

## California

The following statutes comprise California's pertinent service animal laws. These statutes provide criminal (misdemeanor) 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 animal.

Date last checked: January 2021

### **Penal Code. Part 1. Of Crimes and Punishments. Title 14. Malicious Mischief**

#### **§ 600.2. Allowing dog to injure or kill guide, signal or service dog; punishment; restitution**

- a. It is a crime for a person to permit a dog that is owned, harbored, or controlled by the person to cause injury to, or the death of, a guide, signal, or service dog.
- b. A violation of this section is an infraction punishable by a fine not to exceed two hundred fifty dollars (\$250) if the injury or death to a guide, signal, or service dog is caused by the person's failure to exercise ordinary care in the control of the person's dog.
- c. A violation of this section is a misdemeanor if the injury or death to a guide, signal, or service dog is caused by the person's reckless disregard in the exercise of control over the person's dog, under circumstances that constitute such a departure from the conduct of a reasonable person as to be incompatible with a proper regard for the safety and life of a guide, signal, or service dog. A violation of this subdivision is punishable by imprisonment in a county jail not exceeding one year, or by a fine of not less than two thousand five hundred dollars (\$2,500) nor more than five thousand dollars (\$5,000), or both that fine and imprisonment. The court shall consider the costs ordered pursuant to subdivision
- d. when determining the amount of any fines.

(d) A defendant who is convicted of a violation of this section shall be ordered to make restitution to the person with a disability who has custody or ownership of the guide, signal, or service dog for any veterinary bills, replacement costs of the dog if it is disabled or killed, medical or medical-related expenses of the person

with a disability, loss of wages or income of the person with a disability, or other reasonable costs deemed appropriate by the court. The costs ordered pursuant to this subdivision shall be paid prior to any fines. The person with the disability may apply for compensation by the California Victim Compensation Board pursuant to Chapter 5 (commencing with Section 13950) of Part 4 of Division 3 of Title 2 of the Government Code, in an amount not to exceed ten thousand dollars (\$10,000).

e. For the purposes of this section, the following definitions apply:

1. "Guide, signal, or service dog" means a guide dog, signal dog, or service dog, as defined in Section 54.1 of the Civil Code. "Guide, signal, or service dog" also includes a dog enrolled in a training school or program, located in this state, for guide, signal, or service dogs.

2. "Located in this state" includes the training of a guide, signal, or service dog that occurs in this state, even if the training school or program is located in another state.

3. "Loss of wages or income" means wages or income that are lost by the person with a disability as a direct result of a violation of this section.

4. "Replacement costs" means all costs that are incurred in the replacement of the guide, signal, or service dog, including, but not limited to, the training costs for a new dog, if needed, the cost of keeping

the now-disabled dog in a kennel while the handler travels to receive the new dog, and, if needed, the cost of the travel required for the handler to receive the new dog.

#### Credits

(Added by Stats.1994, c. 1257 (S.B.1240), § 13. Amended by Stats.2004, c. 322 (A.B.1801), § 2; Stats.2014, c. 502 (A.B.2264), § 3, eff. Jan. 1, 2015; Stats.2016, c. 31 (S.B.836), § 233, eff. June 27, 2016; Stats.2019, c. 604 (A.B.169), § 1, eff. Jan. 1, 2020.)

#### **§ 600.5.Intentional injury to, or death of, guide, signal or service dog; penalty; restitution**

a. A person who intentionally causes injury to, or the death of, a guide, signal, or service dog is guilty of a misdemeanor, punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding ten thousand dollars (\$10,000), or by both that fine and imprisonment. The court shall consider the costs ordered pursuant to subdivision (b) when determining the amount of any fines.

b. A defendant who is convicted of a violation of this section shall be ordered to make restitution to the person with a disability who has custody or ownership of the dog for any veterinary bills, replacement costs of the dog if it is disabled or killed, medical or medical-related expenses of the person with a disability, loss of wages or income of the person with a disability, or other reasonable costs deemed appropriate by the court. The costs ordered pursuant to this subdivision shall be paid prior to any fines. The person with the disability may apply for compensation by the California Victim Compensation Board pursuant to Chapter 5 (commencing with Section 13950) of Part 4 of Division 3 of Title 2 of the Government Code, in an amount not to exceed ten thousand dollars (\$10,000).

c. For the purposes of this section, the following definitions apply:

1. "Guide, signal, or service dog" means a guide dog, signal dog, or service dog, as defined in Section 54.1 of the Civil Code. "Guide, signal, or service dog" also includes a dog enrolled in a training school or program, located in this state, for guide, signal, or service dogs.

