

SECOND REGULAR SESSION

SENATE BILL NO. 644

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOSKINS.

Pre-filed December 1, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

3552S.011

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:

Section A. Sections 209.150, 209.200, and 209.204, RSMo, are repealed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

209.150. 1. Every person with a visual, aural or other disability including
2 diabetes, as **disability is** defined in section 213.010, shall have the same rights
3 afforded to a person with no such disability to the full and free use of the streets,
4 highways, sidewalks, walkways, public buildings, public facilities, and other
5 public places.

6 2. Every person with a visual, aural or other disability including diabetes,
7 as **disability is** defined in section 213.010, is entitled to full and equal
8 accommodations, advantages, facilities, and privileges of all common carriers,
9 airplanes, motor vehicles, railroad trains, motor buses, taxis, streetcars, boats or
10 any other public conveyances or modes of transportation, hotels, lodging places,
11 places of public accommodation, amusement or resort, and other places to which
12 the general public is invited, subject only to the conditions and limitations
13 established by law and applicable alike to all persons.

14 3. Every person with a visual, aural or other disability including diabetes,
15 as **disability is** defined in section 213.010, shall have the right to be
16 accompanied by a guide dog, hearing dog, or service dog, **as defined in section**
17 **209.200**, which is especially trained for the purpose, in any of the places listed
18 in subsection 2 of this section without being required to pay an extra charge for

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 the guide dog, hearing dog or service dog; provided that such person shall be
20 liable for any damage done to the premises or facilities by such dog.

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

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

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

5 (2) "Service dog", a dog that is being or has been specially trained to do
6 work or perform tasks which benefit a particular person with a disability. Service
7 dog includes but is not limited to:

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

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

12 (c) "Medical alert or [respond] **response** dog", a dog that is being or has
13 been trained to alert a person with a disability that a particular medical event
14 is about to occur or to respond to a medical event that has occurred;

15 (d) **"Mental health service dog", or "psychiatric service dog", a dog**
16 **individually trained for its owner who is diagnosed with a psychiatric**
17 **disability, medical condition, or developmental disability recognized in**
18 **the most recently published Diagnostic and Statistical Manual of**
19 **Mental Disorders (DSM) to perform tasks that mitigate or assist with**
20 **difficulties including, but not limited to, alerting or responding to**
21 **episodes such as panic and anxiety attacks and performing other tasks**
22 **directly related to the owner's psychiatric disability, medical condition,**
23 **or developmental disability including, but not limited to, autism**
24 **spectrum disorder, major depressive disorder, bipolar disorder,**
25 **Alzheimer's disease, dementia, post-traumatic stress disorder (PTSD),**
26 **anxiety disorder, obsessive-compulsive disorder, schizophrenia, and**
27 **other mental illnesses and invisible disabilities;**

28 (e) "Mobility dog", a dog that is being or has been specially trained to

29 assist a person with a disability caused by physical impairments;

30 [(e)] (f) "Professional therapy dog", a dog which is selected, trained, and
31 tested to provide specific physical therapeutic functions, under the direction and
32 control of a qualified handler who works with the dog as a team as a part of the
33 handler's occupation or profession. Such dogs, with their handlers, perform such
34 functions in institutional settings, community-based group settings, or when
35 providing services to specific persons who have disabilities. Professional therapy
36 dogs do not include dogs, certified or not, which are used by volunteers in
37 visitation therapy;

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

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

209.204. 1. Any person who knowingly impersonates a person with a
2 disability for the purpose of receiving the accommodations regarding service dogs
3 under the Americans with Disabilities Act, 42 U.S.C. Section 12101, et seq., is
4 guilty of a class C misdemeanor and shall also be civilly liable for the amount of
5 any actual damages resulting from such impersonation. Any second or
6 subsequent violation of this section is a class B misdemeanor. For purposes of
7 this section, "impersonates a person with a disability" means a representation by
8 word or action as a person with a disability [or a representation of a dog by word
9 or action as a service dog].

