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Committees:

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Aging and Long Term Care

BRIGID KELLY

State Representative

Chairman Young, Vice Chairman DeVitis, Ranking Member Lepore-Hagan, and members of the House Economic Development, Commerce and Labor Committee, thank you for the opportunity to provide sponsor testimony on House Bill 303. This bill will make the Ohio Revised Code consistent with federal law and compliant with the Americans with Disabilities (ADA) Act.

The Ohio Revised Code currently contains dated language and is ambiguous in a number of ways regarding service animals and public accommodation. The language of our current law was written before the most recent amendments to the ADA and as a result, some terms in the Ohio Revised Code are different from the analogous terms used in the ADA. Although it is easy to say this is just a matter of semantics, when this bill was presented to Representative Lipps and I by members of the National Federation of the Blind – Ohio they emphasized it's far beyond that. The difference between "assistance animals" and "service animals" for example, can mean the difference between participating in an activity or getting lunch with a friend, or having to go home.

This bill will clarify definitions regarding the prohibition of public places of accommodation from preventing the use of a service animal by any person with a disability. The removal of the service animal can in fact be requested if the animal is out of control and effective action is not taken to regain control or the animal is not housebroken. However, the place of public accommodation shall give the disabled individual the option to remain without their service animal.

Our legislation will increase the penalty for falsely claiming an animal is a service animal in a place of public accommodation – or prohibiting use of a service animal by an individual with a disability to a second-degree misdemeanor from a fourth-degree misdemeanor.

As members of the legislature, we have an obligation and a responsibility to make life better for the people in our communities, and this is a practical measure to enhance the daily life for disabled citizens in this state. This bill will provide reassurance and protection to our constituents who rely on service animal accompaniment to live their daily lives. Service animals are often times the ears, hands, or legs of their human partners; the animals allow our friends and neighbors to more fully participate in our communities, and opens up new opportunities and new possibilities for the people we serve.

Representative Lipps and I believe that House Bill 303 is an important step to protecting and recognizing the rights of people with disabilities when their service animals accompany them. I appreciate the chance to offer testimony on House Bill 303 and would be happy to answer any questions.

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