2. "Located in this state" includes the training of a guide, signal, or service dog that occurs in this state, even if the training school or program is located in another state.

3. "Loss of wages or income" means wages or income that are lost by the person with a disability as a direct result of a violation of this section.

4. "Replacement costs" means all costs that are incurred in the replacement of the guide, signal, or service dog, including, but not limited to, the training costs for a new dog, if needed, the cost of keeping the now-disabled dog in a kennel while the handler travels to receive the new dog, and, if needed, the cost of the travel required for the handler to receive the new dog.

(Added by Stats.1994, c. 1257 (S.B.1240), § 14. Amended by Stats.2004, c. 322 (A.B.1801), § 3; Stats.2014, c. 502 (A.B.2264), § 4, eff. Jan. 1, 2015; Stats.2016, c. 31 (S. B.836), § 234, eff. June 27, 2016; Stats.2019, c. 604 (A.B.169), § 2, eff. Jan. 1, 2020.)

**Civil Code. Division 1. Persons. Part 2.5. Blind and Other Physically Disabled Persons. § 54. Right to streets, highways, and other public places; disability**

(a) Individuals with disabilities or medical conditions have the same right as the general public to the full and free use of the streets, highways, sidewalks, walkways, public buildings, medical facilities, including hospitals, clinics, and physicians' offices, public facilities, and other public places.

(b) For purposes of this section:

1. "Disability" means any mental or physical disability as defined in Section 12926 of the Government Code.

2. "Medical condition" has the same meaning as defined in subdivision (h) of Section 12926 of the Government Code.

(c) A violation of the right of an individual under the Americans with Disabilities Act of 1990 (Public Law 101-336) also constitutes a violation of this section.

<Part 2.5 was added by Stats.1968, c. 461, p. 1092, § 1.>  
CREDIT(S)

(Added by Stats.1968, c. 461, P. 1024, § 1. Amended by Stats.1992, c. 913 (A.B.1077), §

4; Stats.1994, c. 1257 (S.B.1240), § 1; Stats.1996, c. 498 (S.B.1687), § 1; Stats.2000, c. 1049 (A.B.2222), § 4.)

**§ 54.1. Access to public conveyances, places of public accommodation, amusement or resort, and housing accommodations**

(a)(1) Individuals with disabilities shall be entitled to full and equal access, as other members of the general public, to accommodations, advantages, facilities,

medical facilities, including hospitals, clinics, and physicians' offices, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motorbuses, streetcars, boats, or any other public conveyances or modes of transportation (whether private, public, franchised, licensed, contracted, or otherwise provided), 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, subject only to the conditions and limitations established by law, or state or federal regulation, and applicable alike to all persons.**

**2. As used in this section, "telephone facilities" means tariff items and other equipment and services that have been approved by the Public Utilities Commission to be used by individuals with disabilities in a manner feasible and compatible with the existing telephone network provided by the telephone companies.**

**3. "Full and equal access," for purposes of this section in its application to transportation, means access that meets the standards of Titles II and III of the Americans with Disabilities Act of 1990 (Public Law 101-336)<sup>1</sup> and federal regulations adopted pursuant thereto, except that, if the laws of this state prescribe higher standards, it shall mean access that meets those higher standards.**

**(b)(1) Individuals with disabilities shall be entitled to full and equal access, as other members of the general public, to all housing accommodations offered for rent, lease, or compensation in this state, subject to the conditions and limitations established by law, or state or federal regulation, and applicable alike to all persons.**

**(2) "Housing accommodations" means any real property, or portion of real property, that is used or occupied, or is intended, arranged, or designed to be used or occupied, as the home, residence, or sleeping place of one or more human beings, but shall not include any accommodations included within subdivision (a) or any single-family residence the occupants of which rent, lease, or furnish for compensation not more than one room in the residence.**

**(3)(A) A person renting, leasing, or otherwise providing real property for compensation shall not refuse to permit an individual with a disability, at that person's expense, to make reasonable modifications of the existing rented premises if the modifications are necessary to afford the person full enjoyment of the premises. However, any modifications under this paragraph may be conditioned on the disabled tenant entering into an agreement to restore the interior of the premises to the condition existing before the modifications. No additional security may be required on account of an election to make modifications to the rented premises under this paragraph, but the lessor and tenant may negotiate, as part of the agreement to restore the premises, a provision requiring the disabled tenant to pay an amount into an escrow**

account, not to exceed a reasonable estimate of the cost of restoring the premises.

