

Rhode Island

SUMMARY

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

Date last checked: April 2021

§ 40-9.1-5. Therapy pets in public places

(a) The privileges of access and transportation provided to service animals in § 40-9.1-2 shall be extended to family therapy pets, which are further defined as primary companions which include, but are not limited to, dogs, cats, rabbits, and guinea pigs, that are working in the provision of pet-assisted therapy treatment and education. --

West's General Laws of Rhode Island Annotated. Title 4. Animals and Animal Husbandry. Chapter 13. Dogs

4-13-16.1. Injury to seeing-eye dogs or persons who are visually impaired-- Damages. --

If any dog kills, wounds, or worries, or assists in killing, wounding, or worrying, any seeing-eye dog certified for use as a guide-dog for a person who is blind or visually impaired, belonging to or in the possession of any person who is blind or visually impaired and under harness or engaged in the act of guiding its owner, or if any dog assaults, bites, or otherwise injures any person who is blind or visually impaired while traveling the highway or out of the enclosure of the owner or keeper of that dog, the owner or keeper of the dog shall be liable to the person who is blind or visually impaired aggrieved for double all damages sustained, to be recovered in a civil action, with costs of suit. If afterwards this damage is done by that dog, the owner or keeper of the dog shall pay to the party aggrieved treble damages, to be recovered in the same manner, and an order shall be made by the court before whom the second recovery is made, for killing the dog. The order shall be executed by the officer charged with the execution of the order and it shall not be necessary, in order to sustain this action, to prove that the owner or keeper of this dog knew that the dog was accustomed to causing these damages.

P.L. 1979, ch. 374, § 1; P.L. 1999, ch. 83, § 1; P.L. 1999, ch. 130, § 1.

**West's General Laws of Rhode Island Annotated. Title 39. Public Utilities and Carriers. Chapter 2. Duties of Utilities and Carriers
§ 39-2-13. Admission of guide dogs**

Any blind or deaf person, who uses the services of a seeing-eye guide dog, or personal-assistance animal or a hearing-ear signal dog, clearly identified as such by a yellow harness and trained by a recognized training agency or school, may enter any public facility of any public utility or common carrier in this state, and when riding on any bus or other public utility or common carrier engaged in the transportation of passengers, or when riding in any elevator in this state where a landlord has the elevator operated for the use of the landlord's tenants and their visitors, or while in any building in this state open to the public, may keep the animal in his or her immediate custody; and the person shall not be required to pay any charge or fare, for, or on account of, the transportation thereon of him or herself and any dog so accompanying him or her, in addition to the charge or fare lawfully chargeable for his or her own transportation; provided, however, the provisions of this section shall not apply to railroad sleeping, parlor, club, buffet, or lounge cars.

Credits

G.L. 1938, ch. 402, § 1; P.L. 1938, ch. 2595, § 1; G.L. 1956, § 39-2-16; P.L. 1969, ch. 240, § 3; P.L. 1979, ch. 159, § 3; P.L. 1997, ch. 85, § 3; P.L. 2020, ch. 79, Art. 1, § 3, eff. Dec. 31, 2020.

**West's General Laws of Rhode Island Annotated. Title 4. Animals and Animal Husbandry. Chapter 13. Dogs
§ 4-13-4. Dog licenses--Fees—Penalties**

(vii)(A) Westerly town council may provide, by ordinance, for an annual license fee of ten dollars (\$10.00) for unspayed female dogs and unneutered male dogs;

(B) May provide for a fee of one dollar (\$1.00) for the replacement of lost dog tags;

(C) May provide that no fee be charged to license guide dogs used by persons with disabilities;

(D) May provide for the number of licenced dogs which may be kept at any single-family residence, other than a breeding kennel; and

(E) May provide for pecuniary penalties not exceeding twenty-five dollars (\$25.00) for violations.

West's General Laws of Rhode Island Annotated. Title 31. Motor and Other Vehicles. Chapter 18. Pedestrians.

