



HOUSE USE ONLY

CHAIR:

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1st SESSION, 67th GENERAL ASSEMBLY
Province of Prince Edward Island
1 CHARLES III, 2023

(Bill No. 101)

Service Dog Act

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PRIVATE MEMBER'S BILL

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**For House
Use Only**

**Prince Edward Island
Legislative Assembly**

ASSEMBLY / SESSION / YEAR 67th General Assembly / 1st / 2023
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AMENDMENTS

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TITLE: Service Dog Act

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#	SECTION	AMENDMENT	DATE

NOTED:

COMMITTEE CLERK

CERTIFIED CORRECT:

CHAIR, IN COMMITTEE



SERVICE DOG ACT

BILL NO. 101

2023

BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

1. Definitions

In this Act

- (a) “**certificate**” means a certificate issued or renewed under subsection 5(1);
- (b) “**certified**” means certified by the Registrar under subsection 5(1);
- (c) “**dog member**” means, in respect of a service dog team, retired service dog team or dog-in-training team, the member of the team that is a dog;
- (d) “**dog trainer**” means an individual who trains dogs for the purpose of the dogs becoming service dogs;
- (e) “**dog-in-training**” means a dog that
 - (i) is being trained by a dog trainer to become a service dog, and
 - (ii) is certified as a dog-in-training;
- (f) “**dog-in-training team**” means a dog trainer and a dog-in-training that
 - (i) are working together to train the dog-in-training to become a service dog, and
 - (ii) are certified as a dog-in-training team;
- (g) “**human member**” means, in respect of a service dog team, retired service dog team or dog-in-training team, the member of the team who is an individual;
- (h) “**identification card**” means an identification card issued under subsection 6(1);
- (i) “**person with a disability**” means an individual who
 - (i) has a disability, and
 - (ii) requires, as a result of the disability, the assistance of a service dog for daily living;
- (j) “**Registrar**” means an individual designated under subsection 3(1) as the Registrar of Service Dogs;
- (k) “**rental unit**” has the same meaning as in the *Residential Tenancy Act* R.S.P.E.I. 1988, Cap. R-13.11;

- (l) “**retired service dog team**” means an individual and a dog that were previously members of the same service dog team and that
 - (i) are living together, and
 - (ii) are certified as a retired service dog team;
- (m) “**service dog**” means a dog that
 - (i) is trained to perform specific tasks to assist a person with a disability, and
 - (ii) is certified as a service dog;
- (n) “**service dog team**” means a person with a disability and a service dog that are certified as a service dog team.

2. **Human Rights Act preserved**

Nothing in this Act derogates from any right, privilege or obligation conferred or imposed by the *Human Rights Act* R.S.P.E.I. 1988, Cap. H-12.

3. **Registrar of Service Dogs**

- (1) The Minister of Justice shall designate a person employed in the civil service of the province as the Registrar of Service Dogs.
- (2) The Registrar may delegate, in writing, any power or duty of the Registrar under this Act or the regulations to a person employed in the civil service of the province.

4. **Application for certificate**

- (1) Subject to the regulations, an individual may apply to the Registrar for the issuance or renewal of a certificate.

Application requirements

- (2) An application made under subsection (1) shall
 - (a) be made in the form and manner required by the Registrar; and
 - (b) include or be accompanied by any information or document prescribed by the regulations.

5. **Requirements for issuance of certificate**

- (1) Subject to subsection (2), the Registrar may issue or renew a certificate
 - (a) where the applicant is a person with a disability, certifying that
 - (i) the dog identified on the certificate is a service dog, and
 - (ii) the person with a disability and the dog are a service dog team;
 - (b) where the applicant is a dog trainer, certifying that
 - (i) the dog identified on the certificate is a dog-in-training, and
 - (ii) the dog trainer and the dog are a dog-in-training team; or
 - (c) certifying that the individual and the dog identified on the certificate are a retired service dog team.

Restriction on issuance

- (2) The Registrar may not issue or renew a certificate unless the Registrar is satisfied that

- (a) the dog to be identified on the certificate has been trained, by a dog trainer or other person prescribed by the regulations, to perform physical tasks for an individual in conformity with the needs of the individual, and
- (b) the individual to be identified on the certificate satisfies all of the conditions, qualifications and requirements prescribed by the regulations.

