

Arizona

SUMMARY

The following statutes comprise Arizona's pertinent service animal laws. These statutes provide criminal penalties for discriminating against a disabled individual accompanied by a service animal. These laws also provide graduated criminal penalties for interfering with, injuring, or killing a service animal. It is also a civil offense to misrepresent an untrained dog as a service animal.

Title 11. Counties. Chapter 7. Intergovernmental Operations. Article 6.1. Handling of Animals.

§ 11-1008. License fees for dogs; issuance of dog tags; exception; violation; classification

F. Notwithstanding subsection A of this section, the board of supervisors of each county may not charge an individual who has a disability and who uses a service animal as defined in § 11-1024, a person that trains a service animal as defined in § 11-1024 or an individual who uses a search and rescue dog a license fee for that dog. An applicant for a license for a:

1. Search and rescue dog shall provide adequate proof satisfactory to the county enforcement agent that the dog is a search and rescue dog.
2. Service animal shall sign a written statement that the dog is a service animal as defined in § 11-1024. A person who makes a false statement pursuant to this paragraph is guilty of a petty offense and is subject to a fine that does not exceed fifty dollars. The statement to be signed shall be substantially in the following form:

By signing this document, I declare that the dog to be licensed is a service animal as defined in § 11-1024, Arizona Revised Statutes, and I understand that a person who makes a false statement pursuant to § 11-1008, Arizona Revised Statutes, is guilty of a petty offense and is subject to a fine that does not exceed fifty dollars.

Credits

Added as § 24-367 by Laws 1962, Ch. 86, § 2. Amended by Laws 1978, Ch. 201, § 403, eff. Oct. 1, 1978; Laws 1982, Ch. 17, § 2. Renumbered as § 11-1008 by Laws 1990, Ch. 374, § 222, eff. Jan. 1, 1991. Amended by Laws 1996, Ch. 111, § 10; Laws 2003, Ch. 152, § 2; Laws 2013, Ch. 56, § 2; Laws 2016, Ch. 99, § 2.

§ 11-1024. Service animals; rights of individuals with disabilities; violation; classification; fraudulent misrepresentation; civil penalty; definitions

A. Any person or entity that operates a public place shall not discriminate against individuals with disabilities who use service animals if the work or tasks performed by the service animal are directly related to the individual's disability. Work or tasks include assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities and helping individuals with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort or companionship do not constitute work or tasks.

B. It is not discriminatory to exclude a service animal from a public place if one or more of the following apply:

1. The animal poses a direct threat to the health or safety of others.
2. The animal fundamentally alters the nature of the public place or the goods, services or activities provided.
3. The animal poses an undue burden.
4. The animal is out of control and the animal's handler does not take effective action to control the animal.
5. The animal is not housebroken.

C. If a public place asks an individual to remove a service animal pursuant to subsection B of this section, the public place shall give the individual the opportunity to return and obtain goods, services or accommodations without the animal on the premises.

D. Public places may maintain a general no pets policy if it is not used to exclude service animals and if it does not grant rights to any person to bring the person's pet into a public place that otherwise does not permit pets.

E. A service animal must be under the control of the service animal's handler.

F. A service animal's handler is liable for any damage done to a public place by the service animal or service animal in training.

G. Any trainer or individual with a disability may take an animal being trained as a service animal to a public place for purposes of training it to the same extent as provided in subsections A, B and D of this section.

H. A zoo or wild animal park may prohibit a service animal, including a dog guide or service dog, from any area of the zoo or wild animal park where the service animal may come into direct contact with the animals contained in the zoo or wild animal park. Service animals shall not be excluded from public walkways or sidewalks or from any area that allows for physical barriers between the service animals, dog guides or service dogs and the animals in the zoo or wild animal park. Any zoo or wild animal park that prohibits dog guides and service dogs shall provide without cost adequate facilities for the temporary confinement of dog guides and service dogs. The facilities shall be adequate to accommodate the anticipated attendance of legally blind or deaf persons or persons with physical disabilities, shall be in an area not accessible to the general public, shall provide water for the dog guides and service dogs and shall otherwise be safe, clean and comfortable. The zoo or wild animal park on request by a legally blind person who is required to leave that person's dog guide or service dog pursuant to this subsection shall provide a sighted escort if the legally blind person is unaccompanied by a sighted person.