**(B) A person renting, leasing, or otherwise providing real property for compensation shall not refuse to make reasonable accommodations in rules, policies, practices, or services, when those accommodations may be necessary to afford individuals with a disability equal opportunity to use and enjoy the premises.**

**4. This subdivision does not require a person renting, leasing, or providing for compensation real property to modify his or her property in any way or provide a higher degree of care for an individual with a disability than for an individual who is not disabled.**

**5. Except as provided in paragraph (6), this part does not require a person renting, leasing, or providing for compensation real property, if that person refuses to accept tenants who have dogs, to accept as a tenant an individual with a disability who has a dog.**

**(6)(A) It shall be deemed a denial of equal access to housing accommodations within the meaning of this subdivision for a person, firm, or corporation to refuse to lease or rent housing accommodations to an individual who is blind or visually impaired on the basis that the individual uses the services of a guide dog, an individual who is deaf or hard of hearing on the basis that the individual uses the services of a signal dog, or to an individual with any other disability on the basis that the individual uses the services of a service dog, or to refuse to permit such an individual who is blind or visually impaired to keep a guide dog, an individual who is deaf or hard of hearing to keep a signal dog, or an individual with any other disability to keep a service dog on the premises.**

**(B) Except in the normal performance of duty as a mobility or signal aid, this paragraph does not prevent the owner of a housing accommodation from establishing terms in a lease or rental agreement that reasonably regulate the presence of guide dogs, signal dogs, or service dogs on the premises of a housing accommodation, nor does this paragraph relieve a tenant from any liability otherwise imposed by law for real and personal property damages caused by such a dog when proof of the damage exists.**

**(C)(i) As used in this subdivision, "guide dog" means a guide 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 as defined in the regulations implementing Title III of the Americans with Disabilities Act of 1990 (Public Law 101-336).**

**ii. As used in this subdivision, "signal dog" means a dog trained to alert an individual who is deaf or hard of hearing to intruders or sounds.**

**iii. As used in this subdivision, "service dog" means a dog individually trained to the requirements of the individual with a disability, including, but not limited to, minimal protection work, rescue work, pulling a wheelchair, or fetching dropped items.**

**(7) It shall be deemed a denial of equal access to housing accommodations within the meaning of this subdivision for a person, firm, or corporation to refuse to lease or rent housing accommodations to an individual who is blind or visually impaired, an individual who is deaf or hard of hearing, or other individual with a disability on the basis that the individual with a disability is partially or wholly dependent upon the income of his or her spouse, if the spouse is a**

party to the lease or rental agreement. This subdivision does not prohibit a lessor or landlord from considering the aggregate financial status of an individual with a disability and his or her spouse.

C. Visually impaired or blind persons and persons licensed to train guide dogs for individuals who are visually impaired or blind pursuant to Chapter 9.5 (commencing with Section 7200) of Division 3 of the Business and Professions Code or guide dogs as defined in the regulations implementing Title III of the Americans with Disabilities Act of 1990 (Public Law 101-336), and persons who are deaf or hard of hearing and persons authorized to train signal dogs for individuals who are deaf or hard of hearing, and other individuals with a disability and persons authorized to train service dogs for individuals with a disability, may take dogs, for the purpose of training them as guide dogs, signal dogs, or service dogs in any of the places specified in subdivisions (a) and (b). These persons shall ensure that the dog is on a leash and tagged as a guide dog, signal dog, or service dog by identification tag issued by the county clerk, animal control department, or other agency, 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.

d. A violation of the right of an individual under the Americans with Disabilities Act of 1990 (Public Law 101-336) also constitutes a violation of this section, and this section does not limit the access of any person in violation of that act.

e. This section does not preclude the requirement of the showing of a license plate or disabled placard when required by enforcement units enforcing disabled persons parking violations pursuant to Sections 22507.8 and 22511.8 of the Vehicle Code.

