



This sign on Walgreen's entry doors appeared in 2016 to address the problem of customers, often those appearing to have little knowledge of English, entering the store with leashed, usually small dogs but no representation of being service dogs. The picture alone gives notice to those who do not know or completely disregard the food facility law. For others who might misrepresent dogs legally qualified for entry, the legend at the end cites the state criminal law.

**The California Penal Code, Sections 365.5, 365.6 and 365.7 define guide, signal and service dogs for purposes of public access with a trainer or owner.**

- **Section 365.5 ensures access:** denial is misdemeanor punishable by fine only, not > \$2500.
- **Section 365.6 intentional interference w/o legal justification,** misdemeanor, jail and/or fine
- **Section 365.7 knowingly/fraudulently representing self as owner/trainer** of defined dog **with verbal or written notice,** misdemeanor, jail not > 6 mos and/or fine up to \$1000.00

# CALIFORNIA SERVICE DOG ACCESS LAW - 2018

## CALIFORNIA PENAL CODE:

### PART 1. OF CRIMES AND PUNISHMENTS [25 - 680]

( Part 1 enacted 1872. )

### TITLE 9. OF CRIMES AGAINST THE PERSON INVOLVING SEXUAL ASSAULT, AND CRIMES AGAINST PUBLIC DECENCY AND GOOD MORALS [261 - 368.5]

( Heading of Title 9 amended by Stats. 1982, Ch. 1111, Sec. 2. )

### CHAPTER 12. Other Injuries to Persons [346 - 367g]

( Chapter 12 enacted 1872. )

#### 365.5.

(a) Any blind person, deaf person, or disabled person, who is a **passenger** on any common carrier, airplane, motor vehicle, railway train, motorbus, streetcar, boat, or any other public conveyance or mode of transportation operating within this state, **shall be entitled to have with** him or her a specially trained guide dog, signal dog, or service dog.

(b) No blind person, deaf person, or disabled person **and his or her specially trained** guide dog, signal dog, or service dog shall be denied **admittance** to accommodations, advantages, facilities, medical facilities, including hospitals, clinics, and physicians' offices, telephone facilities, adoption agencies, private schools, hotels, lodging places, places of public accommodation, amusement, or resort, and other places to which the general public is invited within this state because of that guide dog, signal dog, or service dog.

(c) Any person, firm, association, or corporation, or the agent of any person, firm, association, or corporation, who prevents a disabled person from exercising, or **interferes with a disabled person in the exercise of, the rights specified** in this section is guilty of a **misdemeanor**, punishable by a **fine** not exceeding two thousand five hundred dollars (\$2,500).

(d) As used in this section, "guide dog" means any guide dog or Seeing Eye dog that was trained by a person licensed under Chapter 9.5 (commencing with Section 7200) of Division 3 of the Business and Professions Code or that **meets the definitional criteria under federal regulations adopted to implement Title III of the Americans with Disabilities Act of 1990** (Public Law 101-336).<sup>1</sup>

(e) As used in this section, "signal dog" means any dog trained to alert a deaf person, or a person whose hearing is impaired, to intruders or sounds.

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<sup>1</sup> 2017 AB 1705 amended Business & Professions Code provisions for guide dogs. Instructors are no longer licensed. New law, [7201](#).

For purposes of this chapter:

(a) "Guide dog instructor" means a person who instructs or trains persons who are blind or visually impaired in the use of guide dogs or who engages in the business of training, selling, hiring, or supplying guide dogs for persons who are blind or visually impaired.

(b) "Guide dog" means a dog that has been trained or is being trained to assist blind or visually impaired individuals. For purposes of this chapter, "guide dog" is used to describe a "service dog."

(Repealed and added by Stats. 2017, Ch. 669, Sec. 5. (AB 1705) Effective January 1, 2018.)

## CALIFORNIA SERVICE DOG ACCESS LAW - 2018

(f) As used in this section, "service dog" means any dog individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, minimal protection work, rescue work, pulling a wheelchair, or fetching dropped items.

(g) (1) Nothing in this section is intended to affect any civil remedies available for a violation of this section.

(2) This section is **intended to provide equal accessibility** for all owners or trainers of animals that are trained as guide dogs, signal dogs, or service dogs in a manner that is no less than that provided by the Americans with Disabilities Act of 1990 (Public Law 101-336) and the Air Carrier Access Act of 1986 (Public Law 99-435).

(h) The exercise of rights specified in subdivisions (a) and (b) by any person may not be conditioned upon payment of any extra charge, provided that the person shall be liable for any provable damage done to the premises or facilities by his or her dog.

(i) Any trainer or individual with a disability may take dogs in any of the places specified in subdivisions (a) and (b) for the purpose of training the dogs as guide dogs, signal dogs, or service dogs. The person shall ensure that the dog is on a leash and tagged as a guide dog, signal dog, or service dog by an identification tag issued by the county clerk or animal control department as authorized by Chapter 3.5 (commencing with Section 30850) of Division 14 of the Food and Agricultural Code. In addition, the person shall be liable for any provable damage done to the premises or facilities by his or her dog.

*(Amended by Stats. 1996, Ch. 498, Sec. 6. Effective January 1, 1997.)*

### 365.6.

(a) **Any person who, with no legal justification, intentionally interferes** with the use of a guide, signal, or service dog or mobility aid by harassing or obstructing the guide, signal, or service dog or mobility aid user or his or her guide, signal, or service dog, is guilty of a **misdemeanor**, punishable by imprisonment in a county **jail not exceeding six months**, or by a **fine** of not less than one thousand five hundred dollars (\$1,500) nor more than two thousand five hundred dollars (\$2,500), **or both** that fine and imprisonment.

(b) As used in this section, the following definitions shall apply:

(1) "Mobility aid" means any device enabling a person with a disability, as defined in subdivision (b) of Section 54 of the Civil Code, to travel independently, including, but not limited to, a guide, signal, or service dog, as defined in Section 54.1 of the Civil Code, a wheelchair, walker or white cane.

(2) "Guide, signal, or service dog" means any dog trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, pulling a wheelchair, or fetching dropped items.

(c) Nothing in this section is intended to affect any civil remedies available for a violation of this section.

*(Amended by Stats. 2004, Ch. 322, Sec. 1. Effective January 1, 2005.)*

## CALIFORNIA SERVICE DOG ACCESS LAW - 2018

### 365.7.

(a) Any person who knowingly and fraudulently represents himself or herself, through verbal or written notice, to be the owner or trainer of any canine licensed as, to be qualified as, or identified as, a guide, signal, or service dog, as defined in subdivisions (d), (e), and (f) of Section 365.5 and paragraph (6) of subdivision (b) of Section 54.1 of the Civil Code, shall be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six months, by a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment.

(b) As used in this section, "owner" means any person who owns a guide, signal, or service dog, or who is authorized by the owner to use the guide, signal, or service dog.

*(Added by Stats. 1994, Ch. 1257, Sec. 12. Effective January 1, 1995.)*