
ASSEMBLY BILL NO. 157—ASSEMBLYMEN OSCARSON,
ELLISON; ARMSTRONG, TITUS AND WHEELER

FEBRUARY 13, 2015

JOINT SPONSOR: SENATOR GOICOECHEA

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing service animals.
(BDR 38-638)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to service animals; making certain provisions relating to service animals and service animals in training applicable only when the animal is a dog or a miniature horse; allowing an employer to determine whether it is reasonable to allow an employee to keep a service animal that is a miniature horse at the place of employment; allowing a place of public accommodation or common carrier to determine whether it is reasonable to admit a service animal or service animal in training that is a miniature horse; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law defines: (1) “service animal” as an animal that has been trained to
2 assist or accommodate a person with a disability; and (2) “service animal in
3 training” as an animal that is being trained to assist or accommodate a person with a
4 disability. (NRS 426.097, 426.099) Federal regulations: (1) define “service animal”
5 as a dog that is individually trained to do work or perform tasks for the benefit of a
6 person with a disability; and (2) require a place of public accommodation to make
7 reasonable modifications to allow the use of a miniature horse that is individually
8 trained to do work or perform tasks for the benefit of a person with a disability. (28
9 C.F.R. §§ 35.104, 35.136, 36.104, 36.302) **Sections 1 and 2** of this bill revise the
10 definition of the terms “service animal” and “service animal in training” to include
11 only dogs and miniature horses trained or being trained to do work or perform tasks
12 for the benefit of a person with a disability. Because those terms are incorporated in



13 other provisions of existing law, only dogs and miniature horses will be considered
14 service animals for the purposes of provisions of existing law that: (1) require
15 certain emergency management plans and plans for emergency operations to
16 address the needs of persons with service animals; (2) authorize only a blind, deaf
17 or physically disabled person to use a service animal; (3) require persons to take
18 precautions to avoid accident or injury to a person using a service animal; (4)
19 prohibit interfering with, beating or killing a service animal; (5) prohibit
20 fraudulently misrepresenting an animal as a service animal; (6) require sterilization
21 of certain pets that are not service animals; (7) require an employer to allow an
22 employee to keep a service animal with him or her; and (8) require a place of public
23 accommodation or a common carrier to admit a service animal or a service animal
24 in training. (NRS 414.095, 414.097, 426.510, 426.515, 426.695, 426.790, 426.805,
25 426.810, 484B.290, 574.600-574.660, 613.330, 651.075, 704.145, 706.366)
26 **Sections 3-6** of this bill provide that an employer is not required to allow an
27 employee to keep a service animal that is a miniature horse with him or her, and a
28 place of public accommodation or common carrier is not required to admit a service
29 animal or service animal in training that is a miniature horse, if it would be
30 unreasonable to comply, using criteria for determining reasonableness set forth in
31 federal regulations.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 426.097 is hereby amended to read as follows:
2 426.097 “Service animal” ~~means an animal that has been~~
3 ~~trained to assist or accommodate a person with a disability.~~ *has the*
4 *meaning ascribed to it in 28 C.F.R. § 36.104 and includes a*
5 *miniature horse that has been trained to do work or perform tasks*
6 *for the benefit of a person with a disability.*

7 **Sec. 2.** NRS 426.099 is hereby amended to read as follows:
8 426.099 “Service animal in training” means ~~an animal~~ *a dog*
9 *or a miniature horse* that is being trained ~~to assist or accommodate~~
10 ~~a person with a disability.~~ *as a service animal.*

11 **Sec. 3.** NRS 613.330 is hereby amended to read as follows:
12 613.330 1. Except as otherwise provided in NRS 613.350, it
13 is an unlawful employment practice for an employer:

14 (a) To fail or refuse to hire or to discharge any person, or
15 otherwise to discriminate against any person with respect to the
16 person’s compensation, terms, conditions or privileges of
17 employment, because of his or her race, color, religion, sex, sexual
18 orientation, gender identity or expression, age, disability or national
19 origin; or

20 (b) To limit, segregate or classify an employee in a way which
21 would deprive or tend to deprive the employee of employment
22 opportunities or otherwise adversely affect his or her status as an
23 employee, because of his or her race, color, religion, sex, sexual
24 orientation, gender identity or expression, age, disability or national
25 origin.



1 2. It is an unlawful employment practice for an employment
2 agency to:

3 (a) Fail or refuse to refer for employment, or otherwise to
4 discriminate against, any person because of the race, color, religion,
5 sex, sexual orientation, gender identity or expression, age, disability
6 or national origin of that person; or

7 (b) Classify or refer for employment any person on the basis of
8 the race, color, religion, sex, sexual orientation, gender identity or
9 expression, age, disability or national origin of that person.

