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Section A. Sections 209.150, 209.200, and 209.204, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 209.150, 209.200, and 209.204, to read as follows:

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

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

3. Every person with a [visual, aural, or other] disability, [including diabetes,] as defined in section 213.010, shall have the right to be accompanied by a [guide dog, hearing dog, or] service dog or dogs, as defined in section 209.200, which is especially trained for the purpose, in any of the places listed

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.
in subsection 2 of this section without being required to pay an extra charge for
the [guide dog, hearing dog, or] service dog or dogs, as defined in section
209.200; provided that such person shall be liable for any damage done to the
premises or facilities by such dog.

4. As used in sections 209.150 to 209.190, the term "service dog" means
any dog specifically trained to assist a person with a physical or mental disability
by performing necessary tasks or doing work which the person cannot
perform. Such tasks shall include, but not be limited to, pulling a wheelchair,
retrieving items, carrying supplies, and search and rescue of an individual with
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
the provisions of the Americans With Disabilities Act, the following terms shall
mean:

(1) "Disability", as defined in section 213.010 including diabetes;
(2) "Service dog", a dog that is being or has been [specially] individually
trained to do work or perform tasks [which] for the benefit [of a particular person]
of an individual with a disability, including a physical, sensory,
psychiatric, intellectual, or other mental disability. Service dog includes
but is not limited to:
(a) "Guide dog", a dog that is being or has been specially trained to assist
a particular blind or visually impaired person;
(b) "Hearing dog", a dog that is being or has been specially trained to
assist a particular deaf or hearing-impaired person;
(c) "Medical alert or [respond] response dog", a dog that is being or has
been trained to alert a person with a disability that a particular medical event
is about to occur or to respond to a medical event that has occurred;
(d) "Mental health service dog" or "psychiatric service dog", a dog
individually trained for its owner who is diagnosed with a psychiatric
disability, medical condition, or developmental disability recognized in
the most recently published Diagnostic and Statistical Manual of
Mental Disorders (DSM) to perform tasks that mitigate or assist with
difficulties directly related to the owner's psychiatric disability,
medical condition, or developmental disability;
(e) "Mobility dog", a dog that is being or has been specially trained to
assist a person with a disability caused by physical impairments;
[(e)] (f) "Professional therapy dog", a dog which is selected, trained, and
tested to provide specific physical therapeutic functions, under the direction and
control of a qualified handler who works with the dog as a team as a part of the
handler's occupation or profession. Such dogs, with their handlers, perform such
functions in institutional settings, community-based group settings, or when
providing services to specific persons who have disabilities. Professional therapy
dogs do not include dogs, certified or not, which are used by volunteers in
visitation therapy;

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

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

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

2. No person shall knowingly misrepresent a dog as a service dog
for the purpose of receiving the accommodations regarding service
dogs under the Americans with Disabilities Act, 42 U.S.C. Section 12101, et seq. For purposes of this section, "misrepresent a dog as a service
dog" means a representation by word or action that a dog has been
trained as a service dog, as defined in section
209.200. Misrepresentation of a service dog shall include, but shall not
be limited to:

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

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

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

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

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

3. No person shall knowingly misrepresent any animal as an
assistance animal for the purpose of receiving the accommodations
regarding assistance animals under the Fair Housing Act, 42 U.S.C.
Section 3601, et seq., or the Rehabilitation Act, 29 U.S.C. Section 701, et
seq. For the purposes of this section an "assistance animal" is an
animal that works, provides assistance, or performs tasks, or is being
trained to work, provide assistance, or perform tasks, for the benefit of
a person with a disability, or that provides emotional support that
alleviates one or more identified effects of a person's disability. While
dogs are the most common type of assistance animal, other animals may
also be assistance animals. Misrepresentation of an assistance animal
shall include, but shall not be limited to:

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

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

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

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

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

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

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