#### Credits

(Added by Stats.1968, c. 461, p. 1092, § 1. Amended by Stats.1969, c. 832, p. 1664, § 1; Stats.1972, c. 819, p. 1465, § 1; Stats.1974, c. 108, p. 223, § 1; Stats.1976, c. 971, p. 2269, § 1; Stats.1976, c. 972, p. 2272, § 1.5; Stats.1977, c. 700, p. 2256, § 1; Stats.1978, c. 380, p. 1128, § 12; Stats.1979, c. 293, p. 1092, § 1; Stats.1980, c. 773, § 1; Stats.1988, c. 1595, § 2; Stats.1992, c. 913 (A.B.1077), § 5; Stats.1993, c. 1149 (A.B.1419), § 4; Stats.1993, c. 1214 (A.B.551), § 1.5; Stats.1994, c. 1257 (S.B.1240), § 2; Stats.1996, c. 498 (S.B.1687), § 1.5; Stats.2016, c. 94 (A.B.1709), § 1, eft Jan. 1, 2017.)

### **§ 54.2. Guide, signal or service dogs; right to accompany individuals with a disability and trainers; damages**

(a) Every individual with a disability has the right to be accompanied by a guide dog, signal dog, or service dog, especially trained for the purpose, in any of the places specified in Section 54.1 without being required to pay an extra charge or security deposit for the guide dog, signal dog, or service dog. However, the individual shall be liable for any damage done to the premises or facilities by his or her dog.

b. Individuals who are blind or otherwise visually impaired and persons licensed to train guide dogs for individuals who are blind or visually impaired pursuant to Chapter 9.5 (commencing with Section 7200) of Division 3 of the Business and Professions Code or as defined in regulations implementing Title III of the Americans with Disabilities Act of 1990 (Public Law 101-336),<sup>1</sup> and individuals who are deaf or hard of hearing and persons authorized to train signal dogs for individuals who are deaf or hard of hearing, and individuals with a disability and persons who are authorized to train service dogs for the individuals with a disability may take dogs, for the purpose of training them as guide dogs, signal dogs, or service dogs in any of the places specified in Section 54.1 without being required to pay an extra charge or security deposit for the guide dog, signal dog, or service dog. However, the person shall be liable for any damage done to the premises or facilities by his or her dog. These persons shall ensure 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, animal control department, or other agency, as authorized by Chapter 3.5



(commencing with Section 30850) of Title 14 of the Food and Agricultural Code.

C. A violation of the right of an individual under the Americans with Disabilities Act of 1990 (Public Law 101-336) also constitutes a violation of this section, and this section does not limit the access of any person in violation of that act.

d. As used in this section, the terms "guide dog" and "signal dog" and "service dog" have the same meanings as defined in Section 54.1.

e. This section does not preclude the requirement of the showing of a license plate or disabled placard when required by enforcement units enforcing disabled persons parking violations pursuant to

Sections 22507.8 and 22511.8 of the Vehicle Code.

#### Credits

(Added by Stats.1968, c. 461, p. 1092, § 1. Amended by Stats.1972, c. 819, p. 1466, § 2; Stats.1979, c. 293, p. 1092, § 2; Stats.1980, c. 773, § 2; Stats.1988, c. 1595, § 3; Stats.1992, c. 913 (A.B.1077), § 6; Stats.1994, c. 1257 (S.6.1240), § 3; Stats.1996, c. 498 (S.B.1687), § 2; Stats.2016, c. 94 (A.B.1709), § 2, eff. Jan. 1, 2017.)

### **§ 54.3. Violations; liability**

a. Any person or persons, firm or corporation who denies or interferes with admittance to or enjoyment of the public facilities as specified in Sections 54 and 54.1 or otherwise interferes with the rights of an individual with a disability under Sections 54, 54.1 and 54.2 is liable for each offense for the actual damages and any amount as may be determined by a jury, or the court sitting without a jury, up to a maximum of three times the amount of actual damages but in no case less **than one thousand dollars (\$1,000), and** attorney's fees as may be determined by the court in addition thereto, suffered by any person denied any of the rights provided in Sections 54, 54.1, and 54.2. "Interfere," for purposes of this section, includes, but is not limited to, preventing or causing the prevention of a guide dog, signal dog, or service dog from carrying out its functions in assisting a disabled person.

b. Any person who claims to be aggrieved by an alleged unlawful practice in violation of Section 54, 54.1, or 54.2 may also file a verified

complaint with the Department of Fair Employment and Housing pursuant to Section 12948 of the Government Code. The remedies in this section are nonexclusive and are in addition to any other remedy provided by law, including, but not limited to, any action for injunctive or other equitable relief available to the aggrieved party or brought in the name of the people of this state or of the United States.

