

ASSEMBLY BILL NO. 87—ASSEMBLYWOMAN HARDY

PREFILED JANUARY 30, 2023

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to animals. (BDR 54-206)

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 animals; revising provisions governing the access of animals to certain places; requiring a place of public accommodation, a common carrier, a common motor carrier of passengers or other means of public conveyance or transportation to post a sign providing certain information to patrons or passengers concerning such access; providing civil penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, it is unlawful for a place of public accommodation, a  
2 common carrier, a common motor carrier of passengers or other means of public  
3 conveyance or transportation to refuse admittance or service to a person with a  
4 disability who is accompanied by a service animal or a person accompanied by a  
5 service animal in training. (NRS 651.075, 704.145, 706.366) Existing law further  
6 authorizes a place of public accommodation to ask a person accompanied by a  
7 service animal or service animal in training to remove the animal if the animal: (1)  
8 is out of control and the person accompanying the animal fails to take action to  
9 control it; or (2) poses a direct threat to the health or safety of others. (NRS  
10 651.075) **Section 1** of this bill: (1) makes such a request mandatory; (2) expands  
11 the request to any animal accompanying a person; (3) makes it punishable by a civil  
12 penalty for a person to refuse such a request; and (4) requires a place of  
13 accommodation to post a sign notifying patrons of the mandatory request and the  
14 civil penalties for refusal to comply with the request. **Sections 2 and 3** of this bill  
15 extend these provisions to a common carrier and a common motor carrier of  
16 passengers or other means of public conveyance or transportation. **Sections 2 and 3**  
17 also extend to a common carrier and a common motor carrier of passengers or other  
18 means of public conveyance or transportation the authority to ask a person  
19 accompanied by an animal if the animal is a service animal or service animal in  
20 training and what tasks the animal is trained or being trained to perform.



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

1 **Section 1.** NRS 651.075 is hereby amended to read as follows:

2 651.075 1. Except as otherwise provided in subsection ~~5~~ 7  
3 and NRS 644A.940, it is unlawful for a place of public  
4 accommodation to:

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

7 (b) Refuse admittance or service to a person who is training a  
8 service animal because the person is accompanied by a service  
9 animal in training.

10 (c) Refuse to permit an employee of the place of public  
11 accommodation who is training a service animal to bring the service  
12 animal in training into:

13 (1) The place of public accommodation; or

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

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

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

22 (f) Require proof that an animal is a service animal or service  
23 animal in training.

24 2. A place of public accommodation : ~~may:~~

25 (a) ~~Ask~~ *May ask* a person accompanied by an animal:

26 (1) If the animal is a service animal or service animal in  
27 training; and

28 (2) What tasks the animal is trained to perform or is being  
29 trained to perform.

30 (b) ~~Ask~~ *Shall ask* a person ~~to remove~~ *who is accompanied*  
31 *by* a service animal , ~~or~~ *service animal in training or any other*  
32 *animal on the premises to remove the animal* if the animal:

33 (1) ~~Is~~ *Exhibits* out of control *or aggressive behavior,*  
34 *including, without limitation, barking, lunging, growling or other*  
35 *conduct that may cause other patrons to feel fearful or*  
36 *uncomfortable,* and the person accompanying the animal fails to  
37 take effective action to control ~~it;~~ *the animal;* or

38 (2) Poses a direct threat to the health or safety of others ~~it~~ *or*  
39 *to a service animal or service animal in training.*

40 3. *A person shall not refuse a request to remove an animal*  
41 *made pursuant to paragraph (b) of subsection 2. A person who*



1 *violates this subsection is subject to a civil penalty of not more*  
2 *than \$500 for each violation.*

3 *4. A place of public accommodation shall post a sign in a*  
4 *conspicuous place near the entrance of the place of public*  
5 *accommodation that provides notice to patrons of the provisions of*  
6 *paragraph (b) of subsection 2 and subsection 3.*

7 *5. A service animal may not be presumed dangerous by reason*  
8 *of the fact it is not muzzled.*

9 ~~4.~~ 6. This section does not relieve:

10 (a) A person with a disability who is accompanied by a service  
11 animal or a person who is accompanied by a service animal in  
12 training from liability for damage caused by the service animal or  
13 service animal in training.

