

BILL

No. 617

An Act to Provide for the Protection of Service Animals

(Assented to)

Preamble

WHEREAS there is no current provincial legislation that protects service animals in Saskatchewan;

AND WHEREAS it is a well established fact that service animals provide important and unique services to people living with disabilities and to peace officers in carrying out their duties;

AND WHEREAS service animals often provide these services in public and in the case of police service animals in dangerous circumstances at risk to themselves, such as Police Service Dog Cyr who was shot and killed in 2001 and Police Service Dog Icon who was stabbed on November 19, 2009;

AND WHEREAS several jurisdictions throughout North America in recent years have passed legislation to promote the protection of all service animals:

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 *The Protection of Service Animals Act.*

Interpretation

2(1) In this Act:

(a) “**disability**” means:

(i) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other service animal or on a wheelchair or other remedial appliance or device;

(ii) a condition of mental impairment or a developmental disability;

(iii) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;

(iv) a mental disorder; or

(v) an injury or disability for which benefits were claimed or received under the insurance plan established under *The Workers’ Compensation Act, 1979*;

SERVICE ANIMALS PROTECTION

(b) “**service animal**” means an animal:

- (i) that is trained or is in training and has recognized certification to be used by a person with a disability for reasons relating to that person’s disability;
- (ii) that is trained or is in training to be used by a peace officer in the execution of the peace officer’s duties; or
- (iii) that is trained or is in training to be used by a person who is authorized by a peace officer to assist peace officers in the carrying out of the peace officers’ duties.

Offences

3(1) No person shall touch, feed, impede or interfere with a service animal, without lawful excuse or authority.

(2) No person who owns an animal, other than a service animal or has possession or control of an animal, other than a service animal shall allow that animal to touch, impede or interfere with a service animal, without lawful excuse or authority.

Penalty

4 Every person who contravenes any provision in section 3 is guilty of an offence and liable on summary conviction to the penalties set out in *The Animal Protection Act, 1999*.

Animal obedience training

5 If a judge finds a person guilty of an offence under subsection 3(2), the judge may, in a probation order and in addition to any other penalty, prescribe that the person attend animal obedience training with the animal that touched, impeded or interfered with the service animal.

Compensation order

6(1) In addition to a penalty pursuant to section 4, the judge who convicts a person may order that the person pay compensation to the owner of the service animal, or any other person, for loss or damage suffered by the owner or other person as a consequence of the commission of the offence, in an amount that the judge may determine.

(2) The owner or other person to whom compensation is payable under an order made pursuant to subsection (1) may file a certified copy of the order in the Court of Queen’s Bench and once filed, the order may be enforced as an order of that court.

Limitation

7 A prosecution under this Act may not be commenced later than one year after the day the alleged offence was committed.

Coming into force

8 This Act comes into force on Assent.