Notice of refusal

- (3) Where the Registrar refuses to issue a certificate, the Registrar shall notify the applicant in writing of the Registrar's decision.

Terms and conditions

- (4) A certificate is subject to any terms or conditions imposed by the Registrar.

Registrar may change certificate

- (5) The Registrar may amend or remove a term or condition of a certificate.

Expiry

- (6) A certificate expires at the end of the day specified on the certificate.

6. Identification card

- (1) The Registrar shall issue an identification card in respect of each service dog team, retired service dog team and dog-in-training team, identifying the human member of the team and the dog member of the team.

Identification card is proof

- (2) An identification card issued under subsection (1) is proof, in the absence of evidence to the contrary, that a service dog team, retired service dog team or dog-in-training team identified on the card is certified.

Surrender of card

- (3) An individual to whom an identification card is issued shall, on the request of the Registrar, surrender the identification card to the Registrar.

7. Cancellation or refusal to renew

- (1) Subject to the regulations, the Registrar may cancel or refuse to renew a certificate
 - (a) if the Registrar is satisfied that the individual to whom the certificate is issued
 - (i) has ceased to satisfy any condition, qualification or requirement prescribed by the regulations,
 - (ii) has failed to comply with any term or condition to which the certificate is subject, or
 - (iii) has failed to comply with this Act or the regulations;
 - (b) if the dog identified on the certificate
 - (i) retires,
 - (ii) dies or becomes permanently disabled, or
 - (iii) ceases to satisfy any condition, qualification or requirement prescribed by the regulations; or
 - (c) in any circumstance prescribed by the regulations.

Notification of decision

- (2) The Registrar shall notify the individual to whom a certificate is issued in writing of the Registrar's decision under subsection (1) to cancel or refuse to renew the certificate.

Surrender of certificate

- (3) An individual to whom a certificate is issued shall, on the request of the Registrar, surrender the certificate to the Registrar.

8. Request to reconsider

- (1) An individual may request the Registrar to reconsider a decision to
- (a) refuse to issue a certificate to the individual; or
 - (b) cancel or refuse to renew a certificate issued to the individual.

Time period limit on request

- (2) A request under subsection (1) shall be made
- (a) within 30 days after receiving notice of the decision; or
 - (b) within such longer period as the Registrar may specify, if the Registrar is satisfied that special circumstances existed that precluded the filing of a request for reconsideration within 30 days after receiving notice of the decision.

Requirements of request

- (3) A request under subsection (1) shall
- (a) be in writing; and
 - (b) identify the error that the individual believes was made or the other grounds on which the request is being made.

Registrar's decision on request

- (4) On receiving a request under subsection (1), the Registrar shall
- (a) confirm or reverse the decision; and
 - (b) notify the individual in writing of the Registrar's decision and of the reasons for the decision.

Conduct of hearing

- (5) The Registrar may conduct a hearing of a request under subsection (1)
- (a) in writing, electronically or orally; or
 - (b) by any combination of written, electronic or oral means.

9. Access to public places

- (1) A service dog team or dog-in-training team may, in the same manner as would an individual who is not a member of either of those teams, enter and use any place, accommodation, building or conveyance to which the public is invited or has access, if the human member of the team
- (a) ensures that the dog member of the team does not occupy a seat in a place where food is served or dispensed to the public or in a public conveyance; and
 - (b) maintains control of the dog member of the team.

No interference with right of access

- (2) No person shall interfere with the exercise of the right of entry and use authorized by subsection (1).

10. Denial of a rental unit

- (1) No person shall deny to a service dog team, retired service dog team or dog-in-training team a rental unit advertised or otherwise represented as available for occupancy by a tenant on the basis that the human member of the team intends to keep the dog member of the team at the rental unit.

Discriminatory terms or conditions prohibited

- (2) No person shall impose, on the human member of a service dog team, retired service dog team or dog-in-training team, a term or condition for the tenancy of a rental unit if the term or condition discriminates on the basis that the human member of the team intends to keep the dog member of the team at the rental unit.

