

Kentucky

## SUMMARY

The following statutes comprise Kentucky'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 criminal offense to misrepresent an untrained dog as a service or emotional support animal. In addition, Kentucky has specific regulations concerning the provision of assistance animal letters by licensed practitioners in the state.

Date last checked: January 2021

### **Title XVI. Motor Vehicles. Chapter 189. Traffic Regulations; Vehicle**

#### **Equipment and Storage 189.575 Yielding right-of-way to blind**

##### **pedestrian**

**The operator of a vehicle shall yield the right-of-way to any blind pedestrian carrying a clearly visible white cane or accompanied by an assistance dog.**

**HISTORY: 2002 c 94, § 1, eff. 7-15-02; 1978 c 46, § 9, eff. 6-17-78; 1950 c 48, § 1 to 3**

### **Title )00. Agriculture and Animals. Chapter 258. Animal Control and Protection**

**258.500 Persons with assistance dogs not to be denied accommodations, transportation, or elevator service; conditions; exemption from licensing fees; denial of emergency medical treatment for assistance dog prohibited**

1. **As used in subsections (1) to (11) of this section, "person" means a "person with a disability" as defined by KRS 210.770. "Person" also includes a trainer of an assistance dog.**
2. **If a person is accompanied by an assistance dog, neither the person nor the dog shall be denied admittance to any hotel, motel, restaurant, or eating establishment, nor shall the person be denied full and equal accommodations, facilities, and privileges of all public places of amusement, theater, or resort when accompanied by an assistance dog.**
3. **Any person accompanied by an assistance dog shall be entitled to full and equal accommodations on all public transportation, if the dog does not occupy a seat in any public conveyance, nor endanger the public safety.**
4. **No person shall be required to pay additional charges or fare for the transportation of any accompanying assistance dog.**
  1. **No person accompanied by an assistance dog shall be denied admittance and use of any public building, nor denied the use of any elevator operated for public use.**
  2. **Any person accompanied by an assistance dog may keep the dog in his immediate custody while a tenant in any apartment, or building used as a public lodging.**
  3. **All trainers accompanied by an assistance dog shall have in their personal possession identification verifying that they are trainers of assistance dogs.**
  4. **The provisions of this section shall not apply unless the person complies with the legal limitations applicable to nondisabled persons and unless all requirements of KRS 258.015 and 258.135 have been complied with.**
  5. **Assistance dogs are exempt from all state and local licensing fees.**

6. **Licensing authorities shall accept that the dog for which the license is sought is an assistance dog if the person requesting the license is a person with a disability or the trainer of the dog.**

7. **Emergency medical treatment shall not be denied to an assistance dog assigned to a person regardless of the person's ability to pay prior to treatment.**

8. **No person shall willfully or maliciously interfere with an assistance dog or the dog's user.**

**HISTORY:** 2007 c 48, § 1, eff. 6-26-07; 2004 c 189, § 23, eff. 7-13-04; 2002 c 94, § 2, eff. 7-15-02; 1998 c 163, § 1, eff. 7-15-98; 1990 c 44, § 1, eff. 7-13-90; 1982 c 44, § 1; 1978 c 184, § 1; 1970 c 92, § 81; 1966 c 118, § 1 to 4

## **Penalties**

### **258.991 Penalties**

**Any person violating KRS 258.500(2), (3), (4), (5), (6), (11), or (12) shall be punished by a fine of not less than two hundred and fifty dollars (\$250), nor more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not less than ten (10) nor more than thirty (30) days, or both. No person shall be charged with a violation of KRS 258.500(2), (3), (4), (5), (6), (11), or (12) if the requirements of KRS 258.500(7) are not met.**

**HISTORY:** 2007 c 48, § 2, eff. 6-26-07; 2002 c 94, § 3, eff. 7-15-02; 1998 c 163, § 2, eff. 7-15-98; 1966 c 118, § 5, eff. 6-16-66

## **Title )0001. Ownership and Conveyance of Property. Chapter 383. Landlord and Tenant**

**383.085 Assistance animals; reasonable accommodations in dwellings; limitation of liability; penalty for misrepresentation of an assistance animal**

(1) As used in this section:

a. "Assistance animal" means an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person's disability. This shall include a service animal specifically trained or equipped to perform tasks for a person with a disability, or an emotional support animal that provides support to alleviate one or more identified symptoms or effects of a person's disability; and

b. "Therapeutic relationship" means the provision of care, in good faith, to the person with a disability by:

1. A licensed clinical social worker who holds a valid, unrestricted state license under KRS 335.100 and who maintains an active practice within the state;

2. A professional counselor who holds a valid, unrestricted state license under KRS 335.525 and who maintains an active practice within the state;

3. An advanced practice registered nurse who holds a valid, unrestricted state license under KRS 314.042 and who maintains an active practice within the state;

4. A psychologist who holds a valid, unrestricted state license under KRS 319.050 or 319.053 and who maintains an active practice within the state; or

5. A physician who holds a valid, unrestricted state license under KRS 311.571 and who maintains an active practice within the state.

An individual who moves from another state may provide documentation from a health-services provider who is licensed in that state, so long as the person with a disability has an ongoing therapeutic relationship with the provider. This definition shall not include a health-care provider described in this paragraph whose primary

service is to provide documentation to a person requesting a reasonable accommodation in exchange for a fee.