§ 31-18-14. Full stop for pedestrian with guide dog or white cane

Whenever a pedestrian is crossing or attempting to cross a public street or highway guided by a seeing-eye guide dog or a hearing-ear signal dog clearly identified as such by a yellow harness, which has been trained and educated to guide and assist the pedestrian in traveling upon the public streets; or carrying in a raised or extended position a cane or walking stick which is white in color or white tipped with red, the driver of every vehicle approaching the intersection, or place where the pedestrian is attempting to cross, shall bring his or her vehicle to a full stop before arriving at the intersection or place of crossing, and before proceeding shall take any precautions that may be necessary to avoid injuring the pedestrian.

CREDIT(S)

P.L. 1949, ch. 2255, § 2; P.L. 1979, ch. 159, § 1.

§ 31-18-15. Pedestrians who are blind or deaf not guided by dog or carrying white cane

Nothing contained in §§ 31-18-13 -- 31-18-16 shall be construed to deprive any person who is blind, visually impaired, or deaf, but not carrying a cane or walking stick, or not being guided by a dog, of the rights and privileges conferred by law upon pedestrians crossing streets or highways. In no case shall the failure of the person who is blind, visually impaired or deaf to carry a cane or walking stick, or to be guided by a guide or signal dog upon the streets, highways, or sidewalks of this state, be held to constitute nor be evidence of contributory negligence.

CREDIT(S)

P.L. 1949, ch. 2255, § 3; P.L. 1979, ch. 159, § 2; P.L. 1999, ch. 83, § 70; P.L. 1999, ch. 130, § 70.

§ 31-18-16. Penalty for violations as to people who are blind

Any person who violates any provision of §§ 31-18-13 -- 31-18-15, upon conviction, shall be sentenced to pay a fine not more than two hundred fifty dollars (\$250).

CREDIT(S)

P.L. 1949, ch. 2255, § 4; P.L. 1981, ch. 62, § 1; P.L. 1981, ch. 284, § 1; P.L. 1999, ch. 383, § 5.

§ 31-18-16.1. Failure to stop on red signal for blind person at intersection

Any person who shall violate the provisions of § 31-13-6(3)(i) at an intersection where a pedestrian is crossing or attempting to cross a public street or highway guided by a seeing-eye dog or a hearing-ear signal dog, clearly identified by a yellow harness, which has been trained and educated to guide and assist the pedestrian in traveling upon the public streets, or carrying in a raised or extended position a cane or walking stick which is white in color or white tipped with red, shall be fined not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000).

CREDIT(S)

P.L. 1985, ch. 78, § 1.

West's General Laws of Rhode Island Annotated. Title 34. Property. Chapter 37. Rhode Island Fair Housing Practices Act.

§ 34-37-4. Unlawful housing practices

(a) No owner having the right to sell, rent, lease, or manage a housing accommodation as defined in § 34-37-3(11), or an agent of any of these, shall, directly or indirectly, make, or cause to be made, any written or oral inquiry concerning the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin or disability, age, familial status nor make any written or oral inquiry concerning whether a tenant or applicant or a member of the household is, or has been, or is threatened with being the victim of domestic abuse, or whether a tenant or applicant has obtained, or sought, or is seeking relief from any court in the form of a restraining order for protection from domestic abuse, of any prospective purchaser, occupant, or tenant of the housing accommodation; directly or indirectly, refuse to sell, rent, lease, let, or otherwise deny to or withhold from any individual the housing accommodation because of the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, disability, age, or familial status of the individual or the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin or disability, age, or familial status of any person with whom the individual is or

may wish to be associated; or shall, or on the basis that a tenant or applicant, or a member of the household, is or has been, or is threatened with being, the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a restraining order for protection from domestic abuse. Nor shall an owner having the right to sell, rent, lease, or manage a housing accommodation as defined in § 34-37-3(11), or an agent of any of these, directly or indirectly, issue any advertisement relating to the sale, rental, or lease of the housing accommodation that indicates any preference, limitation, specification, or discrimination based upon race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, disability, age, familial status, or on the basis that a tenant or applicant or a member of the household is, or has been, or is threatened with being the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking relief from any court in the form of a restraining order for protection from domestic abuse, or shall, directly or indirectly, discriminate against any individual because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, disability, age, familial status, or on the basis that a tenant or applicant or a member of the household is, or has been, or is threatened with being the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking relief from any court in the form of a restraining order for protection from domestic abuse, in the terms, conditions, or privileges of the sale, rental, or lease of any housing accommodation or in the furnishing of facilities or services in connection with it. Nothing in this subsection shall be construed to prohibit any oral or written inquiry as to whether the prospective purchaser or tenant is over the age of eighteen (18).