C. A person may not be held liable for damages pursuant to both this section and Section 52 for the same act or failure to act.

CREDIT(S)

(Added by Stats.1968, c. 461, P. 1092, § 1. Amended by Stats.1976, c. 971, P. 2270, § 2; Stats.1976, c. 972, p. 2274, § 2.5; Stats.1977, c. 881, p. 2650, § 1; Stats.1981, c. 395, § 1; Stats.1992, c. 913 (A.B.1077), § 7; Stats.1994, c. 1257 (S.B.1240), § 4; Stats.1996, c. 498 (S.B.1687), § 2.3.)

<Part 2.5 was added by Stats.1968, c. 461, p. 1092, § 1.>

#### **§ 54.4. Blind or visually impaired pedestrian; failure to carry cane or use guide dog**

A blind or otherwise visually impaired pedestrian shall have all of the rights and privileges conferred by law upon other persons in any of the places, accommodations, or conveyances specified in Sections 54 and 54.1, notwithstanding the fact that the person is not carrying a predominantly white cane (with or without a red tip), or using a guide dog. The failure of a blind or otherwise visually impaired person to carry such a cane or to use such a guide dog shall not constitute negligence per se.

<Part 2.5 was added by Stats.1968, c. 461, p. 1092, § 1.>

CREDIT(S)

(Added by Stats.1968, c. 461, p. 1092, § 1. Amended by Stats.1994, c. 1257 (S.B.1240), § 5.)

#### **§ 54.5. White cane safety day; proclamation**

Each year, the Governor shall publicly proclaim October 15 as White Cane Safety Day. He or she shall issue a proclamation in which:

- a. Comments shall be made upon the significance of this chapter.
- b. Citizens of the state are called upon to observe the provisions of this chapter and to take precautions necessary to the safety of disabled persons.
- c. Citizens of the state are reminded of the policies with respect to disabled persons declared in this chapter and he urges the citizens to cooperate in giving effect to them.
- d. Emphasis shall be made on the need of the citizenry to be aware of the presence of disabled persons in the community and to keep safe and functional for the disabled the streets, highways, sidewalks, walkways, public buildings, public facilities, other public places, places of public accommodation, amusement and resort, and other places to which the public is invited, and to offer assistance to disabled persons upon appropriate occasions.

**(e) It is the policy of this state to encourage and enable disabled persons to participate fully in the social and economic life of the state and to engage in remunerative employment.**

**<Part 2.5 was added by Stats.1968, c. 461, p. 1092, § 1.>**

**CREDIT(S)**

**(Added by Stats.1968, c. 461, p. 1092, § 1. Amended by Stats.1994, c. 1257 (S.B.1240), § 6.)**

#### **§ 54.6. Visually impaired**

**As used in this part, "visually impaired" includes blindness and means having central visual acuity not to exceed 20/200 in the better eye, with corrected lenses, as measured by the Snel len test, or visual acuity greater than 20/200, but with a limitation in the field of vision such that the widest diameter of the visual field subtends an angle not greater than 20 degrees.**

**<Part 2.5 was added by Stats.1968, c. 461, p. 1092, § 1.>**

**CREDIT(S)**

**(Added by Stats.1968, c. 461, p. 1092, § 1. Amended by Stats.1994, c. 1257 (S.B.1240), § 7; Stats.2006, c. 538 (S.B.1852), § 38.)**

**§ 54.7. Zoos or wild animal parks; facilities for guide, service or signal dogs accompanying individuals with a disability**

**a. Notwithstanding any other provision of law, the provisions of this part shall not be construed to require zoos or wild animal parks to allow guide dogs, signal dogs, or service dogs to accompany individuals with a disability in areas of the zoo or park where zoo or park animals are not separated from members of the public by a physical barrier. As used in this section, "physical barrier" does not include an automobile or other conveyance.**