10 **2. No person shall knowingly misrepresent a dog as a service dog**
11 **for the purpose of receiving the accommodations regarding service**
12 **dogs under the Americans with Disabilities Act, 42 U.S.C. Section 12101,**
13 **et seq. For the purposes of this section, "misrepresent a dog as a**
14 **service dog" includes, but is not limited to:**

15 **(1) Knowingly creating documents that falsely represent that a**
16 **dog is a service dog;**

17 **(2) Knowingly providing to another person documents falsely**
18 **stating that a dog is a service dog;**

19 **(3) Knowingly fitting a dog, if the dog is not a service dog, with**
20 **a harness, collar, vest, or sign of the type commonly used by a person**
21 **with a disability to indicate a dog is a service dog; or**

22 **(4) Knowingly representing that a dog is a service dog if the dog**
23 **does not fit the definition of service dog under section 209.200.**

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

28 **3. No person shall knowingly misrepresent any animal as an**
29 **assistance animal for the purpose of receiving the accommodations**
30 **regarding assistance animals under the Fair Housing Act, 42 U.S.C.**
31 **Section 3601 et seq., or the Rehabilitation Act, 29 U.S.C. Section 701 et**
32 **seq. For purposes of this section an "assistance animal" is an animal,**
33 **also known as a service animal, assistive animal, support animal, and**
34 **emotional support animal. Misrepresentation of an assistance animal**
35 **includes, but is not limited to:**

36 **(1) Knowingly creating documents that falsely represent that an**
37 **animal is an assistance animal;**

38 **(2) Knowingly providing to another person documents falsely**
39 **stating that an animal is an assistance animal;**

40 **(3) Knowingly fitting an animal, if the animal is not an assistance**
41 **animal, with a harness, collar, vest, or sign of the type commonly used**
42 **by a person with a disability to indicate an animal is an assistance**
43 **animal; or**

44 **(4) Knowingly and intentionally misrepresenting a material fact**
45 **to a health care provider for the purpose of obtaining documentation**
46 **from the health care provider necessary to designate an animal as an**
47 **assistance animal. All documentation for an assistance animal must be**
48 **from a licensed caregiver including, but not limited to, a physician,**
49 **psychiatrist, social worker, or other mental health professional, as**
50 **permitted under the Fair Housing Act, 42 U.S.C. Section 3601 et seq., or**
51 **the Rehabilitation Act, 29 U.S.C. Section 701 et seq.**

52 **A person who violates this subsection is guilty of a class C**
53 **misdemeanor and shall also be civilly liable for any actual damages**
54 **resulting from such misrepresentation. Any second or subsequent**
55 **violation of this subsection is a class B misdemeanor.**

56 **4. The Missouri commission on human rights as established in**
57 **section 213.020 shall use its existing complaint hotline to receive**
58 **reports of individuals impersonating a person with a disability for the**

59 purpose of receiving accommodations regarding service dogs under the
60 Americans with Disabilities Act, 42 U.S.C. Section 12101 et seq., the Fair
61 Housing Act, 42 U.S.C. Section 3601 et seq., or the Rehabilitation Act,
62 29 U.S.C. Section 701 et seq., misrepresenting a dog as a service dog, or
63 misrepresenting an animal as an assistance animal. The commission
64 shall refer an alleged violation of this act to the appropriate law
65 enforcement agency for investigation. A person who intentionally files
66 a false complaint under this subsection is guilty of a class C
67 misdemeanor and shall also be civilly liable for any actual damages
68 resulting from such misrepresentation. Any second or subsequent
69 violation of this subsection is a class B misdemeanor.

70 5. The governor's council on disability shall prepare and make
71 available online a placard suitable for posting in a front window or
72 door, stating that service dogs are welcome and that misrepresentation
73 of a service dog is a violation of Missouri law and a brochure detailing
74 permissible questions, as allowed by the Americans with Disabilities
75 Act, a business owner may ask in order to determine whether a dog is
76 a service dog, and guidelines defining unacceptable behavior.

77 6. The governor's council on disability shall prepare and make
78 available online a brochure for landlords and tenants regarding laws
79 relating to service dogs and assistance animals and housing under
80 federal and Missouri law.

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