(b) No person to whom application is made for a loan or other form of financial assistance for the acquisition, construction, rehabilitation, repair, or maintenance of any housing accommodation, whether secured or unsecured shall directly or indirectly make or cause to be made any written or oral inquiry concerning the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, disability, age, familial status, or any express written or oral inquiry into whether a tenant or applicant or a member of the household is, or has been, or is threatened with being the victim of domestic abuse, or whether a tenant or applicant has obtained, or sought, or is seeking relief from any court in the form of a restraining order for protection from domestic abuse, of any individual seeking the financial assistance, or of existing or prospective occupants or tenants of the housing accommodation; nor shall any person to whom the application is made in the manner provided, directly or indirectly, discriminate in the terms, conditions, or privileges relating to the obtaining or use of any financial assistance against any applicant because of the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative

discharge, servicemember in the armed forces, country of ancestral origin, disability, age, familial status, or on the basis that a tenant or applicant or a member of the household is, or has been, or is threatened with being the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking relief from any court in the form of a restraining order for protection from domestic abuse, of the applicant or of the existing or prospective occupants or tenants. Nothing in this subsection shall be construed to prohibit any written or oral inquiry as to whether the applicant is over the age of eighteen (18).

(c) Nothing in this section contained shall be construed in any manner to prohibit or limit the exercise of the privilege of every person and the agent of any person having the right to sell, rent, lease, or manage a housing accommodation to establish standards and preferences and set terms, conditions, limitations, or specifications in the selling, renting, leasing, or letting thereof or in the furnishing of facilities or services in connection therewith that do not discriminate on the basis of the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, disability, age, familial status, or on the basis that a tenant or applicant or a member of the household is, or has been, or is threatened with being the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking relief from any court in the form of a restraining order for protection from domestic abuse, of any prospective purchaser, lessee, tenant, or occupant thereof or on the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, disability, age, or familial status of any person with whom the prospective purchaser, lessee, tenant, or occupant is or may wish to be associated. Nothing contained in this section shall be construed in any manner to prohibit or limit the exercise of the privilege of every person and the agent of any person making loans for, or offering financial assistance in, the acquisition, construction, rehabilitation, repair, or maintenance of housing accommodations to set standards and preferences, terms, conditions, limitations, or specifications for the granting of loans or financial assistance that do not discriminate on the basis of the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, military status as a veteran with an honorable discharge or an honorable or general administrative discharge, servicemember in the armed forces, country of ancestral origin, disability, age, familial status, or on the basis that a tenant or applicant or a member of the household is, or has been, or is threatened with being the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking relief from any court in the form of a restraining order for protection from domestic abuse, of the applicant for the loan or financial assistance or of any existing or prospective owner, lessee, tenant, or occupant of the housing accommodation.

(d) An owner may not refuse to allow a person with a disability to make, at his or her expense, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of

the premises, except that, in the case of a rental, the owner may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted. Where it is necessary in order to ensure with reasonable certainty that funds will be available to pay for the restorations at the end of the tenancy, the landlord may negotiate as part of the restoration agreement a provision requiring that the tenant pay into an interest bearing escrow account, over a reasonable period, a reasonable amount of money not to exceed the cost of the restorations. The interest in the account shall accrue to the benefit of the tenant. The restoration deposition shall be exempt from § 34-18-19(a) but will be subject to § 34-18-19(b) -- (f).

(e)(1) An owner may not refuse to make reasonable accommodations in rules, policies, practices, or services when those accommodations may be necessary to afford an occupant with a disability equal opportunity to use and enjoy a dwelling.

(2) Every person with a disability who has a guide dog or other personal assistive animal, or who obtains a guide dog or other personal assistive animal, shall be entitled to full and equal access to all housing accommodations provided for in this section, and shall not be required to pay extra compensation for the guide dog or other personal assistive animal, but shall be liable for any damage done to the premises by a guide dog or other personal assistive animal. For the purposes of this subsection, a “personal assistive animal” is an animal specifically trained by a certified animal training program to assist a person with a disability to perform independent living tasks.