I. The driver of a vehicle approaching a legally blind pedestrian who is carrying a cane that is predominately white or metallic in color, who is using a service animal or who is assisted by a sighted person shall yield the right-of-way and take reasonable precautions to avoid injury to the pedestrian and the service animal. The pedestrian has the same rights as any other person whether or not the pedestrian is carrying the cane, using a service animal or being assisted by a sighted person. Drivers shall take the same precautions with respect to pedestrians who have a disability other than blindness and their service animals. A driver who violates this subsection is liable for damages for any injury caused to the pedestrian or the service animal.

J. Any person or entity that violates subsection A, H or I of this section is guilty of a class 2 misdemeanor.

K. A person may not fraudulently misrepresent an animal as a service animal or service animal in training to a person or entity that operates a public place. A court or duly appointed hearing officer may impose on the person misrepresenting the animal in violation of this subsection a civil penalty of not more than two hundred fifty dollars for each violation.

L. This section is not intended to affect any civil remedies available for a violation of this section.

M. For the purposes of this section:

1. "Direct threat to the health or safety of others" means that a significant risk to the health or safety of others exists and cannot be eliminated by modification of policies, practices or procedures or by the provision of auxiliary aids or services.

2. "Discriminate" means discriminatory actions prescribed in § 41-1492.02 and includes:

(a) Refusing to permit an individual with a disability to enter a public place with a service animal or interfering with the individual's right to enter or use the public place.

(b) Failing to provide an individual with a disability the same services and access to the same areas of the premises as afforded to others.

(c) Attempting to impose a charge, fee or deposit because an individual with a disability is accompanied by a service animal.

(d) Requiring an individual with a disability to disclose disability-related information. However, a public accommodation may ask if the animal is a service animal being used because of a disability or what work or task the service animal has been trained to perform.

(e) Requiring provision of identification for the service animal.

3. "Individual with a disability" means an individual who has a physical or mental impairment that substantially limits one or more of the major life activities of the individual.

4. "Public place" means any office or place of business or recreation to which the general public is invited, whether operated by a public or private entity and includes all forms of conveyance, including taxis, tow trucks and ambulances.

5. "Service animal" means any dog or miniature horse that is individually trained or in training to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. Service animal does not include other species of animals, whether wild or domestic or trained or untrained.

6. "Under the control of the service animal's handler" means the service animal has a harness, leash or other tether, unless either the handler is unable because of a disability to use a harness, leash or other tether or the use of the harness, leash or other tether would interfere with the service animal's safe and effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control by voice control, signals or other effective means.

7. "Wild animal park" means an entity that is open to the public on a regular basis, that is licensed by the United States department of agriculture as an exhibit and that is operating primarily to conserve, propagate and exhibit wild and exotic animals.

Credits

Added by Laws 2003, Ch. 170, § 2. Amended by Laws 2004, Ch. 265, § 1; Laws 2013, Ch. 59, § 1; Laws 2014, Ch. 215, § 17; Laws 2016, Ch. 99, § 3; Laws 2016, Ch. 162, § 1; Laws 2018, Ch. 246, § 1.

Title 13. Criminal Code. Chapter 29. Offenses Against Public Order.

§ 13-2910. Cruelty to animals; interference with working or service animal; classification; definitions

A. A person commits cruelty to animals if the person does any of the following:

6. Intentionally, knowingly or recklessly interferes with, kills or harms a working or service animal without either legal privilege or consent of the owner.

10. Intentionally or knowingly interferes with, kills or harms a working or service animal without either legal privilege or consent of the owner.

11. Intentionally or knowingly allows any dog that is under the person's custody or control to interfere with, kill or cause physical injury to a service animal.

12. Recklessly allows any dog that is under the person's custody or control to interfere with, kill or cause physical injury to a service animal.

13. Intentionally or knowingly obtains or exerts unauthorized control over a service animal with the intent to deprive the service animal handler of the service animal.