10 3. It is an unlawful employment practice for a labor
11 organization:

12 (a) To exclude or to expel from its membership, or otherwise to
13 discriminate against, any person because of his or her race, color,
14 religion, sex, sexual orientation, gender identity or expression, age,
15 disability or national origin;

16 (b) To limit, segregate or classify its membership, or to classify
17 or fail or refuse to refer for employment any person, in any way
18 which would deprive or tend to deprive the person of employment
19 opportunities, or would limit the person's employment opportunities
20 or otherwise adversely affect the person's status as an employee or
21 as an applicant for employment, because of his or her race, color,
22 religion, sex, sexual orientation, gender identity or expression, age,
23 disability or national origin; or

24 (c) To cause or attempt to cause an employer to discriminate
25 against any person in violation of this section.

26 4. It is an unlawful employment practice for any employer,
27 labor organization or joint labor-management committee controlling
28 apprenticeship or other training or retraining, including, without
29 limitation, on-the-job training programs, to discriminate against any
30 person because of his or her race, color, religion, sex, sexual
31 orientation, gender identity or expression, age, disability or national
32 origin in admission to, or employment in, any program established
33 to provide apprenticeship or other training.

34 5. ~~It~~ *Except as otherwise provided in subsection 6, it* is an
35 unlawful employment practice for any employer, employment
36 agency, labor organization or joint labor-management committee to
37 discriminate against a person with a disability by interfering,
38 directly or indirectly, with the use of an aid or appliance, including,
39 without limitation, a service animal, by such a person.

40 6. It is an unlawful employment practice for an employer,
41 directly or indirectly, to refuse to permit an employee with a
42 disability to keep the employee's service animal with him or her at
43 all times in his or her place of employment ~~It~~, *except that an*
44 *employer may refuse to permit an employee to keep a service*
45 *animal that is a miniature horse with him or her if the employer*



1 *determines that it is not reasonable to comply, using the*
2 *assessment factors set forth in 28 C.F.R. § 36.302.*

3 7. As used in this section, "service animal" has the meaning
4 ascribed to it in NRS 426.097.

5 **Sec. 4.** NRS 651.075 is hereby amended to read as follows:

6 651.075 1. ~~It~~ *Except as otherwise provided in subsection 5,*
7 is unlawful for a place of public accommodation to:

8 (a) Refuse admittance or service to a person with a disability
9 because the person is accompanied by a service animal.

10 (b) Refuse admittance or service to a person ~~training~~ *who is*
11 *accompanied by* a service animal ~~in training~~.

12 (c) Refuse to permit an employee of the place of public
13 accommodation who is ~~training~~ *accompanied by* a service animal
14 *in training* to bring the service animal *in training* into:

15 (1) The place of public accommodation; or

16 (2) Any area within the place of public accommodation to
17 which employees of the place of public accommodation have
18 access, regardless of whether the area is open to the public.

19 (d) Refuse admittance or service to a person because the person
20 is accompanied by a police dog.

21 (e) Charge an additional fee or deposit for a service animal,
22 service animal in training or a police dog as a condition of access to
23 the place of public accommodation.

24 (f) Require proof that an animal is a service animal or service
25 animal in training.

26 2. A place of public accommodation may:

27 (a) Ask a person accompanied by an animal:

28 (1) If the animal is a service animal or service animal in
29 training; and

30 (2) What tasks the animal is trained to perform or is being
31 trained to perform.

32 (b) Ask a person to remove a service animal or service animal in
33 training if the animal:

34 (1) Is out of control and the person accompanying the animal
35 fails to take effective action to control it; or

36 (2) Poses a direct threat to the health or safety of others.

37 3. A service animal may not be presumed dangerous by reason
38 of the fact it is not muzzled.

39 4. This section does not relieve:

40 (a) A person with a disability who is accompanied by a service
41 animal or a person who ~~trains~~ *is accompanied by* a service animal
42 *in training* from liability for damage caused by the service animal
43 ~~in training~~ *or service animal in training.*

44 (b) A person who is accompanied by a police dog from liability
45 for damage caused by the police dog.



1 5. *A place of public accommodation is not required to comply*
2 *with the provisions of subsection 1 with regard to a service animal*
3 *or service animal in training that is a miniature horse if the place*
4 *of public accommodation determines that it is not reasonable to*
5 *comply, using the assessment factors set forth in 28 C.F.R. §*
6 *36.302.*

7 6. Persons with disabilities who are accompanied by service
8 animals are subject to the same conditions and limitations that apply
9 to persons who are not so disabled and accompanied.

10 ~~6.~~ 7. Persons who are accompanied by police dogs are
11 subject to the same conditions and limitations that apply to persons
12 who are not so accompanied.

13 ~~7.~~ 8. A person who violates paragraph (e) of subsection 1 is
14 civilly liable to the person against whom the violation was
15 committed for:

16 (a) Actual damages;

17 (b) Such punitive damages as may be determined by a jury, or
18 by a court sitting without a jury, which must not be more than three
19 times the amount of actual damages, except that in no case may the
20 punitive damages be less than \$750; and

21 (c) Reasonable attorney's fees as determined by the court.

22 ~~8.~~ 9. The remedies provided in this section are nonexclusive
23 and are in addition to any other remedy provided by law, including,
24 without limitation, any action for injunctive or other equitable relief
25 available to the aggrieved person or brought in the name of the
26 people of this State or the United States.