(f) Any housing accommodation of four (4) units or more constructed for first occupancy after March 13, 1991, shall be designed and constructed in such a manner that:

(1) The public use and common use portions of the dwellings are readily accessible to and usable by persons with disabilities;

(2) All the doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by persons with disabilities in wheelchairs;

(3) All premises within the dwellings contain the following features of adaptive design:

(i) Accessible route into and through the dwelling;

(ii) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

(iii) Reinforcements in bathroom walls to allow later installation of grab bars; and

(iv) Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space. To the extent that any state or local building codes, statutes or ordinances are inconsistent with this section, they are hereby repealed. The state building code standards committee is hereby directed to adopt rules and regulations consistent with this section as soon as possible, but no later than September 30, 1990.

(g) Compliance with the appropriate requirements of the state building code 14 "accessibility for individuals with disabilities for residential use groups" suffices to satisfy the requirements of subsection (f).

(h) As used in subsection (f), the term "housing accommodation of four (4) units or more" means:

(1) Buildings consisting of four (4) or more units if those buildings have one or more elevators; and

(2) Ground floor units in other buildings consisting of four (4) or more units;

(i) Nothing in subsection (f) shall be construed to limit any law, statute, or regulation that requires a greater degree of accessibility to persons with disabilities.

(j) Nothing in this section requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

(k) Nothing contained in this chapter shall be construed to prohibit an owner, lessee, sublessee, or assignee from advertising or selecting a person of the same or opposite gender to rent, lease, or share the housing unit that the owner, lessee, sublessee, or assignee will occupy with the person selected.

(l) No person shall aid, abet, incite, compel, or coerce the doing of any act declared by this section to be an unlawful housing practice; or obstruct or prevent any person from complying with the provisions of this chapter or any order issued thereunder; or attempt directly or indirectly to commit any act declared by this section to be an unlawful housing practice.

(m) No owner; person defined in § 34-37-3(12); person to whom application is made for a loan or other form of financial assistance for the acquisition, construction, rehabilitation, repair, or maintenance of any housing accommodation, whether secured or unsecured; no financial organization governed by the provisions of title 19 or any other credit-granting commercial institution; or respondent under this chapter; or any agent of these shall discriminate in any manner against any individual because he or she has opposed any practice forbidden by this chapter, or because he or she has made a charge, testified, or assisted in any manner in any investigation, proceeding, or hearing under this chapter.

(n) Nothing in this section shall prevent a landlord from proceeding with eviction action against a tenant who fails to comply with § 34-18-24(7).

Credits

P.L. 1965, ch. 27, § 1; P.L. 1970, ch. 25, § 2; P.L. 1974, ch. 141, § 1; P.L. 1977, ch. 214, § 1; P.L. 1979, ch. 144, § 3; P.L. 1985, ch. 415, § 1; P.L. 1987, ch. 452, § 1; P.L. 1988, ch. 455, § 1; P.L. 1988, ch. 664, § 1; P.L. 1990, ch. 398, § 1; P.L. 1995, ch. 32, § 2; P.L. 1997, ch. 150, § 8; P.L. 1999, ch. 83, § 81; P.L. 1999, ch. 130, § 81; P.L. 2001, ch. 340, § 2; P.L. 2002, ch. 118, § 2; P.L. 2002, ch. 224, § 2; P.L. 2015, ch. 161, § 1, eff. July 9, 2015; P.L. 2015, ch. 180, § 1, eff. July 9, 2015.

West's General Laws of Rhode Island Annotated. Title 40. Human Services. Chapter 9.1. Equal Rights of Blind and Deaf Persons to Public Facilities

§ 40-9.1-1. Declaration of policy

It is the policy of this state that:

(a) Persons who are blind, visually impaired, deaf, hard-of-hearing or otherwise have a disability have the same rights as the able-bodied to the full and free use of the streets, highways, walkways, public buildings, public facilities, and other public places.

