~weight of the miniature horse and whether the facility can~~
14 ~~accommodate its features; (2) whether the handler has~~
15 ~~sufficient control of the miniature horse; (3) whether the~~
16 ~~miniature horse is housebroken; and (4) whether the miniature~~
17 ~~horse's presence in the facility compromises legitimate safety~~
18 ~~requirements necessary for operation.~~

19 (b) A person who knowingly violates this Section commits a
20 Class C misdemeanor.

21 (Source: P.A. 97-1108, eff. 1-1-13; incorporates 97-956, eff.
22 8-14-12; 97-1150, eff. 1-25-13.)

23 Section 35. The Unified Code of Corrections is amended by
24 changing Section 3-12-16 as follows:

1 (730 ILCS 5/3-12-16)

2 Sec. 3-12-16. Helping Paws Service Dog Program.

3 (a) In this Section:

4 "Person with a disability" means a person who suffers from
5 a physical or mental impairment that substantially limits one
6 or more major life activities.

7 "Program" means the Helping Paws Service Dog Program
8 created by this Section.

9 "Service dog" has the same meaning ascribed to the term
10 "service animal" in Section 2.01c of the Humane Care for
11 Animals Act, except the animal is a dog ~~means a dog trained in~~
12 ~~obedience and task skills to meet the needs of a person with a~~
13 ~~disability.~~

14 "Animal care professional" means a person certified to work
15 in animal care related services, such as grooming, kenneling,
16 and any other related fields.

17 "Service dog professional" means a person certified to
18 train service dogs by an agency, organization, or school
19 approved by the Department.

20 "Veteran" means an Illinois resident who is a veteran as
21 defined in subsection (h) of Section 1491 of Title 10 of the
22 United States Code.

23 (b) The Department may establish the Helping Paws Service
24 Dog Program to train committed persons to be service dog
25 trainers and animal care professionals. The Department shall
26 select committed persons in various correctional institutions

1 and facilities to participate in the Program.

2 (c) Priority for participation in the Program must be given
3 to committed persons who either have a high school diploma or
4 have passed high school equivalency testing.

5 (d) The Department may contract with service dog
6 professionals to train committed persons to be certified
7 service dog trainers. Service dog professionals shall train
8 committed persons in dog obedience training, service dog
9 training, and animal health care. Upon successful completion of
10 the training, a committed person shall receive certification by
11 an agency, organization, or school approved by the Department.

12 (e) The Department may designate a non-profit organization
13 to select animals from humane societies and shelters for the
14 purpose of being trained as service dogs and for participation
15 in any program designed to train animal care professionals.

16 (f) After a dog is trained by the committed person as a
17 service dog, a review committee consisting of an equal number
18 of persons from the Department and the non-profit organization
19 shall select a person with a disability or a veteran with
20 post-traumatic stress disorder (PTSD) or depression to receive
21 the service dog free of charge.

22 (g) Employees of the Department shall periodically visit
23 persons with disabilities who have received service dogs from
24 the Department under this Section to determine whether the
25 needs of the persons with disabilities or veterans with
26 post-traumatic stress disorder (PTSD) or depression have been

1 met by the service dogs trained by committed persons.

2 (h) Employees of the Department shall periodically visit
3 committed persons who have been certified as service dog
4 trainers or animal care professionals and who have been paroled
5 or placed on mandatory supervised release to determine whether
6 the committed persons are using their skills as certified
7 service dog trainers or animal care professionals.

8 (Source: P.A. 99-143, eff. 7-27-15; 100-384, eff. 1-1-18.)