**b. Any zoo or wild animal park that does not permit guide dogs, signal dogs, or service dogs to accompany individuals with a disability therein shall maintain, free of charge, adequate kennel facilities for the use of guide dogs, signal dogs, or service dogs belonging to these persons. These facilities shall be of a character commensurate with the anticipated daily attendance of individuals with a disability. The facilities shall be in an area not accessible to the general public, shall be equipped with water and utensils for the consumption thereof, and shall otherwise be safe, clean, and comfortable.**

**c. Any zoo or wild animal park that does not permit guide dogs to accompany blind or visually impaired persons therein shall provide free transportation to blind or visually impaired persons on any mode of transportation provided for members of the public.**

Each zoo or wild animal park that does not permit service dogs to accompany individuals with a disability shall provide free transportation to individuals with a disability on any mode of transportation provided for a member of the public in cases where the person uses a wheelchair and it is readily apparent that the person is unable to maintain complete or independent mobility without the aid of the service dog.

**d. Any zoo or wild animal park that does not permit guide dogs to accompany blind or otherwise visually impaired persons therein shall provide sighted escorts for blind or otherwise visually impaired persons if they are unaccompanied by a sighted person.**

C. As used in this section, "wild animal park" means any entity open to the public on a regular basis, licensed by the United States Department of Agriculture under the Animal Welfare Act as an exhibit, and operating for the primary purposes of conserving, propagating, and exhibiting wild and exotic animals, and any marine, mammal, or aquatic park open to the general public.

<Part 2.5 was added by Stats.1968, c. 461, p. 1092, § 1.>  
CREDIT(S)

(Added by Stats.1979, c. 525, p. 1718, § 1. Amended by Stats.1988, c. 1595, § 4; Stats.1994, c. 1257 (S.B.1240), § 8.)

### **§ 54.8. Individuals who are deaf or hard of hearing; assistive listening systems**

**Education Code. Title 2. Elementary and Secondary Education. Division 3. Local Administration. Part 23.5. Transportation. Chapter 1. Transportation Services. Article 3. Schoolbuses.**

### **§ 39839. Guide, signal, and service dogs; transportation**

Guide dogs, signal dogs, and service dogs trained to provide assistance to individuals with a disability may be transported in a schoolbus when accompanied by disabled pupils enrolled in a public **or private** school or by disabled teachers employed in a public or private school or community college **or by** persons training the dogs.

CREDIT(S)

(Added by Stats.1999, c. 646 (A.B.1600), § 14.)

**Food and Agricultural Code (Formerly Agricultural Code). Division 14. Regulation and Licensing of Dogs. Chapter 3.5. Guide Dogs, Signal Dogs, and Service Dogs.**

**§ 30850. Application for assistance dog identification tag; endorsement of tag number; affidavit; death or retirement of dog**

a. The animal control department shall endorse upon the application for an assistance dog identification tag the number of the identification tag issued. As used in this chapter, "assistance dogs" are dogs specially trained as guide dogs, signal dogs, or service dogs. All applications that have been endorsed shall be kept on file in the office of the animal control department and shall be open to public inspection.

b. Whenever a person applies for an assistance dog identification tag, the person shall sign an affidavit stating as follows:

**"By affixing my signature to this affidavit, I hereby declare I fully understand that Section 365.7 of the Penal Code prohibits any person to knowingly and fraudulently represent 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 dog, signal dog, or service dog, as defined in subdivisions (d), (e), and (f), respectively, of Section 365.5 of the Penal Code and paragraph (6) of subdivision (b) of Section 54.1 of the Civil Code, and that a violation of Section 365.7 of the Penal Code is a misdemeanor, punishable by imprisonment in a county jail not exceeding six months, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine."**

**C. Upon the death or retirement of an assistance dog, the owner or person in possession of the assistance dog identification tag shall immediately return the tag to the animal control department that issued the tag.**

**CREDIT(S)**

**(Added by Stats.1994, c. 1257 (S.B.1240), § 10.5. Amended by Stats.1996, c. 498 (S.B.1687), § 2.5; Stats.2004, c. 118 (S.B.1165), § 9.)**

**§ 30851. State and local health and licensure requirements; compliance**

**The owners of assistance dogs shall comply with all state and local ordinances regarding health and licensure requirements for dogs.**