(b) Persons who are blind, visually impaired, deaf, hard-of-hearing or otherwise have a disability are entitled to full and equal accommodations, advantages, facilities, and privileges on any public conveyance operated on land or water or in the air, or any stations and terminals thereof, not limited to taxis, airplanes, motor vehicles, railroad trains, motor buses, street cars, boats, and in any educational institution, not limited to any kindergarten, primary and secondary school, trade or business school, high school, academy, college and university, and in places of public resort, accommodation, assemblage, or amusement, not limited to hotels, lodging places, restaurants, theater and in all 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.

(c) [Deleted by P.L. 2019, ch. 96, § 1, and P.L. 2019, ch. 131, § 1].

Credits

P.L. 1975, ch. 55, § 1; P.L. 1979, ch. 159, § 6; P.L. 1997, ch. 85, § 1; P.L. 2019, ch. 96, § 1, eff. July 8, 2019; P.L. 2019, ch. 131, § 1, eff. July 8, 2019.

§ 40-9.1-1.1. Definitions

(1) "Disability" means a disability as defined in § 42-87-1.

(2) “Guide dog” means a dog that has been or is being specially trained to aid a particular blind or visually impaired person.

(3) “Hearing dog” means a dog that has been or is being specially trained to aid a particular deaf or hard-of-hearing person.

(c) [Deleted by P.L. 2019, ch. 96, § 1, and P.L. 2019, ch. 131, § 1].

(d) [Deleted by P.L. 2019, ch. 96, § 1, and P.L. 2019, ch. 131, § 1].

(e) [Deleted by P.L. 2019, ch. 96, § 1, and P.L. 2019, ch. 131, § 1].

(f) [Deleted by P.L. 2019, ch. 96, § 1, and P.L. 2019, ch. 131, § 1].

(g) [Deleted by P.L. 2019, ch. 96, § 1, and P.L. 2019, ch. 131, § 1].

(h) [Deleted by P.L. 2019, ch. 96, § 1, and P.L. 2019, ch. 131, § 1].

(i) [Deleted by P.L. 2019, ch. 96, § 1, and P.L. 2019, ch. 131, § 1].

(4) “Public area” means a part of a place listed in § 40-9.1-1 that is open to the general public.

(5) “Regular hours” means the hours of any day in which a public place of a place listed in § 40-9.1-1 is open to members of the general public.

(6) “Service animal” means a dog that has been or is being specifically trained to assist an individual with a disability, and includes a guide dog or hearing dog.

P.L. 1997, ch. 85, § 2; P.L. 2006, ch. 216, § 22, eff. July 3, 2006; P.L. 2009, ch. 96, § 5, eff. July 9, 2009; P.L. 2009, ch. 97, § 5, eff. July 9, 2009; P.L. 2012, ch. 90, § 1, eff. May 22, 2012; P.L. 2012, ch. 100, § 1, eff. May 25, 2012; P.L. 2019, ch. 96, § 1, eff. July 8, 2019; P.L. 2019, ch. 131, § 1, eff. July 8, 2019.

§ 40-9.1-2. Personal assistance animals in public places

Every person with a disability has the right to be accompanied by a service animal, specially trained for that person in any place listed in § 40-9.1-1 without being required to pay an extra charge for the personal assistance animal. Each person with a disability using a service animal is solely liable for any damage done to persons, premises, or facilities by the service animal.

P.L. 1975, ch. 55, § 1; P.L. 1979, ch. 159, § 7; P.L. 1997, ch. 85, § 1; P.L. 2019, ch. 96, § 1, eff. July 8, 2019; P.L. 2019, ch. 131, § 1, eff. July 8, 2019

§ 40-9.1-2.1. Trainers of personal assistance animals and dogs in training

Every trainer or puppy raiser of a service animal shall have the same rights and privileges as stated in § 40-9.1-2 for every person with a disability. Each trainer or puppy raiser during the training of a service animal is liable for any damage done to persons, premises, or facilities by that service animal.

Credits P.L. 1997, ch. 85, § 2; P.L. 2019, ch. 96, § 1, eff. July 8, 2019; P.L. 2019, ch. 131, § 1, eff. July 8, 2019.

