

SENATE SUBSTITUTE
FOR
SENATE BILL NO. 644

AN ACT

To repeal sections 209.150, 209.200, and 209.204, RSMo,
and to enact in lieu thereof three new sections
relating to service animals, with penalty provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 209.150, 209.200, and 209.204, RSMo,
2 are repealed and three new sections enacted in lieu thereof, to
3 be known as sections 209.150, 209.200, and 209.204, to read as
4 follows:

5 209.150. 1. Every person with a [visual, aural, or other]
6 disability, [including diabetes,] as defined in section 213.010,
7 shall have the same rights afforded to a person with no such
8 disability to the full and free use of the streets, highways,
9 sidewalks, walkways, public buildings, public facilities, and
10 other public places.

11 2. Every person with a [visual, aural, or other]
12 disability, [including diabetes,] as defined in section 213.010,
13 is entitled to full and equal accommodations, advantages,
14 facilities, and privileges of all common carriers, airplanes,
15 motor vehicles, railroad trains, motor buses, taxis, streetcars,
16 boats or any other public conveyances or modes of transportation,
17 hotels, lodging places, places of public accommodation, amusement
18 or resort, and other places to which the general public is
19 invited, subject only to the conditions and limitations

1 established by law and applicable alike to all persons.

2 3. Every person with a [visual, aural, or other]
3 disability, [including diabetes,] as defined in section 213.010,
4 shall have the right to be accompanied by a [guide dog, hearing
5 dog, or] service dog or dogs, as defined in section 209.200,
6 which is especially trained for the purpose, in any of the places
7 listed in subsection 2 of this section without being required to
8 pay an extra charge for the [guide dog, hearing dog, or] service
9 dog or dogs, as defined in section 209.200; provided that such
10 person shall be liable for any damage done to the premises or
11 facilities by such dog.

12 4. As used in sections 209.150 to 209.190, the term
13 "service dog" [means any dog specifically trained to assist a
14 person with a physical or mental disability by performing
15 necessary tasks or doing work which the person cannot perform.
16 Such tasks shall include, but not be limited to, pulling a
17 wheelchair, retrieving items, carrying supplies, and search and
18 rescue of an individual with a disability] shall have the same
19 definition as in section 209.200.

20 209.200. As used in sections [209.200] 209.150 to 209.204,
21 not to exceed the provisions of the Americans With Disabilities
22 Act, the following terms shall mean:

23 (1) "Disability", as defined in section 213.010 including
24 diabetes;

25 (2) "Service dog", a dog that is being or has been
26 [specially] individually trained to do work or perform tasks
27 [which] for the benefit [a particular person] of an individual
28 with a disability, including a physical, sensory, psychiatric,

1 intellectual, or other mental disability. Service dog includes
2 but is not limited to:

3 (a) "Guide dog", a dog that is being or has been specially
4 trained to assist a particular blind or visually impaired person;

5 (b) "Hearing dog", a dog that is being or has been
6 specially trained to assist a particular deaf or hearing-impaired
7 person;

8 (c) "Medical alert or [respond] response dog", a dog that
9 is being or has been trained to alert a person with a disability
10 that a particular medical event is about to occur or to respond
11 to a medical event that has occurred;

12 (d) "Mental health service dog" or "psychiatric service
13 dog", a dog individually trained for its owner who is diagnosed
14 with a psychiatric disability, medical condition, or
15 developmental disability recognized in the most recently
16 published Diagnostic and Statistical Manual of Mental Disorders
17 (DSM) to perform tasks that mitigate or assist with difficulties
18 directly related to the owner's psychiatric disability, medical
19 condition, or developmental disability;

20 (e) "Mobility dog", a dog that is being or has been
21 specially trained to assist a person with a disability caused by
22 physical impairments;

23 [(e)] (f) "Professional therapy dog", a dog which is
24 selected, trained, and tested to provide specific physical
25 therapeutic functions, under the direction and control of a
26 qualified handler who works with the dog as a team as a part of
27 the handler's occupation or profession. Such dogs, with their
28 handlers, perform such functions in institutional settings,

1 community-based group settings, or when providing services to
2 specific persons who have disabilities. Professional therapy
3 dogs do not include dogs, certified or not, which are used by
4 volunteers in visitation therapy;

5 [(f)] (g) "Search and rescue dog", a dog that is being or
6 has been trained to search for or prevent a person with a mental
7 disability, including but not limited to verbal and nonverbal
8 autism, from becoming lost;

9 (3) "Service dog team", a team consisting of a trained
10 service dog, a disabled person or child, and a person who is an
11 adult and who has been trained to handle the service dog.

