

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1728**

62nd Legislature  
2011 Regular Session

Passed by the House February 26, 2011  
Yeas 95 Nays 1

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**Speaker of the House of Representatives**

Passed by the Senate April 8, 2011  
Yeas 46 Nays 2

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1728** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 1728**

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Passed Legislature - 2011 Regular Session

**State of Washington                      62nd Legislature                      2011 Regular Session**

**By** House Judiciary (originally sponsored by Representatives Eddy, Rodne, Green, Goodman, Kagi, and Kenney)

READ FIRST TIME 02/17/11.

1            AN ACT Relating to requiring businesses where food for human  
2 consumption is sold or served to allow persons with disabilities to  
3 bring their service animals onto the business premises; amending RCW  
4 49.60.215; and adding a new section to chapter 49.60 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6            **Sec. 1.** RCW 49.60.215 and 2009 c 164 s 2 are each amended to read  
7 as follows:

8            (1) It shall be an unfair practice for any person or the person's  
9 agent or employee to commit an act which directly or indirectly results  
10 in any distinction, restriction, or discrimination, or the requiring of  
11 any person to pay a larger sum than the uniform rates charged other  
12 persons, or the refusing or withholding from any person the admission,  
13 patronage, custom, presence, frequenting, dwelling, staying, or lodging  
14 in any place of public resort, accommodation, assemblage, or amusement,  
15 except for conditions and limitations established by law and applicable  
16 to all persons, regardless of race, creed, color, national origin,  
17 sexual orientation, sex, honorably discharged veteran or military  
18 status, status as a mother breastfeeding her child, the presence of any  
19 sensory, mental, or physical disability, or the use of a trained dog

1 guide or service animal by a person with a disability: PROVIDED, That  
2 this section shall not be construed to require structural changes,  
3 modifications, or additions to make any place accessible to a person  
4 with a disability except as otherwise required by law: PROVIDED, That  
5 behavior or actions constituting a risk to property or other persons  
6 can be grounds for refusal and shall not constitute an unfair practice.

7 (2) This section does not apply to food establishments, as defined  
8 in section 2 of this act, with respect to the use of a trained dog  
9 guide or service animal by a person with a disability. Food  
10 establishments are subject to section 2 of this act with respect to  
11 trained dog guides and service animals.

12 NEW SECTION. Sec. 2. A new section is added to chapter 49.60 RCW  
13 to read as follows:

14 (1) It shall be an unfair practice for any person or the person's  
15 agent or employee to commit an act which directly or indirectly results  
16 in any distinction, restriction, or discrimination, or the requiring of  
17 any person to pay a larger sum than the uniform rates charged other  
18 persons, or the refusing or withholding from any person the admission,  
19 patronage, custom, presence, frequenting, dwelling, staying, or lodging  
20 in any food establishment, except for conditions and limitations  
21 established by law and applicable to all persons, on the basis of the  
22 use of a dog guide or service animal by a person with a disability:  
23 PROVIDED, That this section shall not be construed to require  
24 structural changes, modifications, or additions to make any place  
25 accessible to a person with a disability except as otherwise required  
26 by law: PROVIDED, That behavior or actions constituting a risk to  
27 property or other persons can be grounds for refusal and shall not  
28 constitute an unfair practice.

29 (2) A food establishment shall make reasonable modifications in  
30 policies, practices, or procedures to permit the use of a miniature  
31 horse by an individual with a disability in accordance with subsection  
32 (1) of this section if the miniature horse has been individually  
33 trained to do work or perform tasks for the benefit of the individual  
34 with a disability. In determining whether reasonable modifications in  
35 policies, practices, or procedures can be made to allow a miniature  
36 horse into a facility, a food establishment shall act in accordance  
37 with all applicable laws and regulations.

1 (3) For the purposes of this section:

2 (a) "Service animal" means any dog that is individually trained to  
3 do work or perform tasks for the benefit of an individual with a  
4 disability, including a physical, sensory, psychiatric, intellectual,  
5 or other mental disability. Except as provided in subsection (2) of  
6 this section, other species of animals, whether wild or domestic,  
7 trained or untrained, are not service animals. The work or tasks  
8 performed by a service animal must be directly related to the  
9 individual's disability. Examples of work or tasks include, but are  
10 not limited to, assisting individuals who are blind or have low vision  
11 with navigation and other tasks, alerting individuals who are deaf or  
12 hard of hearing to the presence of people or sounds, providing  
13 nonviolent protection or rescue work, pulling a wheelchair, assisting  
14 an individual during a seizure, alerting individuals to the presence of  
15 allergens, retrieving items such as medicine or the telephone,  
16 providing physical support and assistance with balance and stability to  
17 individuals with mobility disabilities, and helping persons with  
18 psychiatric and neurological disabilities by preventing or interrupting  
19 impulsive or destructive behaviors. The crime deterrent effects of an  
20 animal's presence and the provision of emotional support, well-being,  
21 comfort, or companionship do not constitute work or tasks.

22 (b) "Food establishment" means a place of business that sells or  
23 serves food for human consumption with a North American industry  
24 classification system code within "445110," "445120," "445210,"  
25 "445220," "445230," "445291," "445292," "445299," "452910," "722110,"  
26 "722211," "722212," "722213," or "722410."

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