§ 40-9.1-3. Penalty for injuring or interfering with a service animal--Civil actions--Damages--Costs and attorneys' fees

(a) It is unlawful for any person, corporation, or the agent of any corporation to:

(1) Withhold, deny, deprive, or attempt to withhold, deny, or deprive, any other person of any right or privilege secured by §§ 40-9.1-2 and 40-9.1-2.1;

(2) Intimidate, threaten, coerce, or attempt to threaten, intimidate, or coerce, any other person to interfere with any right or privilege secured by §§ 40-9.1-2 and 40-9.1-2.1;

(3) Punish, or attempt to punish, any person for exercising, or attempting to exercise, any right or privilege secured by §§ 40-9.1-2 and 40-9.1-2.1.

(b) It is unlawful for any person to injure a service animal and the person shall be liable for the injuries to the service animal, and if necessary the replacement and compensation for the loss of the service animal.

(c) It is unlawful for the owner of an animal to allow their animal to injure a service animal because the owner failed to control or leash the animal. The owner shall also be liable for the injuries to the service animal, and if necessary the replacement and compensation for the loss of the service animal.

(d) Any person who violates subsection (a)(1) is guilty of a misdemeanor. Any person who purposely or negligently violates subsection (a)(2) or (a)(3) is guilty of a misdemeanor. Violations shall be punished by imprisonment for not more than six (6) months or by a fine of not less than one hundred dollars (\$100), or by both fine and imprisonment. Any person or corporation who or that violates subsection (a), (b), or (c) is also liable to the person whose rights under §§ 40-9.1-2 and 40-9.1-2.1 were violated for actual damages for any economic loss and/or punitive damages, to be recovered by a civil action in a court in, and for the county in, which the infringement of civil rights occurred or in which the defendant lives.

(e) In an action brought under this section, the court shall award costs and reasonable attorney's fees to the prevailing party.

Credits

P.L. 1975, ch. 55, § 1; P.L. 1986, ch. 179, § 1; P.L. 1997, ch. 85, § 1; P.L. 2019, ch. 96, § 1, eff. July 8, 2019; P.L. 2019, ch. 131, § 1, eff. July 8, 2019; P.L. 2020, ch. 79, Art. 1, § 33, eff. Dec. 31, 2020.

§ 40-9.1-3.1. Misrepresentation of service animal

(a) It is a violation of this chapter for an individual to take an animal into a public area where pets are not permitted, and state that the animal is a service animal entitled to be present, if the animal is not a service animal.

(b) Businesses may post a decal suitable in a front window or door, stating that service animals are welcome and that misrepresentation of a service animal is a violation of Rhode Island law.

(c) It shall be a violation for any individual to misrepresent a pet or any other animal as a service animal when attempting to gain access to or remain in a public area. A violation of this section occurs when:

(1) An individual expressly represents that an animal in his or her possession is a service animal for the purpose of obtaining any rights or privileges afforded to persons with disabilities accompanied by service animals, but unavailable to people and their pets or other animals; and

(2) The individual knew or should have known that the animal in question did not meet the definition of a service animal.

(d) A violation of this section shall be deemed a civil violation, punishable by up to thirty (30) hours of community service for an organization that serves individuals with disabilities at the discretion of the court.

Credits

P.L. 2019, ch. 96, § 2, eff. July 8, 2019; P.L. 2019, ch. 131, § 2, eff. July 8, 2019.

§ 40-9.1-4. Enforcement of anti-discrimination provisions

The Rhode Island commission for human rights is empowered and directed, as hereinafter provided, to prevent any person from violating any of the provisions of this chapter; provided that before instituting a formal hearing it shall attempt by informal methods of conference, persuasion and conciliation, to induce compliance with those sections. Upon the commission's own initiative or whenever an aggrieved individual or an organization chartered for the purpose of combating discrimination or of

safeguarding civil liberties or rights of persons with disabilities, such individual or organization being hereinafter referred to as “the complainant”, makes a charge to the commission that any person, agency, bureau, corporation or association, hereinafter referred to as “the respondent”, has violated or is violating any of the provisions of this chapter, the said commission may proceed in the same manner and with the same powers as provided in §§ 28-5-16 - 28-5-27, and the provisions of §§ 28-5-13 and 28-5-16 - 28-5-36, as to the powers, duties and rights of the commission, its members, hearing examiners, the complainant, respondent, interviewer and the court shall apply in any proceedings under this section.CREDIT(S)

