

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 341,  
Page 2, Section 160.975, Line 23, by inserting after all of said section and line the following:

"209.150. 1. Every person with a visual, aural or other disability including diabetes, as disability is 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 disability is 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 disability is defined in section 213.010, shall have the right to be accompanied by a guide dog, hearing dog, or service dog, as defined in section 209.200, which is especially trained for the purpose, in any of the places listed in subsection 2 of this section without being required to pay an extra charge for the guide dog, hearing dog or service dog; 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 be as defined 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 trained to do work or perform tasks which benefit a particular person with a 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

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1 or visually impaired person;

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

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

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

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

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

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

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

30 209.202. 1. Any person who knowingly, intentionally, or recklessly causes substantial  
31 physical injury to or the death of a service dog is guilty of a class A misdemeanor. The provisions of  
32 this subsection shall not apply to the destruction of a service dog for humane purposes.

33 2. Any person who knowingly or intentionally fails to exercise sufficient control over an  
34 animal such person owns, keeps, harbors, or exercises control over to prevent the animal from  
35 causing the substantial physical injury to or death of a service dog, or the subsequent inability to  
36 function as a service dog as a result of the animal's attacking, chasing, or harassing the service dog is  
37 guilty of a class A misdemeanor.

38 3. Any person who harasses or chases a dog known to such person to be a service dog is  
39 guilty of a class B misdemeanor.

40 4. Any person who owns, keeps, harbors, or exercises control over an animal and who  
41 knowingly or intentionally fails to exercise sufficient control over the animal to prevent such animal

1 from chasing or harassing a service dog while such dog is carrying out the dog's function as a service  
2 dog, to the extent that the animal temporarily interferes with the service dog's ability to carry out the  
3 dog's function is guilty of a class B misdemeanor and shall be ordered to pay restitution in an amount  
4 that fully compensates the owner for the injury, loss, or replacement of his or her service dog.

5 5. An owner of a service dog or a person with a disability who uses a service dog may file a  
6 cause of action to recover civil damages against any person who:

7 (1) Violates the provisions of subsection 1 or 2 of this section; or

8 (2) Steals a service dog resulting in the loss of the services of the service dog.

9 6. Any civil damages awarded under subsection 5 of this section shall be based on the  
10 following:

11 (1) The replacement value of an equally trained service dog, without any differentiation for  
12 the age or experience of the service dog;

13 (2) The cost and expenses incurred by the owner of a service dog or the person with a  
14 disability who used the service dog, including:

15 (a) The cost of temporary replacement services, whether provided by another service dog or  
16 by a person;

17 (b) The reasonable costs incurred in efforts to recover a stolen service dog; and

18 (c) Court costs and attorney's fees incurred in bringing a civil action under subsection 5 of  
19 this section.

20 7. An owner of a service dog or a person with a disability who uses a service dog may file a  
21 cause of action to recover civil damages against a person who:

22 (1) Violates the provisions of subsections 1 to 4 of this section resulting in injury from which  
23 the service dog recovers to an extent that the dog is able to function as a service dog for the person  
24 with a disability; or

25 (2) Steals a service dog and the service dog is recovered resulting in the service dog being  
26 able to function as a service dog for the person with a disability.

27 8. Any civil damages awarded under subsection 7 of this section shall be based on the  
28 following:

29 (1) Veterinary medical expenses;

30 (2) Retraining expenses;

31 (3) The cost of temporary replacement services, whether provided by another service dog or  
32 by a person;

33 (4) Reasonable costs incurred in the recovery of the service dog; and

34 (5) Court costs and attorney's fees incurred in bringing the civil action under subsection 7 of  
35 this section.

36 9. The provisions of this section shall not apply if a person with a disability, an owner, or a  
37 person having custody or supervision of a service dog commits criminal or civil trespass.

38 10. Nothing in this section shall be construed to preclude any other remedies available at  
39 law."; and

40  
41 Further amend said bill by amending the title, enacting clause, and intersectional references

1 accordingly.