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HOUSE BILL NO. 1680

Offered January 13, 2025

Prefiled January 3, 2025

A BILL to amend and reenact § 51.5-40.1 of the Code of Virginia, relating to rights of persons with disabilities; definition of "place of public accommodation."

Patrons—Cohen; Senator: Perry

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:**1. That § 51.5-40.1 of the Code of Virginia is amended and reenacted as follows:****§ 51.5-40.1. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Hearing dog" means a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond.

"Mental impairment" means (i) a disability attributable to intellectual disability, autism, or any other neurological disability closely related to intellectual disability and requiring treatment similar to that required by individuals with intellectual disability or (ii) an organic or mental impairment that has substantial adverse effects on an individual's cognitive or volitional functions, including central nervous system disorders or significant discrepancies among mental functions of an individual.

"Mobility-impaired person" means any person who (i) is unable to move about without the aid of crutches, a wheelchair, or any other form of support or (ii) has limited functional ability to ambulate, climb, descend, sit, rise, or perform any related function.

"Otherwise disabled person" means any person who has a physical, sensory, intellectual, developmental, or mental disability or a mental illness.

"Path of travel" means a continuous, unobstructed way of pedestrian passage by means of which an altered area, meaning an area of a facility that has undergone an alteration that affects or could affect the usability of or access to such area of a facility that contains a primary function for which the facility is intended and the restrooms, telephones, and drinking fountains serving the altered area, may be approached, entered, and exited, and that connects an altered area with an exterior approach, including sidewalks, streets, and parking areas, an entrance to the facility, and other parts of the facility.

"Person with a disability" means any person who has a physical or mental impairment that substantially limits one or more of his major life activities or who has a record of such impairment.

"Physical impairment" means any physical condition, anatomic loss, or cosmetic disfigurement that is caused by bodily injury, birth defect, or illness.

"Place of public accommodation" means a facility *or website* that a private entity owns, leases or leases to, or operates and whose operations affect commerce.

"Private entity" means any entity other than a public entity.

"Public entity" means:

1. Any state or local government;

2. Any department, agency, special purpose district, or other instrumentality of a state or local government; and

3. Any commuter authority.

"Readily achievable" means easily accomplishable and able to be carried out without much difficulty or expense.

"Service dog" means a dog trained to do work or perform tasks for the benefit of a mobility-impaired or otherwise disabled person. The work or tasks performed by a service dog shall be directly related to the individual's disability or disorder. Examples of work or tasks include providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting an individual to the presence of allergens, retrieving items, carrying items, providing physical support and assistance with balance and stability, and preventing or interrupting impulsive or destructive behaviors. The provision of emotional support, well-being, comfort, or companionship shall not constitute work or tasks for the purposes of this definition.

"Three-unit service dog team" means a team consisting of a trained service dog, a person with a disability, and a person who is an adult and who has been trained to handle the service dog.