P.L. 1997, ch. 85, § 1; P.L. 1999, ch. 83, § 100; P.L. 1999, ch. 130, § 100

§ 40-9.1-5. Therapy pets in public places

(a) The privileges of access and transportation provided to service animals in § 40-9.1-2 shall be extended to family therapy pets, which are further defined as primary companions which include, but are not limited to, dogs, cats, rabbits, and guinea pigs, that are working in the provision of pet-assisted therapy treatment and education.

(b) The provisions are such that the pet-assisted therapy facilitator is working in conjunction with the therapy pet in a predetermined medical or educational setting, with a selected clientele. The medical interactions are to be individually planned, goal-oriented, and treatment based, and the educational settings are to be classroom based.

(c) Throughout the interactions, the pet-assisted therapy facilitator and the therapy pet will abide by a set code of ethics, and will follow professional guidelines to ensure that the actions and deeds of the pet-assisted therapy facilitator reflect advocacy of profession, pets, and clients, and other professions; while simultaneously ensuring that the interaction of the therapy pet and client remains beneficial and strives to enhance the quality of life through this animal-human bond.

(d) Prior to any interactions, the therapy pet must first meet the immunization criteria, a current certificate of good health, which shall be issued by a licensed, practicing veterinarian; as well as the temperament criteria, a certificate of good temperament, which shall be issued from a certified or practicing dog trainer or animal behaviorist; and training criteria, in which the pet-assisted therapy facilitator and the therapy pet learn to work as a team, learning together to execute safe and effective interaction, which are accepted in the field, specifically other pet-assisted animal facilitators, veterinarians, dog trainers, animal behaviorists, and the state of Rhode Island.

(e) Access and transportation privileges are only extended while the therapy pet is on the way to, or actively participating in, a program.

(f) The animal-assisted therapy facilitator, an individual who has successfully completed, or is in the process of completing, an accepted pet-assisted therapy

program, shall be responsible for the control and safety of the pet, which is to include: cleaning up and elimination of wastes; keeping the pet on a proper leash and collar; carrying a smaller animal in a travel crate; adhering to all standard rules, regulations, and laws within both the facility and the state of Rhode Island; and upholding an active insurance policy that will cover an unforeseen mishap and/or accidental occurrence that may result in causing property damage and/or personal injury while actively participating in a program.

Credits

P.L. 2000, ch. 451, § 1; P.L. 2006, ch. 216, § 22, eff. July 3, 2006; P.L. 2019, ch. 96, § 1, eff. July 8, 2019; P.L. 2019, ch. 131, § 1, eff. July 8, 2019; P.L. 2020, ch. 79, Art. 1, § 33, eff. Dec. 31, 2020.

§ 40-9.1-6. Closed-captioning activation required

(a) On request, a place of public accommodation shall keep closed-captioning activated on any closed-captioning television receiver that is in use during regular hours in any public area.

(b) This section does not require a place of public accommodation to make closed-captioning available in a public area at the place of public accommodation if:

(1) No television receiver of any kind is available in the public area; or

(2) The only public television receiver available in the public area is not a closed-captioning television receiver.

CREDIT(S)

P.L. 2012, ch. 90, § 2, eff. May 22, 2012; P.L. 2012, ch. 100, § 2, eff. May 25, 2012.

§ 40-9.1-7. Non-interference with federal law

Nothing in this chapter shall be construed to interfere with any rights provided by federal law to individuals with disabilities.

Credits

P.L. 2019, ch. 96, § 2, eff. July 8, 2019; P.L. 2019, ch. 131, § 2, eff. July 8, 2019.

West's General Laws of Rhode Island Annotated. Title 42. State Affairs and Government. Chapter 87. Civil Rights of People with Disabilities.

