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**HOUSE BILL NO. 1336**

Offered January 19, 2026

*A BILL to amend and reenact §§ 51.5-40.1 and 51.5-44 of the Code of Virginia, relating to definition of three-unit service dog team; required entry to public spaces.*

Patron—Fowler

Committee Referral Pending

**Be it enacted by the General Assembly of Virginia:****1. That §§ 51.5-40.1 and 51.5-44 of the Code of Virginia are 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 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, *which can include the parent of such person with a disability.*

**§ 51.5-44. Rights of persons with disabilities in public places and places of public accommodation.**

A. A person with a disability has the same rights as other persons to the full and free use of the streets, highways, sidewalks, walkways, paths of travel, public playgrounds, public buildings, public facilities, public

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59 entities, and other public places. For purposes of this section, a "person with a disability" means a person  
60 whose disability is unrelated to his ability to utilize and benefit from a place of public accommodation or  
61 public service.

62 B. Each place of public accommodation shall ensure that barriers to accessibility are removed when the  
63 removal is readily achievable. To determine whether an action is readily achievable, the following factors  
64 shall be considered:

65 1. The nature and cost of the action needed to remove the barriers;

66 2. The overall financial resources of the place of public accommodation involved in the action; the  
67 number of persons employed at the place of public accommodation; the effect on expenses and resources;  
68 legitimate safety requirements that are necessary for safe operation, including crime prevention measures; or  
69 the impact otherwise of the action upon the operation of the place of public accommodation;

70 3. The geographic separateness and the administrative or fiscal relationship of the place of public  
71 accommodation in question to any parent corporation or entity;

72 4. If applicable, the overall financial resources of any parent corporation or entity; the overall size of the  
73 parent corporation or entity with respect to the number of its employees or the number, type, and location of  
74 its facilities; and

75 5. If applicable, the type of operation or operations of any parent corporation or entity, including the  
76 composition, structure, and functions of the workforce of the parent corporation or entity.

77 A person with a disability is entitled to full and equal accommodations, advantages, facilities, and  
78 privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, streetcars, subways,  
79 boats or any other public conveyances or modes of transportation, restaurants, hotels, lodging places, places  
80 of public accommodation, amusement or resort, public entities including schools, and other places to which  
81 the general public is invited subject only to the conditions and limitations established by law and applicable  
82 alike to all persons.

83 C. Each town, city, or county, individually or through transportation district commissions, shall ensure  
84 that persons with disabilities have access to the public transportation within its jurisdiction by either (i) use of  
85 the same transportation facilities or carriers available to the general public, (ii) provision of paratransit or  
86 special transportation services for persons with disabilities, or (iii) both. All persons with disabilities in the  
87 jurisdiction's service area who, by reason of their disabilities, are unable to use the service for the general  
88 public shall be eligible to use such paratransit or special transportation service. No fee that exceeds the fee  
89 charged to the general public shall be charged a person with a disability for the use of the same transportation  
90 facilities or carriers available to the general public. Paratransit or special transportation service for persons  
91 with disabilities may charge fees to such persons comparable to the fees charged to the general public for  
92 similar service in the jurisdiction service area, taking into account especially the type, length, and time of trip.  
93 Any variance between special service and regular service fares shall be justifiable in terms of actual  
94 differences between the two kinds of service provided.

95 D. Nothing in this title shall be construed to require retrofitting of any public transit equipment or to  
96 require the retrofitting, renovation, or alteration of buildings or places to a degree more stringent than that  
97 required by the applicable building code in effect at the time the building permit for such building or place is  
98 issued.

99 E. Every totally or partially blind person shall have the right to be accompanied by a dog in harness  
100 trained as a guide dog, every person who is deaf or hard of hearing shall have the right to be accompanied by  
101 a dog trained as a hearing dog on a blaze orange leash, and every mobility-impaired or otherwise disabled  
102 person shall have the right to be accompanied by a dog trained as a service dog in a harness, backpack, or  
103 vest identifying the dog as a trained service dog in any of the places listed in subsection B without being  
104 required to pay an extra charge for the dog, provided that he shall be liable for any damage done to the  
105 premises or facilities by such dog. The provisions of this section shall apply to persons accompanied by a dog  
106 that is in training, at least six months of age, and is (i) in harness, provided such person is an experienced  
107 trainer of guide dogs or is conducting continuing training of a guide dog; (ii) on a blaze orange leash,  
108 provided such person is an experienced trainer of hearing dogs or is conducting continuing training of a  
109 hearing dog; (iii) in a harness, backpack, or vest identifying the dog as a trained service dog, provided such  
110 person is an experienced trainer of service dogs or is conducting continuing training of a service dog; (iv)  
111 wearing a jacket identifying the recognized guide, hearing, or service dog organization, provided such person  
112 is an experienced trainer of the organization identified on the jacket; or (v) the person is part of a three-unit  
113 service dog team and is conducting continuing training of a service dog.

114 F. A three-unit service dog team shall be permitted entry pursuant to this section unless expressly  
115 forbidden pursuant to a valid court order.