

HCS#2 HB 1907 -- WORKING ANIMALS

SPONSOR: Spencer

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Agriculture Policy by a vote of 8 to 5. Voted "Do Pass" by the Rules-Legislative Oversight Committee by a vote of 8 to 3. Re-committed to Committee. Voted "Do Pass with HCS #2" by the Standing Committee on Agriculture Policy by a vote of 11 to 3.

This bill revises the term "service dog" to include a psychiatric service dog or mental health service dog that is trained to do work or perform tasks for an owner with a psychiatric disability, medical condition, or developmental disability recognized in the Diagnostic and Statistical Manual of Mental Disorders.

The bill specifies that anyone who knowingly misrepresents a dog as a service dog for the purpose of receiving the accommodations afforded service dogs under the Americans with Disabilities Act is guilty of a class C misdemeanor and liable for any actual damages resulting from the misrepresentation. Any subsequent violation is a class B misdemeanor.

The bill also specifies that anyone who knowingly misrepresents an animal as an assistance animal for the purpose of receiving the accommodations afforded assistance animals under the Fair Housing Act is guilty of a class C misdemeanor and liable for any actual damages resulting from the misrepresentation. Any subsequent violation is a class B misdemeanor.

The Commission on Human Rights must use its existing complaint hot line to receive reports of individuals impersonating a person with a disability or representing a dog as a service dog. The commission will refer an alleged violation to the appropriate law enforcement agency for investigation.

The Governor's Council on Disability must 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. The department must also create a brochure to help business owners with permissible questions and answers and guidelines defining acceptable behavior.

The bill also specifies that a village, town, city, or county may not enact a law, ordinance, regulation, policy, or rule that terminates, bans, or effectively bans by creating an undue financial or regulatory hardship, the job or use of working animals or a working animal enterprise. All current state and federal laws

regarding animal care, public health, and safety remain in effect and animal care standards must comply with state statutes and regulations.

No village, town, city, or county may impose a law, ordinance, regulation, policy, or rule prohibiting working animals on public streets unless the street, or time of day for a particular street, poses a reasonable threat to public health, safety, or welfare, or an imminent and serious threat to the safety of the working animal. Villages, towns, cities, or counties may impose a law, ordinance, regulation, policy, or rule relating to working animals in the streets except regarding mounted police officers, parades, public celebrations, and certain small horses and ponies.

PROPONENTS: Supporters say that working animals are inspected and regulated to ensure proper care for the health and welfare of both the animal and the people the animal serves. It is improper for a political subdivision to regulate an industry out of business, which is what is happening.

Testifying for the bill were Representative Spencer; Mindy Patterson, The Cavalry Group; Jerry Kirk, Brookdale Farms; Sandra Scott, Two By Two 4U; Larry Carden; George Carden Circus; and the Missouri Farm Bureau.

OPPONENTS: Those who oppose the bill say that the bill is too broad and would take away a political subdivision's ability to regulate cruel animal exhibits.

Testifying against the bill were Missouri Alliance for Animal Legislation and the Humane Society of the United States.