§ 42-87-3. Discriminatory acts

The discriminatory acts prohibited by § 42-87-2 include, but are not limited to, the following activities:

(1) Notwithstanding any law to the contrary, no person or entity licensed or regulated by the state, or having received financial assistance from the state, or doing business within the state, shall:

(i) Deny an otherwise qualified person with a disability the opportunity to participate in or benefit from any aid, benefit or service;

(ii) Afford an otherwise qualified person with a disability an opportunity to participate in or benefit from any aid, benefit, or service that is not equal to that afforded others;

(iii) Provide an otherwise qualified person with a disability with an aid, benefit, or service that is not as effective as that provided to others;

(iv) Provide different or separate aid, benefits, or services to otherwise qualified persons with a disability or to any class of otherwise qualified persons with a disability unless that action is necessary to provide otherwise qualified persons with a disability with aid, benefits, or services that are as effective as those provided to others;

(v) Aid or perpetuate discrimination against an otherwise qualified person with a disability by providing significant assistance to an agency, organization, or person that discriminates on the basis of disability in providing any aid, benefit, or service to beneficiaries of the recipients program;

(vi) Deny an otherwise qualified person with a disability the opportunity to participate as a member of planning or advisory boards; or

(vii) Otherwise limit an otherwise qualified person with a disability in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving an aid, benefit, or service.

(2) Notwithstanding any inconsistent terms of any collective bargaining agreement, no otherwise qualified person with a disability shall, solely on the basis of disability, who with reasonable accommodation and with no major cost can perform the essential functions of the job in question, be subjected to discrimination in employment by any person or entity receiving financial assistance from the state, or doing business within the state. The provisions of this subsection apply to the following activities:

(i) Recruitment, advertising, and the processing of applications for employment;

(ii) Hiring, upgrading, promotion, award to tenure, demotion, transfer, layoff, termination, right to return from layoff, and rehiring;

(iii) Rates of pay or any other form of compensation and changes in compensation;

(iv) Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;

(v) Leave of absence, sick leave, or any other leave;

(vi) Fringe benefits available by virtue of employment, whether or not administered by the recipient;

(vii) Selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, and selection for leaves of absence to pursue training;

(viii) Employer sponsored activities including social or recreational programs; and

(ix) Any other term, condition, or privilege of employment.

(3) Any persons with a disability shall be entitled to full and equal access, are 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 and applicable alike to all persons.

(4) Every person with a disability who has a personal assistive animal, or who obtains a personal assistive animal, shall be entitled to full and equal access to all housing and other public accommodations provided for in this chapter and shall not be required to pay extra compensation for the personal assistive animal, but shall be liable for any damage done to the premises by a personal assistive animal. For the purposes of this subdivision a "personal assistive animal" is an animal specifically trained, by a certified animal training program, to assist a person with a disability perform independent living tasks.

(5) No qualified individual with a disability, as defined in the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq., nor any individual or entity because of a known relationship or association with an individual with a disability shall be:

(i) Discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation or commercial facilities covered by the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq.;

(ii) Excluded from participation in or be denied the benefits of the services, programs, or activities of, or be subjected to discrimination by, a public entity covered by the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq.; and

(iii) Subject to discrimination in employment by a public entity or employer covered by the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq.

(6) The application, exemptions, definitions, requirements, standards, and deadlines for compliance with subdivision (5) shall be in accordance with the requirements of the Americans with Disabilities Act, 42 U.S.C., § 12101 et seq. and the federal regulations pertaining to the Act, 28 CFR 36, 28 CFR 35, and 29 CFR 1630.

Credits

P.L. 1983, ch. 271, § 1; P.L. 1988, ch. 144, § 1; P.L. 1992, ch. 124, § 1; P.L. 1997, ch. 150, § 18.

Title 34. Property. Chapter 37.1. Homeless Bill of Rights

§ 34-37.1-6. Homeless persons with service animals--Homeless shelters

Nothing in this chapter shall be construed to prohibit persons from entering a homeless shelter while in possession of a service animal as defined in the "Americans with Disabilities Act" (28 C.F.R. § 35.136) and the state and federal "fair housing acts".

Credits

P.L. 2018, ch. 214, § 1, eff. July 2, 2018; P.L. 2018, ch. 297, § 1, eff. July 2, 2018.