E. A person who is convicted of a violation of subsection A, paragraph 6 or 10 of this section is liable as follows:

1. If the working or service animal was killed or disabled, to the owner or agency that owns the working or service animal and that employs the handler or to the owner or handler for the replacement and training costs of the working or service animal and for any veterinary bills.

2. To the owner or agency that owns a working or service animal for the salary of the handler for the period of time that the handler's services are lost to the owner or agency.

3. To the owner for the owner's contractual losses with the agency.

F. An incorporated city or town or a county may adopt an ordinance with misdemeanor provisions at least as stringent as the misdemeanor provisions of this section, except that any ordinance adopted shall not prohibit or restrict any activity involving a dog, whether the dog is restrained or not, if the activity is directly related to the business of shepherding or herding livestock and the activity is necessary for the safety of a human, the dog or livestock or is permitted by or pursuant to title 3.

G. A person who violates subsection A, paragraph 1, 2, 3, 4, 5, 6, 7, 12 or 16 of this section is guilty of a class 1 misdemeanor. A person who violates subsection A,

paragraph 8, 9, 10, 11 or 13 of this section is guilty of a class 6 felony. A person who violates subsection A, paragraph 14 or 15 of this section is guilty of a class 5 felony.

H. For the purposes of this section:

1. "Animal" means a mammal, bird, reptile or amphibian.
2. "Cruel mistreatment" means to torture or otherwise inflict unnecessary serious physical injury on an animal or to kill an animal in a manner that causes protracted suffering to the animal.
3. "Cruel neglect" means to fail to provide an animal with necessary food, water or shelter.
4. "Domestic animal" means a mammal, not regulated by title 3, that is kept primarily as a pet or companion or that is bred to be a pet or companion.
5. "Handler" means a law enforcement officer or any other person who has successfully completed a course of training prescribed by the person's agency or the service animal owner and who used a specially trained animal under the direction of the person's agency or the service animal owner.
6. "Harass" means to engage in conduct that a reasonable person would expect to impede or interfere with a working animal's performance of its duties.
7. "Service animal" means an animal that has completed a formal training program, that assists its owner in one or more daily living tasks that are associated with a productive lifestyle and that is trained to not pose a danger to the health and safety of the general public.
8. "Working animal" means a horse or dog that is used by a law enforcement agency, that is specially trained for law enforcement work and that is under the control of a handler.

Credits

Added by Laws 1977, Ch. 142, § 91, eff. Oct. 1, 1978. Amended by Laws 1996, Ch. 89, § 1; Laws 1999, Ch. 143, § 2; Laws 2000, Ch. 32, § 5; Laws 2002, Ch. 302, § 1; Laws 2012, Ch. 258, § 1; Laws 2019, Ch. 32, § 1; Laws 2019, Ch. 188, § 1.

Footnotes

1 Section 17-101 et seq.

2 Section 3-101 et seq.

Title 9. Cities and Towns Chapter 4. General Powers Article 8. Miscellaneous

§ 9-500.32. License fees for dogs; prohibition; violation; classification

A. A city or town may not charge an individual who has a disability and who uses a service animal as defined in § 11-1024, a person that trains a service animal as defined in § 11-1024 or an individual who uses a search and rescue dog a license fee for that dog.

B. An applicant for a license for a search and rescue dog shall provide adequate proof satisfactory to the enforcement agent that the dog is a search and rescue dog.

C. An applicant for a license for a service animal shall sign a written statement that the dog is a service animal as defined in § 11-1024. A person who makes a false statement pursuant to this subsection is guilty of a petty offense and is subject to a fine that does not exceed fifty dollars. The statement to be signed shall be substantially in the following form:

By signing this document, I declare that the dog to be licensed is a service animal as defined in § 11-1024, Arizona Revised Statutes, and I understand that a person who makes a false statement pursuant to § 9-500.32, Arizona Revised Statutes, is guilty of a petty offense and is subject to a fine that does not exceed fifty dollars.

Credits

Added by Laws 2013, Ch. 56, § 1. Amended by Laws 2016, Ch. 99, § 1.