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

16 ~~5.~~ 7. A place of public accommodation is not required to  
17 comply with the provisions of subsection 1 with regard to a service  
18 animal or service animal in training that is a miniature horse if the  
19 place of public accommodation determines that it is not reasonable  
20 to comply, using the assessment factors set forth in 28 C.F.R.  
21 § 36.302.

22 ~~6.~~ 8. Persons with disabilities who are accompanied by  
23 service animals are subject to the same conditions and limitations  
24 that apply to persons who are not so disabled and accompanied.

25 ~~7.~~ 9. Persons who are accompanied by police dogs are  
26 subject to the same conditions and limitations that apply to persons  
27 who are not so accompanied.

28 ~~8.~~ 10. A person who violates paragraph (e) of subsection 1 is  
29 civilly liable to the person against whom the violation was  
30 committed for:

31 (a) Actual damages;

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

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

37 ~~9.~~ 11. The remedies provided in this section are nonexclusive  
38 and are in addition to any other remedy provided by law, including,  
39 without limitation, any action for injunctive or other equitable relief  
40 available to the aggrieved person or brought in the name of the  
41 people of this State or the United States.

42 ~~10.~~ 12. As used in this section:

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



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

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

5 **Sec. 2.** NRS 704.145 is hereby amended to read as follows:

6 704.145 1. Except as otherwise provided in subsection ~~2~~, **6**,  
7 it is unlawful for a common carrier or other means of public  
8 conveyance or transportation operating in this State to:

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

11 (b) Refuse service to a person who is training a service animal  
12 because the person is accompanied by the service animal in training;  
13 or

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

16 2. *A common carrier or other means of public conveyance or*  
17 *transportation:*

18 (a) *May ask a person accompanied by an animal:*

19 (1) *If the animal is a service animal or service animal in*  
20 *training; and*

21 (2) *What tasks the animal is trained to perform or is being*  
22 *trained to perform.*

23 (b) *Shall ask a person who is accompanied by a service*  
24 *animal, service animal in training or any other animal to remove*  
25 *the animal if the animal:*

26 (1) *Exhibits out of control or aggressive behavior,*  
27 *including, without limitation, barking, lunging, growling or other*  
28 *conduct that may cause other passengers to feel fearful or*  
29 *uncomfortable, and the person accompanying the animal fails to*  
30 *take effective action to control the animal; or*

31 (2) *Poses a direct threat to the health or safety of others or*  
32 *to a service animal or service animal in training.*

33 3. *A person shall not refuse a request to remove an animal*  
34 *made pursuant to paragraph (b) of subsection 2. A person who*  
35 *violates this subsection is subject to a civil penalty of not more*  
36 *than \$500 for each violation.*

37 4. *A common carrier or other means of public conveyance or*  
38 *transportation shall post a sign in a conspicuous place that*  
39 *provides notice to passengers of the provisions of paragraph (b) of*  
40 *subsection 2 and subsection 3.*

41 5. *A service animal may not be presumed dangerous by*  
42 *reason of the fact it is not muzzled.*

43 6. A common carrier or other means of public conveyance or  
44 transportation is not required to comply with the provisions of  
45 subsection 1 with regard to a service animal or service animal in



1 training that is a miniature horse if it determines that it is not  
2 reasonable to comply, using the assessment factors set forth in 28  
3 C.F.R. § 36.302.

4 ~~[3.]~~ 7. This section does not relieve a person with a disability  
5 who is accompanied by a service animal or a person who is  
6 accompanied by a service animal in training from liability for  
7 damage which may be caused by the service animal or service  
8 animal in training.

9 ~~[4.]~~ 8. Persons with disabilities accompanied by service  
10 animals on common carriers or other means of public conveyance or  
11 transportation operating in this State are subject to the same  
12 conditions and limitations that apply to persons without disabilities  
13 who are not so accompanied.

