

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10383-MLfa-114

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

Sponsors: Representatives Logan and Insko (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE THE OFFENSE OF ASSAULTING AN EMOTIONAL SUPPORT
3 ANIMAL AND TO ALLOW A PERSON WITH A DISABILITY TO BE ACCOMPANIED
4 BY AN EMOTIONAL SUPPORT ANIMAL.

5 The General Assembly of North Carolina enacts:

6
7 **PART I. ASSAULTING AN EMOTIONAL SUPPORT ANIMAL**

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

9 "**§ 14-163.1. Assaulting a law enforcement agency animal, an assistance animal, an**
10 **emotional support animal, or a search and rescue animal.**

11 (a) The following definitions apply in this section:

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

17 (1a) Emotional support animal. – An animal that provides emotional support,
18 well-being, comfort, or companionship for a person, but is not trained to assist
19 a person with a disability as provided in Article 1 of Chapter 168 of the
20 General Statutes.

21 ...

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

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

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

34 (d) Unless the conduct is covered under some other provision of law providing greater
35 punishment, any person who knows or has reason to know that an animal is a law enforcement
36 agency animal, an assistance animal, an emotional support animal, or a search and rescue animal



1 and who willfully taunts, teases, harasses, delays, obstructs, or attempts to delay or obstruct the
2 animal in the performance of its duty as a law enforcement agency animal, an assistance animal,
3 or a search and rescue animal is guilty of a Class 2 misdemeanor.

4"

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

7
8 **PART II. PERSON WITH DISABILITY/USE OF EMOTIONAL SUPPORT ANIMAL**

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

10 **"§ 168-1. Purpose and ~~definition-definitions.~~**

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

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

17 **"§ 168-4.2. ~~May be accompanied by service animal-animal or emotional support animal.~~**

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

33"

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

35 **"§ 168-4.3. Training and registration of service ~~animal-animal; registration of emotional~~**
36 **support animal.**

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

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

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

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

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

5 **"§ 168-4.4. Responsibility for service ~~animal~~animal or emotional support animal.**

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

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

12 **"§ 168-4.5. Penalty.**

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

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

22 23 **PART III. APPROPRIATION**

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

28 29 **PART IV. EFFECTIVE DATE**

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