

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE SUBSTITUTE FOR

SENATE BILL NO. 644

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOSKINS.

Offered March 3, 2020.

Senate Substitute adopted March 3, 2020.

Taken up for Perfection March 3, 2020. Bill declared Perfected and Ordered Printed.

ADRIANE D. CROUSE, Secretary.

3552S.02P

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Section A. Sections 209.150, 209.200, and 209.204, RSMo, are repealed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 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
7 diabetes,] as 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

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

15 diabetes,] as defined in section 213.010, shall have the right to be accompanied
16 by a [guide dog, hearing dog, or] service dog **or dogs, 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
19 the [guide dog, hearing dog, or] service dog **or dogs, as defined in section**
20 **209.200**; provided that such person shall be liable for any damage done to the
21 premises or facilities by such dog.

22 4. As used in sections 209.150 to 209.190, the term "service dog" [means
23 any dog specifically trained to assist a person with a physical or mental disability
24 by performing necessary tasks or doing work which the person cannot
25 perform. Such tasks shall include, but not be limited to, pulling a wheelchair,
26 retrieving items, carrying supplies, and search and rescue of an individual with
27 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] **individually**
6 trained to do work or perform tasks [which] **for the benefit [a particular person]**
7 **of an individual** with a disability, **including a physical, sensory,**
8 **psychiatric, intellectual, or other mental disability.** Service dog includes
9 but is not limited to:

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

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

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

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

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

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

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

37 (3) "Service dog team", a team consisting of a trained service dog, a
38 disabled person or child, and a person who is an adult and who has been trained
39 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
16 209.200. Misrepresentation of a service dog shall include, but shall not
17 be 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 the purposes of this section an "assistance animal" is an
37 animal that works, provides assistance, or performs tasks, or is being
38 trained to work, provide assistance, or perform tasks, for the benefit of
39 a person with a disability, or that provides emotional support that
40 alleviates one or more identified effects of a person's disability. While
41 dogs are the most common type of assistance animal, other animals may
42 also be assistance animals. Misrepresentation of an assistance animal
43 shall include, but shall not be limited to:

44 (1) Knowingly creating documents that falsely represent that an
45 animal is an assistance animal;

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

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

52 (4) Knowingly and intentionally misrepresenting a material fact
53 to a health care provider for the purpose of obtaining documentation
54 from the health care provider necessary to designate an animal as an
55 assistance animal. All documentation for an assistance animal shall be
56 from a qualified professional as permitted under the Fair Housing Act,
57 42 U.S.C. Section 3601, et seq., or the Rehabilitation Act, 29 U.S.C.

58 Section 701, et seq.

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

63 4. The governor's council on disability shall prepare and make
64 available online a placard suitable for posting in a front window or
65 door, stating that service dogs are welcome and that misrepresentation
66 of a service dog is a violation of Missouri law, and a brochure detailing
67 permissible questions, as allowed by the Americans with Disabilities
68 Act, a business owner may ask in order to determine whether a dog is
69 a service dog and guidelines defining unacceptable behavior.

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

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Bill

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