14 ~~[5.]~~ 9. A common carrier or other means of public conveyance  
15 or transportation operating in this State that violates any of the  
16 provisions of subsection 1 is civilly liable to the person against  
17 whom the violation was committed for:

18 (a) Actual damages;

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

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

24 ~~[6.]~~ 10. The remedies provided in this section are nonexclusive  
25 and are in addition to any other remedy provided by law, including,  
26 without limitation, any action for injunctive or other equitable relief  
27 available to the aggrieved person or brought in the name of the  
28 people of this State or the United States.

29 ~~[7.]~~ 11. As used in this section:

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

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

34 **Sec. 3.** NRS 706.366 is hereby amended to read as follows:

35 706.366 1. Except as otherwise provided in subsection ~~[2.]~~ 6,  
36 it is unlawful for a common motor carrier of passengers or other  
37 means of public conveyance or transportation operating in this State  
38 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 motor carrier of passengers or other means of*  
2 *public conveyance or transportation:*

3 (a) *May ask a person accompanied by an animal:*

4 (1) *If the animal is a service animal or service animal in*  
5 *training; and*

6 (2) *What tasks the animal is trained to perform or is being*  
7 *trained to perform.*

8 (b) *Shall ask a person who is accompanied by a service*  
9 *animal, service animal in training or any other animal to remove*  
10 *the animal if the animal:*

11 (1) *Exhibits out of control or aggressive behavior,*  
12 *including, without limitation, barking, lunging, growling or other*  
13 *conduct that may cause other passengers to feel fearful or*  
14 *uncomfortable, and the person accompanying the animal fails to*  
15 *take effective action to control the animal; or*

16 (2) *Poses a direct threat to the health or safety of others or*  
17 *to a service animal or service animal in training.*

18 3. *A person shall not refuse a request to remove an animal*  
19 *made pursuant to paragraph (b) of subsection 2. A person who*  
20 *violates this subsection is subject to a civil penalty of not more*  
21 *than \$500 for each violation.*

22 4. *A common motor carrier of passengers or other means of*  
23 *public conveyance or transportation shall post a sign in a*  
24 *conspicuous place that provides notice to passengers of the*  
25 *provisions of paragraph (b) of subsection 2 and subsection 3.*

26 5. *A service animal may not be presumed dangerous by*  
27 *reason of the fact it is not muzzled.*

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

34 ~~[3.]~~ 7. *This section does not relieve a person with a disability*  
35 *who is accompanied by a service animal or a person who is*  
36 *accompanied by a service animal in training from liability for*  
37 *damage which may be caused by the service animal or service*  
38 *animal in training.*

39 ~~[4.]~~ 8. *Persons with disabilities accompanied by service*  
40 *animals on common motor carriers of passengers or other means of*  
41 *public conveyance or transportation operating in this State are*  
42 *subject to the same conditions and limitations that apply to persons*  
43 *without disabilities who are not so accompanied.*

44 ~~[5.]~~ 9. *A common motor carrier of passengers or other means*  
45 *of public conveyance or transportation operating in this State that*



1 violates any of the provisions of subsection 1 is civilly liable to the  
2 person against whom the violation was committed for:

3 (a) Actual damages;

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

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

9 ~~6.] 10.~~ The remedies provided in this section are nonexclusive  
10 and are in addition to any other remedy provided by law, including,  
11 without limitation, any action for injunctive or other equitable relief  
12 available to the aggrieved person or brought in the name of the  
13 people of this State or the United States.

14 ~~7.] 11.~~ As used in this section:

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

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

19 **Sec. 4.** 1. This section becomes effective on July 1, 2023.

20 2. Sections 1, 2 and 3 of this act become effective:

21 (a) On July 1, 2023, for the purpose of adopting regulations and  
22 performing any preliminary administrative tasks that are necessary  
23 to carry out the provisions of this act; and

24 (b) On January 1, 2024, for all other purposes.



