

SECOND REGULAR SESSION

SENATE BILL NO. 750

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WHITE.

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

ADRIANE D. CROUSE, Secretary.

4083S.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Section A. Sections 209.150, 209.200, and 209.204, RSMo, are repealed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,
2 including diabetes, as "**disability**" is defined in section 213.010, shall have the
3 same rights afforded to a person with no such disability to the full and free use
4 of the streets, highways, sidewalks, walkways, public buildings, public facilities,
5 and other public places.

6 2. Every person with a visual, aural, or other disability, including
7 diabetes, as "**disability**" is defined in section 213.010, is entitled to full and
8 equal accommodations, advantages, facilities, and privileges of all common
9 carriers, airplanes, motor vehicles, railroad trains, motor buses, taxis, streetcars,
10 boats or any other public conveyances or modes of transportation, hotels, lodging
11 places, places of public accommodation, amusement or resort, and other places to
12 which 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
15 diabetes, 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 directly related to the owner's psychiatric disability,**
21 **medical condition, or developmental disability;**

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

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

29 providing services to specific persons who have disabilities. Professional therapy
30 dogs do not include dogs, certified or not, which are used by volunteers in
31 visitation therapy;

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

35 (3) "Service dog team", a team consisting of a trained service dog, a
36 disabled person or child, and a person who is an adult and who has been trained
37 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 purposes of this section, "misrepresent a dog as a service**
14 **dog" means a representation by word or action that a dog has been**
15 **trained as a service dog, as defined in section 209.200.**
16 **Misrepresentation of a service dog shall include, but shall not be**
17 **limited to:**

18 (1) **Knowingly creating documents that falsely represent that a**
19 **dog is a service dog;**

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

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

25 (4) **Knowingly representing that a dog is a service dog if the dog**
26 **has not completed training to perform disability-related tasks or do**
27 **disability-related work for a person with a disability.**

28 A person who violates this subsection is guilty of a class C
29 misdemeanor and shall also be civilly liable for any actual damages
30 resulting from such misrepresentation. Any second or subsequent
31 violation of this subsection is a class B misdemeanor.

32 3. No person shall knowingly misrepresent any animal as an
33 assistance animal for the purpose of receiving the accommodations
34 regarding assistance animals under the Fair Housing Act, 42 U.S.C.
35 Section 3601, et seq., or the Rehabilitation Act, 29 U.S.C. Section 701, et
36 seq. For purposes of this section an "assistance animal" is an animal
37 whose primary function is to provide emotional support to its owner
38 and who is not trained as a service dog, as that term is defined in
39 section 209.200. Misrepresentation of an assistance animal includes,
40 but is not limited to:

41 (1) Knowingly creating documents that falsely represent that an
42 animal is an assistance animal;

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

45 (3) Knowingly fitting an animal, if the animal is not an assistance
46 animal, with a harness, collar, vest, or sign of the type commonly used
47 by a person with a disability to indicate an animal is an assistance
48 animal; or

49 (4) Knowingly and intentionally misrepresenting a material fact
50 to a health care provider for the purpose of obtaining documentation
51 from the health care provider necessary to designate an animal as an
52 assistance animal. All documentation for an assistance animal shall be
53 from a qualified professional, as permitted under the Fair Housing Act,
54 42 U.S.C. Section 3601, et seq., or the Rehabilitation Act, 29 U.S.C.
55 Section 701, et seq.

56 A person who violates this subsection is guilty of a class C
57 misdemeanor and shall also be civilly liable for any actual damages
58 resulting from such misrepresentation. Any second or subsequent
59 violation of this subsection is a class B misdemeanor.

60 4. The Missouri commission on human rights as established in
61 section 213.020 shall use its existing complaint hotline to receive
62 reports of individuals impersonating a person with a disability,
63 misrepresenting a dog as a service dog, or misrepresenting an animal
64 as an assistance animal. The commission shall refer an alleged

65 violation of this act to the appropriate law enforcement agency for
66 investigation.

67 5. The governor's council on disability shall prepare and make
68 available online a placard suitable for posting in a front window or
69 door, stating that service dogs are welcome and that misrepresentation
70 of a service dog is a violation of Missouri law, as well as a brochure
71 detailing permissible questions a business owner may ask in order to
72 determine whether a dog is a service dog, proper answers to those
73 questions, and guidelines defining unacceptable behavior.

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

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Bill

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