**CREDIT(S)**

**(Added by Stats.1994, c. 1257 (S.B.1240), § 10.5.)**

**§ 30852. Assistance dog tag; use by person with disability or trainer; shape, size and color**

a. The tag identifying a dog as an assistance dog shall be used only by a person with a disability or a trainer of an assistance dog and shall be of such uniform statewide shape, size, and color as to be easily recognized.

b. The Department of Food and Agriculture, in consultation with the State Department of Health Services, shall specify the shape, size, and color of the tags. This subdivision shall not be subject to the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

**CREDIT(S)**

(Added by Stats.1994, c. 1257 (S.B.1240), § 10.5. Amended by Stats.1996, c. 498 (S.B.1687), § 3.)

**§ 30853. Construction of chapter with the Americans with Disabilities Act**

Nothing in this chapter shall be construed to limit the access of any person in violation of the Americans with Disabilities Act of 1990 (Public Law 101-336). [FN1:1  
[F1\11] 42 U.S.C.A. § 12101 et seq.  
CREDIT(S)

(Added by Stats.1996, c. 498 (S.B.1687), § 4.)

**§ 30854. Severability of chapter provisions**

The provisions of this chapter are severable. If any provision of this chapter or its application is held invalid or to be in conflict with the Americans with Disabilities Act of 1990 (Public Law 101-336), [FN1] that invalidity or conflict shall not affect other provisions or applications that can be given effect without the invalid or conflicting provision or application.

**[FN1] 42 U.S.C.A. § 12101 et seq.**

**CREDIT(S)**

(Added by Stats.1996, c. 498 (S.B.1687), § 5.)

**Health and Safety Code. Division 105. Communicable Disease Prevention and Control. Part 6. Veterinary Public Health and Safety. Chapter 1. Rabies Control**

**§ 121680. Guide dogs for blind persons**

Notwithstanding any other provision of this chapter a guide dog serving a blind master shall not be quarantined, in the absence of evidence that he or she has been exposed to rabies, unless his or her master fails:

- a. To keep him or her safely confined to the premises of the master.
- b. To keep him or her available for examination at all reasonable times.

CREDIT(S)

(Added by Stats.1995, c. 415 (S.B.1360), § 7.)

**Vehicle Code. Division 11. Rules of the Road. Chapter 5. Pedestrians' Rights and Duties. § 21963. Visually handicapped pedestrian**

**A** totally or partially blind pedestrian who is carrying a predominantly white cane (with or without a red tip), or using a guide dog, shall have the right-of-way, and the driver of any vehicle approaching this pedestrian, who fails to yield the right-of-way, or to take all reasonably necessary precautions to avoid injury to this blind pedestrian, is guilty of a misdemeanor, punishable by imprisonment in the county jail not exceeding six months, or by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), or both. This section shall not preclude prosecution under any other applicable provision of law.

CREDIT(S)

(Added by Stats.1968, c. 461, p. 1094, § 7. Amended by Stats.1993, c. 1149 (A.B.1419), § 7.)



**Penal Code. Part 1. Of Crimes and Punishments. Title 9. Of Crimes Against the Person Involving Sexual Assault, and Crimes Against Public Decency and Good Morals. Chapter 12. Other Injuries to Persons.**

**§ 365.5. Blind, deaf or disabled persons; public conveyances or accommodations; penalties**

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) WN11.

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.

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 Nlr Carrier Access Act of 1986 (Public Law 99-435).[FN21

**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.

CREDIT(S)

(Added by Stats.1986, c. 765, § 1. Amended by Stats.1992, c. 913 (A.B.1077), § 37; Stats.1993, c.1149

(A.B.1419), § 5; Stats.1994, c. 1257 (S.B.1240), § 11; Stats.1996, c. 498 (S.B.1687), § 6)

[FN1] 42 U.S.C.A. 12101 et seq.

[FN2] See 49 U.S.C.A. § 1374 [Repealed].

**§ 365.6. Interference, harassment or obstruction of guide, signal, or service dog user or mobility aid user or guide, signal, or service dog; definitions; offense; punishment**

(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.

CREDIT(S)

(Added by Stats.1993, c. 1149 (A.B.1419), § 6. Amended by Stats.2004, c. 322 (A.B.1801), § 1.)