Exception

- (3) Subsections (1) and (2) do not apply in respect of a rental unit if the only premises rented consist of one room in a dwelling house, the rest of which is occupied by the landlord or the landlord's family, and the landlord does not advertise the room for rental by sign or through any news media or listing with any housing, rental or tenants' agency.

11. False representation as service dog

No person shall falsely represent a dog as being a member of a service dog team, retired service dog team or dog-in-training team.

12. Production of identification card on request

Where requested to do so by

- (a) the owner, operator or other person in charge of a place, accommodation, building or conveyance at which a service dog team or dog-in-training team is exercising or attempting to exercise its right of entry and use authorized by subsection 9(1); or
- (b) a landlord or prospective landlord or landlord from whom the human member of a service dog team, retired service dog team or dog-in-training team is renting or seeking to rent a rental unit to which subsections 10(1) and (2) apply,

the human member of the team shall produce the identification card issued to the human member in respect of the team.

13. Dog identification requirements

- (1) The human member of a service dog team or dog-in-training team shall ensure that the dog member wears an identification collar or harness whenever the dog member is in public.

Display of "service dog"

- (2) The expression "service dog" or such other expression as the regulations may prescribe shall be clearly displayed on an identification collar or harness referred to in subsection (1).

14. Control of dog

- (1) The human member of a service dog team or dog-in-training team shall at all times maintain control of the dog member.

Performance of prescribed duties

- (2) The human member of a service dog team or dog-in-training team shall perform any duty prescribed by the regulations.

15. Owner of dog liable for damages

The owner of a dog is solely liable for damages for injury, loss or damage to persons or property caused by the dog while it is acting as a service dog or dog-in-training.

16. Offences

A person who contravenes subsection 6(3), 7(3), 9(2) or 10(1) or (2) or section 11 is guilty of an offence and liable on summary conviction to a fine of not less than \$500 and not more than \$3,000.

Regulations

- (1) The Lieutenant Governor in Council may make regulations
- (a) respecting applications and applicants for the issuance or renewal of a certificate;
 - (b) prescribing information or documents that shall be included in or accompany an application for the issuance or renewal of a certificate;
 - (c) respecting certificates, including, without limiting the generality of the foregoing, terms and conditions to which certificates are subject;
 - (d) prescribing persons for the purpose of clause 5(2)(a);
 - (e) prescribing conditions, qualifications and requirements that shall be satisfied or continue to be satisfied by an individual or a dog, or both, for the purpose of the issuance or renewal of a certificate;
 - (f) prescribing conditions, qualifications and requirements that an individual shall satisfy to be identified on a certificate;
 - (g) imposing requirements on service dog teams, retired service dog teams or dog-in-training teams respecting the carrying, producing or displaying of a certificate or identification card;
 - (h) prescribing the process the Registrar shall follow when refusing to issue, cancelling or refusing to renew a certificate;
 - (i) prescribing circumstances in which the Registrar may cancel or refuse to renew a certificate;
 - (j) prescribing expressions for the purpose of subsection 13(2);
 - (k) prescribing duties in relation to the dog member of a service dog team or dog-in-training team that are to be performed by the human member of the team.

Scope of regulations

- (2) A regulation made under subsection (1) may be of general application or may apply to such class or classes of individuals or dogs, such class or classes of certificates or to such class or classes of matters or things as the Lieutenant Governor in Council determines and there may be different regulations with respect to different classes of individuals or dogs, different classes of certificates and different classes of matters or things.

17. Appropriation required

The moneys required for the purpose of this Act shall be paid out of moneys appropriated for that purpose by the Legislature.

18. Commencement

This Act comes into force on a date that may be fixed by proclamation of the Lieutenant Governor in Council.



(Bill No. 101)

Service Dog Act

<i>STAGE:</i>	<i>DATE:</i>
<i>1st Reading:</i>	
<i>2nd Reading:</i>	
<i>To Committee:</i>	
<i>Reported:</i>	
<i>3rd Reading and Pass:</i>	
<i>Assent:</i>	

SIGNATURES:

Honourable Antoinette Perry, Lieutenant Governor

Honourable Darlene Compton, Speaker

Joseph Jeffrey, Clerk

Jamie Fox
MLA

PRIVATE MEMBER'S BILL

2023
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