



# **BILL NO. 161**

*Government Bill*

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*2nd Session, 62nd General Assembly  
Nova Scotia  
65 Elizabeth II, 2016*

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## **An Act Respecting Service Dogs**

CHAPTER 4  
ACTS OF 2016

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
MAY 20, 2016**

The Honourable Diana C. Whalen  
*Minister of Justice*

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*Halifax, Nova Scotia  
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## An Act Respecting Service Dogs

Be it enacted by the Governor and Assembly as follows:

- 1 This Act may be cited as the *Service Dog Act*.
- 2 In this Act,
  - (a) “certificate” means a certificate issued or renewed under subsection 7(1);
  - (b) “certified” means certified by the Registrar under subsection 7(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 8(1);
  - (i) “person with a disability” means an individual who
    - (i) has a disability, other than blindness or visual impairment, 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 5(1) as the Registrar of Service Dogs;
  - (k) “residential premises” has the same meaning as in the *Residential Tenancies Act*;
  - (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.

**3** Nothing in this Act derogates from any right, privilege or obligation conferred or imposed by the *Blind Persons’ Rights Act* or the *Human Rights Act*.

**4** This Act binds Her Majesty in right of the Province.

**5 (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.

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

**(2)** An application made under subsection (1) must

(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.

**7 (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.

**(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

(i) 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

(ii) satisfies all of the conditions, qualifications and requirements prescribed by the regulations; and

(b) the individual to be identified on the certificate satisfies all of the conditions, qualifications and requirements prescribed by the regulations.

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

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

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

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

8 (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.

(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.

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

9 (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.

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

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

- 10 (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.
- (2)** A request under subsection (1) must 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.
- (3)** A request under subsection (1) must
- (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.
- (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.
- (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.

**11 (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.

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

**12 (1)** No person shall deny to a service dog team, retired service dog team or dog-in-training team residential premises 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 residential premises.

**(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 residential prem-

ises 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 residential premises.

**(3)** Subsections (1) and (2) do not apply in respect of residential premises 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.

**13** 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.

**14** 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 11(1); or

(b) a 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 residential premises to which subsections 12(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.

**15 (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.

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

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

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

**17** 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.

**18** A person who contravenes subsection 8(3), 9(3), 11(2) or 12(1) or (2) or Section 13 is guilty of an offence and liable on summary conviction to a fine of not less than \$500 and not more than \$3,000.

**19 (1)** The 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 must 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 subclause 7(2)(a)(i);
- (e) prescribing conditions, qualifications and requirements that must 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 must 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 must 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 15(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.

(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 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.

(3) The exercise by the Governor in Council of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*.

**20 Section 8 of Chapter 40 of the Revised Statutes, 1989, the *Blind Persons' Rights Act*, is amended by striking out "to the penalty provided by the *Summary Proceedings Act*" in the second and third lines and substituting "on summary conviction to a fine of not less than \$500 and not more than \$3,000".**

**21 Subclause 3(1)(iii) of Chapter 214 of the Revised Statutes, 1989, the *Human Rights Act*, as enacted by Chapter 12 of the Acts of 1991, is amended by striking out "hearing-ear dog" in the eighth line and substituting "service dog as defined in the *Service Dog Act*".**

**22 Schedule B of Chapter 450 of the Revised Statutes, 1989, the *Summary Proceedings Act*, as enacted by Chapter 30 of the Acts of 2002 and amended by Chapter 4 of the Acts of 2004, Chapter 32 of the Acts of 2007, Chapter 9 of the Acts of 2010, Chapters 2, 44 and 45 of the Acts of 2011 and Chapter 17 of the Acts of 2015, is further amended by adding the following in alphabetical order:**

Blind Persons' Rights Act  
Service Dog Act

**23** This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

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