### **§ 365.7. Knowing and fraudulent representation as owner or trainer of guide, signal or service dog; penalty**

(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.

CREDIT(S)

(Added by Stats.1994, c. 1257 (S.B.1240), § 12.)

**Welfare and Institutions Code. Division 9. Public Social Services. Part 3. Aid and Medical Assistance. Chapter 4. Emergency Payments and Special Circumstances for Aged, Blind and Disabled. Article 3. Special Circumstances.**

**§ 12553. Special need allowance; eligible recipients; dog food, etc.; guide dogs, signal dogs and other service dogs**

a. Notwithstanding Section 12552, special circumstances shall also include the administration and payment by the department pursuant to this section of a recurring special need allowance to every eligible recipient who has a guide dog, signal dog, or other service dog, to pay for dog food and other costs associated with the dog's care and maintenance.

b. Beginning January 1, 1991, the special need allowance shall be forty dollars (\$40) per month. Beginning July 1, 1991, this amount shall be increased to fifty dollars (\$50) per month.

c. The department shall mail an application for the allowance to each eligible recipient. The application shall be upon a standard form prescribed by regulations of the department and containing a written declaration that the affirmation is made under penalty of perjury subject to prosecution as the crime of perjury under the Penal Code. The recipient or, if the recipient is incapable, another person as described in Section 11054 may make the affirmation. The department shall grant the special need allowance upon the basis of the affirmation by mailing a monthly warrant in the amount indicated in subdivision (b) to the recipient.

d. The county welfare department shall cooperate in assisting the recipient in completing his or her application for the special need allowance authorized by this section.

**C.** For purposes of this section, "eligible recipient" means any blind or disabled recipient of either or both of the following benefits:

**1.** Federal supplemental security income benefits provided pursuant to Subchapter 16 (commencing with Section 1381) of Chapter 7 of Title 42 of the United States Code.

**2.** Benefits provided under the State Supplementary Program pursuant to Chapter 3 (commencing with Section 12000).

#### **Credits**

(Added by Stats.1974, c. 1049, p. 2266, § 1, eff. Sept. 23, 1974. Amended by Stats.1977, c. 1206, p.

4078, § 1; Stats.1990, c. 871 (A.B.4241), § 1.)

#### **§ 12554. Eligible recipients who have guide dogs, signal dogs, or other service dogs; payment of special need allowance**

**a.** Notwithstanding Section 12552, special circumstances shall also include the administration and payment by the department pursuant to this section of a recurring special need allowance to every eligible recipient who has a guide dog, signal dog, or other service dog, to pay for dog food and other costs associated with the dog's care and maintenance.

**b.** For purposes of this section, the special need allowance shall be fifty dollars (\$50) per month.

**C.** The department shall mail an application for the allowance to each recipient of benefits under the federal Social Security Disability Insurance (SSDI) program who is known to the department to have a guide dog, signal dog, or other service dog, or who has requested an application from the department, and who is a legal resident of this state. The application shall include a disclosure of the applicant's resources and all sources and amounts of the applicant's income. The application shall be upon a standard form

prescribed by regulations of the department and containing a written declaration that the affirmation is made under penalty of perjury subject to prosecution as the crime of perjury under the Penal Code. The recipient or, if the recipient is incapable, another person as described in Section 11054 may make the affirmation. In order to establish eligibility pursuant to subdivision (e), the applicant shall also be required to present a proof of income statement from the federal Social

Security Administration. The department shall grant the special need allowance upon the basis of the affirmation by mailing a monthly warrant in the amount indicated in subdivision (b) to the recipient.

d. The county welfare department shall cooperate in assisting the recipient in completing his or her application for the special need allowance authorized by this section.

C. For purposes of this section, "eligible recipient" means any person legally residing in this state who is a recipient of benefits under the federal Social Security Disability Insurance (SSDI) program,

provided for pursuant to Title II of the federal Social Security Act (42 U.S.C. Sec. 401, et seq.) and whose income and resources are not in excess of the federal poverty level. For purposes of

determining eligibility under this section, income and resources shall be defined in the same manner as those terms are used in determining eligibility for aid under Chapter 3 (commencing with Section 12000).

Credits

(Added by Stats.1999, c. 906 (S.B.858), § 1. Amended by Stats.2001, c. 452 (S.B.1190), § 1.)