

## Georgia

The following statutes comprise Georgia's pertinent service animal laws. These statutes provide criminal (high and aggravated misdemeanor) penalties for discriminating against a disabled individual accompanied by a service animal. These laws also provide graduated criminal penalties for interfering with or injuring a service animal.

Date last checked: November 2021

1. Name of State: Georgia
2. Criminal or civil: Criminal

Please paste the state's definition of service animal: No real definition; the protection act states, "**6-11-107.1. Harassment of assistance dog; penalties**

(a) As used in this Code section, the term:

(1) "Assistance dog" means a dog that is or has been trained by a licensed or certified person, organization, or agency to perform physical tasks for a physically challenged person. Assistance dogs include guide or leader dogs that guide individuals who are legally blind; hearing dogs that alert individuals who are deaf or hard of hearing to specific sounds; and service dogs for individuals with disabilities other than blindness or deafness, which are trained to perform a variety of physical tasks, including, but not limited to, pulling a wheelchair, lending balance support, picking up dropped objects, or providing assistance in a medical crisis."

(2) Please check for the following provisions and write "Yes" or "No" beside each:

- a. Definition only allows dogs or miniature horses? Only dogs; no horses
  - b. Definition allows any animal? No
  - c. "Certified" or other official-sounding word? No
  - d. Identification required? No
  - e. Specific color of leash, collar, or other gear? No
  - f. State has registry? No
3. Misrepresentation laws? No
  4. Service Animal Protection Act? Yes
  5. Other potential problems with the law Could have a clear definition; protection act uses the term "assistance animal" (see above)

**West's Code of Georgia Annotated. Title 30. Handicapped Persons. Chapter 4. Rights of Persons with Disabilities.**

**§ 30-4-2. Equal accommodations for blind persons, persons with visual or physical disabilities, and deaf persons; use of guide or service dogs**

(a) Blind persons, persons with visual disabilities, persons with physical disabilities, and deaf persons are entitled to full and equal accommodations, advantages, facilities, and privileges on all common carriers, airplanes, motor vehicles, railroad trains, motor buses, streetcars, boats, or any other public conveyances or modes of transportation and at hotels, lodging places, places of public accommodation, amusement, or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

(b)(1) Every totally or partially blind person shall have the right to be accompanied by a guide dog, and every physically disabled person and every deaf person shall have the right to be accompanied by a service dog, especially trained for the purpose, in any of the places listed in subsection (a) of this Code section without being required to pay an extra charge for the guide or service dog; provided, however, that he or she shall be liable for any damage done to the premises or facilities by such dog. In addition, if such totally or partially blind person, physically disabled person, or deaf person is a student at a private or public school in this state, such person shall have the right to be accompanied by a guide dog or service dog subject to liability for damage as provided in the preceding sentence. The guide dog or service dog must be identified as having been trained by a school for seeing eye, hearing, service, or guide dogs.

(2) Every person engaged in the training of a guide dog or service dog for the purpose of accompanying a person as provided in paragraph (1) of this subsection shall have the same right to be accompanied by such dog being trained as the totally or partially blind person, deaf person, or physically disabled person has under paragraph (1) of this subsection, so long as such trainer is identified as an agent or employee of a school for seeing eye, hearing, service, or guide dogs.

(3) Every person engaged in the raising of a dog for training as a guide dog or service dog for the purpose of accompanying a person as provided in paragraph (1) of this subsection shall have the same right to be accompanied by such dog being raised for training as the totally or partially blind person, deaf person, or physically disabled person has under paragraph (1) of this subsection, so long as:

(A) Such dog is being held on a leash and is under the control of the person raising such dog for an accredited school for seeing eye, hearing, service, or guide dogs;

(B) Such person has on his or her person and available for inspection credentials from the accredited school for which the dog is being raised; and

(C) Such dog is wearing a collar, leash, or other appropriate apparel or device that identifies such dog with the accredited school for which such dog is being raised.

(c) Every totally or partially blind person operating a vending stand shall have the right to be accompanied by a trained guide dog on the entire premises of his or her vending operation.

Laws 1955, p. 155, § 1; Laws 1975, p. 1639, § 1; Laws 1980, p. 1131, § 1; Laws 1991, p. 616, § 1; Laws 1994, p. 1405, § 1; Laws 1995, p. 10, § 30; Laws 1995, p. 1302, § 16; Laws 1998, p. 512, § 1; Laws 2000, p. 1350, § 1; Laws 2007, Act 210, § 1, eff. July 1, 2007.

### **§ 30-4-3. Renting, leasing, or purchasing housing accommodations; use of guide or service dogs**

(a) Blind persons, visually disabled persons, physically disabled persons, and deaf persons shall be entitled to rent, lease, or purchase, as other members of the general public, all housing accommodations offered for rent, lease, or other compensation in this state, subject to the conditions and limitations established by law and applicable alike to all persons.

