



2020 South Dakota Legislature

Senate Bill 84

HOUSE LOCAL GOVERNMENT ENGROSSED

Introduced by: **Senator Blare**

1 **An Act to authorize service animals in-training to enter certain establishments.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1.** That § 20-13-23.2 be AMENDED:

4 **20-13-23.2. Disability--Service Animal--Liability--Violation as misdemeanor.**

5 Any person who is totally or partially physically disabled, totally or partially blind,
6 ~~or~~ totally or partially deaf, or has a psychiatric disability or mental disability may be
7 accompanied by a service animal, especially trained for the purpose, in any of the places
8 listed in § 20-13-23.1 without being required to pay an extra charge for the service
9 animal.

10 A service animal trainer may be accompanied by a service animal in training
11 wearing a collar and leash, harness, or cape that identifies the animal as a service animal
12 in training, in any of the places listed in § 20-13-23.1 subject to any conditions and
13 limitations established by law and applicable to service animals, without being required to
14 pay an extra charge for the service animal in training.

15 However, the person with a disability or a service animal trainer is liable for any
16 damage done to the premises or facilities by the service animal or service animal in
17 training. Failure of any owner or employee of a place listed in § 20-13-23.1 to comply with
18 the provisions of this section is a Class 2 misdemeanor.

19 **Section 2.** That § 20-13-1 be AMENDED:

20 **20-13-1. Definitions.**

21 Terms used in this chapter mean:

- 22 (1) "Commission," the South Dakota State Commission of Human Rights;
- 23 (2) "Commissioner," a member of the commission;
- 24 (3) "Court," the circuit court in and for the judicial circuit of the State of South Dakota
- 25 in which the alleged unfair or discriminatory practice occurred;

- 1 (4) "Disability," a physical or mental impairment of a person resulting from disease,
2 injury, congenital condition of birth, or functional disorder which substantially limits
3 one or more of the person's major life functions; a record of having such an
4 impairment; or being regarded as having such an impairment which:
- 5 (a) For purposes of §§ 20-13-10 to 20-13-17, inclusive, is unrelated to an
6 individual's ability to perform the major duties of a particular job or position,
7 or is unrelated to an individual's qualifications for employment or promotion;
- 8 (b) For purposes of §§ 20-13-20 to 20-13-21.1, inclusive, is unrelated to an
9 individual's ability to acquire, rent or maintain property;
- 10 (c) For purposes of §§ 20-13-22 to 20-13-25, inclusive, is unrelated to an
11 individual's ability to utilize and benefit from educational opportunities,
12 programs and facilities at an educational institution.
- 13 This term does not include current illegal use of or addiction to marijuana as defined
14 in subdivision 22-42-1(7) or a controlled substance as defined in subdivision 22-
15 42-1(1);
- 16 (5) "Educational institution," any public or private institution of education and includes
17 an academy, college, elementary or secondary school, extension course,
18 kindergarten, nursery, school system, and any business, nursing, professional,
19 secretarial, technical, or vocational school, and includes any agent of such
20 institutions;
- 21 (6) "Employee," any person who performs services for any employer for compensation,
22 whether in the form of wages, salary, commission, or otherwise;
- 23 (7) "Employer," any person within the State of South Dakota who hires or employs any
24 employee, and any person wherever situated who hires or employs any employee
25 whose services are to be partially or wholly performed in the State of South Dakota;
- 26 (8) "Employment agency," any person regularly undertaking, with or without
27 compensation, to procure employees for an employer or to procure for employees
28 opportunities to work for an employer and includes any agent of such a person;
- 29 (9) "Familial status," the relationship of individuals by birth, adoption, or guardianship
30 who are domiciled together;
- 31 (10) "Labor organization," includes any person, employee representation committee,
32 plan in which employees participate, or other organization which exists wholly or in
33 part for the purpose of dealing with employers concerning grievances, labor
34 disputes, wages, rates of pay, hours, or other terms or conditions of employment;

- 1 (11) "Person," includes one or more individuals, partnerships, associations, limited
2 liability companies, corporations, unincorporated organizations, mutual companies,
3 joint stock companies, trusts, agents, legal representatives, trustees, trustees in
4 bankruptcy, receivers, labor organizations, public bodies, public corporations, and
5 the State of South Dakota, and all political subdivisions and agencies thereof;
- 6 (12) "Public accommodations," any place, establishment, or facility of whatever kind,
7 nature, or class that caters or offers services, facilities, or goods to the general
8 public for a fee, charge, or gratuitously. Public accommodation does not mean any
9 bona fide private club or other place, establishment, or facility which is by its nature
10 distinctly private, except when such distinctly private place, establishment, or
11 facility caters or offers services, facilities, or goods to the general public for fee or
12 charge or gratuitously, it shall be deemed a public accommodation during such
13 period of use;
- 14 (13) "Public service," any public facility, department, agency, board, or commission,
15 owned, operated, or managed by or on behalf of the State of South Dakota, any
16 political subdivision thereof, or any other public corporation;
- 17 (14) "Real estate broker" and "real estate salesman," real estate broker and real estate
18 salesman as defined by § 36-21A-6 or as licensed pursuant to § 36-21A-47;
- 19 (15) "Real property," any right, title, interest in or to the possession, ownership,
20 enjoyment, or occupancy of any parcel of land, any building situated thereon, or
21 any portion of such building;
- 22 (16) "Service animal in training," any dog undergoing individual training to provide
23 specific disability-related work or service for an individual with a disability. Dogs
24 are recognized as being in training to provide disability-specific assistance only
25 after they have completed basic obedience training and are housebroken;
- 26 (17) "Service animal trainer," any person who trains service animals for individuals with
27 disabilities as an employee, contractor, or volunteer of a nationally recognized
28 service animal training program;
- 29 (18) "Unfair or discriminatory practice," any act or attempted act which because of race,
30 color, creed, religion, sex, ancestry, disability, or national origin accords unequal
31 treatment or separation or segregation of any person, or denies, prevents, limits,
32 or otherwise adversely affects, or if accomplished would deny, prevent, limit, or
33 otherwise adversely affect, the benefit or enjoyment by any person of employment,
34 labor union membership, housing accommodations, property rights, education,
35 public accommodations, and public services.