12 209.204. 1. Any person who knowingly impersonates a person
13 with a disability for the purpose of receiving the accommodations
14 regarding service dogs under the Americans with Disabilities Act,
15 42 U.S.C. Section 12101, et seq., is guilty of a class C
16 misdemeanor and shall also be civilly liable for the amount of
17 any actual damages resulting from such impersonation. Any second
18 or subsequent violation of this section is a class B misdemeanor.
19 For purposes of this section, "impersonates a person with a
20 disability" means a representation by word or action as a person
21 with a disability [or a representation of a dog by word or action
22 as a service dog].

23 2. No person shall knowingly misrepresent a dog as a
24 service dog for the purpose of receiving the accommodations
25 regarding service dogs under the Americans with Disabilities Act,
26 42 U.S.C. Section 12101, et seq. For purposes of this section,
27 "misrepresent a dog as a service dog" means a representation by
28 word or action that a dog has been trained as a service dog, as

1 defined in section 209.200. Misrepresentation of a service dog
2 shall include, but shall not be limited to:

3 (1) Knowingly creating documents that falsely represent
4 that a dog is a service dog;

5 (2) Knowingly providing to another person documents falsely
6 stating that a dog is a service dog;

7 (3) Knowingly fitting a dog, if the dog is not a service
8 dog, with a harness, collar, vest, or sign of the type commonly
9 used by a person with a disability to indicate a dog is a service
10 dog; or

11 (4) Knowingly representing that a dog is a service dog if
12 the dog has not completed training to perform disability-related
13 tasks or do disability-related work for a person with a
14 disability.

15
16 A person who violates this subsection is guilty of a class C
17 misdemeanor and shall also be civilly liable for any actual
18 damages resulting from such misrepresentation. Any second or
19 subsequent violation of this subsection is a class B misdemeanor.

20 3. No person shall knowingly misrepresent any animal as an
21 assistance animal for the purpose of receiving the accommodations
22 regarding assistance animals under the Fair Housing Act, 42
23 U.S.C. Section 3601, et seq., or the Rehabilitation Act, 29
24 U.S.C. Section 701, et seq. For the purposes of this section an
25 "assistance animal" is an animal that works, provides assistance,
26 or performs tasks, or is being trained to work, provide
27 assistance, or perform tasks, for the benefit of a person with a
28 disability, or that provides emotional support that alleviates

1 one or more identified effects of a person's disability. While
2 dogs are the most common type of assistance animal, other animals
3 may also be assistance animals. Misrepresentation of an
4 assistance animal shall include, but shall not be limited to:

5 (1) Knowingly creating documents that falsely represent
6 that an animal is an assistance animal;

7 (2) Knowingly providing to another person documents falsely
8 stating that an animal is an assistance animal;

9 (3) Knowingly fitting an animal, if the animal is not an
10 assistance animal, with a harness, collar, vest, or sign of the
11 type commonly used by a person with a disability to indicate an
12 animal is an assistance animal; or

13 (4) Knowingly and intentionally misrepresenting a material
14 fact to a health care provider for the purpose of obtaining
15 documentation from the health care provider necessary to
16 designate an animal as an assistance animal. All documentation
17 for an assistance animal shall be from a qualified professional
18 as permitted under the Fair Housing Act, 42 U.S.C. Section 3601,
19 et seq., or the Rehabilitation Act, 29 U.S.C. Section 701, et
20 seq.

21
22 A person who violates this subsection is guilty of a class C
23 misdemeanor and shall also be civilly liable for any actual
24 damages resulting from such misrepresentation. Any second or
25 subsequent violation of this subsection is a class B misdemeanor.

26 4. The governor's council on disability shall prepare and
27 make available online a placard suitable for posting in a front
28 window or door, stating that service dogs are welcome and that

1 misrepresentation of a service dog is a violation of Missouri
2 law, and a brochure detailing permissible questions, as allowed
3 by the Americans with Disabilities Act, a business owner may ask
4 in order to determine whether a dog is a service dog and
5 guidelines defining unacceptable behavior.

6 5. The governor's council on disability shall prepare and
7 make available online a brochure for landlords and tenants
8 regarding laws relating to service dogs, assistance animals, and
9 housing under federal and Missouri law.