(b) Every totally or partially blind person, every physically disabled person, and every deaf person who has a guide dog or service dog or who obtains a guide dog or service dog and every person engaged in the training of a guide dog or service dog shall be entitled to full and equal access to all housing accommodations provided for in this Code section, and he or she shall not be required to pay extra compensation for such guide dog or service dog. However, he or she shall be liable for any damage done to the premises by such guide dog or service dog.

(c) Nothing in this Code section shall require any person renting, leasing, or otherwise providing real property for compensation to modify his or her property in any way or provide a higher degree of care for a blind, visually disabled, physically disabled, or deaf person than for a person who is not so disabled.

Laws 1955, p. 155, § 1; Laws 1975, p. 1639, § 1; Laws 1980, p. 1131, § 1; Laws 1995, p. 1302, § 14; Laws 1996, p. 665, § 2; Laws 1998, p. 512, § 2; Laws 2000, p. 1350, § 1.

### **§ 30-4-4. Violations**

Any person, firm, corporation, or the agent of any person, firm, or corporation who denies or interferes with admittance to or enjoyment of the facilities enumerated in this

chapter or otherwise interferes with the rights of a totally or partially blind person, physically disabled person, or deaf person or person engaged in the training or raising of a guide dog or service dog as provided by this chapter shall be guilty of a misdemeanor of a high and aggravated nature and, upon conviction thereof, shall be punished by a fine not to exceed \$2,000.00, imprisonment for not more than 30 days, or both.

CREDIT(S)

Laws 1955, p. 155, § 2; Laws 1975, p. 1639, § 2; Laws 1980, p. 1131, § 2; Laws 2000, p. 1350, § 1; Laws 2007, Act 210, § 2, eff. July 1, 2007.

**West's Code of Georgia Annotated. Title 16. Crimes and Offenses. Chapter 11. Offenses Against Public Order and Safety. Article 4. Dangerous Instrumentalities and Practices. Part 1. General Provisions.**

**§ 16-11-107.1. Harassment of assistance dog; penalties**

(a) As used in this Code section, the term:

(1) "Assistance dog" means a dog that is or has been trained by a licensed or certified person, organization, or agency to perform physical tasks for a physically challenged person. Assistance dogs include guide or leader dogs that guide individuals who are legally blind; hearing dogs that alert individuals who are deaf or hard of hearing to specific sounds; and service dogs for individuals with disabilities other than blindness or deafness, which are trained to perform a variety of physical tasks, including, but not limited to, pulling a wheelchair, lending balance support, picking up dropped objects, or providing assistance in a medical crisis.

(2) "Harass" means to engage in any conduct directed toward an assistance dog that is knowingly likely to impede or interfere with the assistance dog's performance of its duties or that places the blind, deaf, or physically limited person being served or assisted by the dog in danger of injury.

(3) "Notice" means an oral or otherwise communicated warning proscribing the behavior of another person and a request that the person stop the particular behavior.

(b) Any person who knowingly and intentionally harasses or attempts to harass an assistance dog, knowing the dog to be an assistance dog, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment for not less than 90 days or a fine not to exceed \$500.00, or both.

(c) Any person who has received notice that his or her behavior is interfering with the use of an assistance dog who continues to knowingly and intentionally harass an

assistance dog, knowing the dog to be an assistance dog, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment for not less than 90 days or a fine not to exceed \$500.00, or both, provided that any person who is convicted of a second or subsequent violation of this subsection shall be punished as for a misdemeanor of a high and aggravated nature.

(d) Any person who knowingly and intentionally allows his or her dog to harass an assistance dog, knowing the dog to be an assistance dog, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment for not less than 90 days or a fine not to exceed \$500.00, or both, provided that any person who is convicted of a second or subsequent violation of this subsection shall be punished as for a misdemeanor of a high and aggravated nature.

(e) Any person who knowingly and intentionally allows his or her dog to cause death or physical harm to an assistance dog by rendering a part of the assistance dog's body useless or by seriously disfiguring the assistance dog, knowing the dog to be an assistance dog, shall be punished as for a misdemeanor of a high and aggravated nature.

Laws 1996, p. 665, § 1; Laws 2004, Act 722, § 1, eff. July 1, 2004.

**Title 40. Motor Vehicles and Traffic. Chapter 6. Uniform Rules of the Road. Article 5. Rights and Duties of Pedestrians.**

**§ 40-6-94. Blind pedestrian right of way**

The driver of every vehicle shall yield the right of way to any blind pedestrian who is carrying a walking cane or stick white in color or white tipped with red or who is accompanied by a guide dog.

Laws 1953, Nov.-Dec. Sess., p. 556, § 80; Laws 1974, p. 633, § 1; Laws 1990, p. 2048, § 5.