27 ~~9.~~ 10. As used in this section:

28 (a) "Police dog" means a dog which is owned by a state or local
29 governmental agency and which is used by a peace officer in
30 performing his or her duties as a peace officer.

31 (b) "Service animal" has the meaning ascribed to it in
32 NRS 426.097.

33 (c) "Service animal in training" has the meaning ascribed to it in
34 NRS 426.099.

35 **Sec. 5.** NRS 704.145 is hereby amended to read as follows:

36 704.145 1. ~~H.~~ *Except as otherwise provided in subsection 2,*
37 *it is unlawful for a common carrier or other means of public*
38 *conveyance or transportation operating in this State to:*

39 (a) Refuse service to a person with a disability because the
40 person is accompanied by a service animal;

41 (b) Refuse service to a person who is training a service animal
42 because the person is accompanied by the service animal in training;
43 or

44 (c) Charge an additional fee or a deposit (c) for a service animal or
45 service animal in training.



1 2. *A common carrier or other means of public conveyance or*
2 *transportation is not required to comply with the provisions of*
3 *subsection 1 with regard to a service animal or service animal in*
4 *training that is a miniature horse if it determines that it is not*
5 *reasonable to comply, using the assessment factors set forth in 28*
6 *C.F.R. § 36.302.*

7 3. This section does not relieve a person with a disability who
8 is accompanied by a service animal or a person who ~~trans~~ *is*
9 *accompanied by* a service animal *in training* from liability for
10 damage which may be caused by the service animal or service
11 animal in training.

12 ~~3-~~ 4. Persons with disabilities accompanied by service
13 animals on common carriers or other means of public conveyance or
14 transportation operating in this State are subject to the same
15 conditions and limitations that apply to persons without disabilities
16 who are not so accompanied.

17 ~~4-~~ 5. A common carrier or other means of public conveyance
18 or transportation operating in this State that violates any of the
19 provisions of subsection 1 is civilly liable to the person against
20 whom the violation was committed for:

21 (a) Actual damages;

22 (b) Such punitive damages as may be determined by a jury, or
23 by a court sitting without a jury, which must not be more than three
24 times the amount of actual damages, except that in no case may the
25 punitive damages be less than \$750; and

26 (c) Reasonable attorney's fees as determined by the court.

27 ~~5-~~ 6. The remedies provided in this section are nonexclusive
28 and are in addition to any other remedy provided by law, including,
29 without limitation, any action for injunctive or other equitable relief
30 available to the aggrieved person or brought in the name of the
31 people of this State or the United States.

32 ~~6-~~ 7. As used in this section:

33 (a) "Service animal" has the meaning ascribed to it in
34 NRS 426.097.

35 (b) "Service animal in training" has the meaning ascribed to it in
36 NRS 426.099.

37 **Sec. 6.** NRS 706.366 is hereby amended to read as follows:

38 706.366 1. ~~##~~ *Except as otherwise provided in subsection 2,*
39 *it* is unlawful for a common motor carrier of passengers or other
40 means of public conveyance or transportation operating in this State
41 to:

42 (a) Refuse service to a person with a disability because the
43 person is accompanied by a service animal;



1 (b) Refuse service to a person who is training a service animal
2 because the person is accompanied by the service animal in training;
3 or

4 (c) Charge an additional fee or a deposit for a service animal or
5 service animal in training.

6 2. *A common motor carrier of passengers or other means of*
7 *public conveyance or transportation is not required to comply with*
8 *the provisions of subsection 1 with regard to a service animal or*
9 *service animal in training that is a miniature horse if it determines*
10 *that it is not reasonable to comply, using the assessment factors set*
11 *forth in 28 C.F.R. § 36.302.*

12 3. This section does not relieve a person with a disability who
13 is accompanied by a service animal or a person who ~~trans~~ *is*
14 *accompanied by* a service animal *in training* from liability for
15 damage which may be caused by the service animal or service
16 animal in training.

17 ~~3.~~ 4. Persons with disabilities accompanied by service
18 animals on common motor carriers of passengers or other means of
19 public conveyance or transportation operating in this State are
20 subject to the same conditions and limitations that apply to persons
21 without disabilities who are not so accompanied.

22 ~~4.~~ 5. A common motor carrier of passengers or other means
23 of public conveyance or transportation operating in this State that
24 violates any of the provisions of subsection 1 is civilly liable to the
25 person against whom the violation was committed for:

26 (a) Actual damages;

27 (b) Such punitive damages as may be determined by a jury, or
28 by a court sitting without a jury, which must not be more than three
29 times the amount of actual damages, except that in no case may the
30 punitive damages be less than \$750; and

31 (c) Reasonable attorney's fees as determined by the court.

32 ~~5.~~ 6. The remedies provided in this section are nonexclusive
33 and are in addition to any other remedy provided by law, including,
34 without limitation, any action for injunctive or other equitable relief
35 available to the aggrieved person or brought in the name of the
36 people of this State or the United States.

37 ~~6.~~ 7. As used in this section:

38 (a) "Service animal" has the meaning ascribed to it in
39 NRS 426.097.

40 (b) "Service animal in training" has the meaning ascribed to it in
41 NRS 426.099.