(2) A person with a disability may submit a request for a reasonable accommodation to maintain an assistance animal in a dwelling. Unless the person's disability or disability-related need is readily apparent, the person receiving the request may ask the person making the request to provide reliable documentation of the disability-related need for an assistance animal, including documentation from any person with whom the person making the request has or has had a therapeutic relationship.

**3. Unless the person making the request has a disability or disability-related need for an assistance animal that is readily apparent, a person receiving a request for a reasonable accommodation to maintain an assistance animal in a dwelling shall evaluate the request and any reliable supporting documentation to verify the disability-related need for the reasonable accommodation regarding an assistance animal. The person receiving the request may independently verify the authenticity of any supporting documentation.**

**4. A person with a disability who is granted a reasonable accommodation to maintain an assistance animal in a dwelling shall comply with the rental agreement or any rules and regulations of the property owner applicable to all residents that do not interfere with an equal opportunity to use and enjoy the dwelling and any common areas of the premises. The person shall not be required to pay a pet fee or deposit or any additional rent to maintain an assistance animal in a dwelling, but shall be responsible for any physical damages to the dwelling if residents who maintain pets are responsible for physical damages to the dwelling caused by pets. Nothing in this section shall be construed to affect any cause of action against any resident for other damages under the laws of the Commonwealth.**

**5. Notwithstanding any other law to the contrary, a landlord shall not be liable for injuries by a person's assistance animal permitted on the landlord's property as a reasonable accommodation to assist the person with a disability pursuant to the Fair Housing Act, as amended, 42 U.S.C. secs. 3601**

**et seq., the Americans with Disabilities Act of 1990, 42 U.S.C. secs. 12101 et seq., and Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. sec. 701, or any other federal, state, or local law.**

**6. A person commits the offense of misrepresentation of an assistance animal if the person knowingly:**

**a. Misrepresents as a part of a request for a reasonable accommodation to maintain an assistance animal in a dwelling that the person has a disability or disability-related need for the use of an assistance animal;**

**b. Makes materially false statements for the purpose of obtaining documentation for the use of an assistance animal in housing;**

**c. Provides a document to another falsely stating that an animal is an assistance animal for use in housing;**

**d. Fits an animal, which is not an assistance animal, with a harness, collar, vest, or sign that the pet is an assistance animal for use in housing;**

**e. Engages in fraud, deceit, or dishonesty in providing documentation to a person as a part of a request for the use of an assistance animal in housing; or**

(f) Provides documentation as a part of a request for an assistance animal in housing to a person for the primary purpose of obtaining a fee.

(7) Misrepresentation of an assistance animal is a violation with a fine of up to one thousand dollars (\$1,000).

Credits

HISTORY: 2019 c 145, § 1, eff. 6-27-19; 2018 c 49, § 1, eff. 7-14-18

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**Title L. Kentucky Penal Code. Chapter 525. Riot, Disorderly Conduct, and Related Offenses.**

**525.010 Definitions for chapter**

The following definitions apply in this chapter unless the context otherwise requires:

(6) "Service animal" includes

f: "Assistance dog," which means any dog that is trained to meet the requirements of KRS 258.500;

**525.200 Assault on a service animal in the first degree; definition**

(1) A person is guilty of assault on a service animal in the first degree when, without legal justification or lawful authority:

- a. He or she intentionally kills or causes serious physical injury to a service animal;
- b. He or she intentionally causes physical injury to a service animal by means of a deadly weapon or dangerous instrument; or
- c. He or she wantonly causes serious physical injury to a service animal by means of a deadly weapon or dangerous instrument.

(2) For the purposes of this section, "service animal" has the same meaning as in KRS 525.010, except that "service animal" does not include assistance dogs as defined in KRS 525.010(6)(h).

(3) Assault on a service animal in the first degree is a Class D felony.

Credits

HISTORY: 2017 c 29, § 1, eff. 6-29-17; 1998 c 419, § 2, eff. 7-15-98

**525.205 Assault on a service animal in the second degree**

1. A person is guilty of assault on a service animal in the second degree when he intentionally and without legal justification or lawful authority causes physical injury to a service animal.

2. Assault on a service animal in the second degree is a Class B misdemeanor. HISTORY: 1998 c 419, § 3, eff. 7-15-98

**525.210 Duty status of service animal not a factor in application of KRS**

**525.200 and 525.205** KRS 525.200 and 525.205 shall apply whether or not the service animal is on duty or off duty. HISTORY: 1998 c 419, § 4, eff. 7-15-98

**525.215 Defendant's liability for damages upon conviction of assault on a service animal**

In any case in which a defendant is convicted of a violation of the provisions of KRS 525.200 or 525.205, the defendant may be ordered to make restitution to the person or agency owning the animal for any veterinary bills, replacement costs of the animal if it is disabled or killed, and the salary of the animal handler for the period of time his services are lost to the agency or self-employment.

HISTORY: 1998 c419, § 5, eff. 7-15-98



## **525.220 Bars and defenses to conviction of assault on a service animal**

No person shall be convicted of assault on a service animal when:

1. He has also been convicted of a violation of KRS 525.125, 525.130, 512.020, 512.030, or 512.040 arising out of the same incident; or

2. He has destroyed or treated a service animal that is injured, diseased, or suffering or that constitutes a hazard to public safety if not destroyed; or

1. **He has used physical force against the service animal in protection of himself or a third person; or**

2. **He has used physical force without knowledge that**

**the animal was a service animal. HISTORY: 1998 c 419, § 6, eff.**

**7-15-98**