

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

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 60, Page  
2 1, Section A, Line 3, by inserting after said section and line the following;

3  
4 "209.150. 1. Every person with a visual, aural or other disability including diabetes, as  
5 disability is defined in section 213.010, shall have the same rights afforded to a person with no such  
6 disability to the full and free use of the streets, highways, sidewalks, walkways, public buildings,  
7 public facilities, and other public places.

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

15 3. Every person with a visual, aural or other disability including diabetes, as disability is  
16 defined in section 213.010, shall have the right to be accompanied by a guide dog, hearing dog, or  
17 service dog, as defined in section 209.200, which is especially trained for the purpose, in any of the  
18 places listed in subsection 2 of this section without being required to pay an extra charge for the  
19 guide dog, hearing dog or service dog; provided that such person shall be liable for any damage  
20 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 any dog  
22 specifically trained to assist a person with a physical or mental disability by performing necessary  
23 tasks or doing work which the person cannot perform. Such tasks shall include, but not be limited  
24 to, pulling a wheelchair, retrieving items, carrying supplies, and search and rescue of an individual  
25 with a disability] shall have the same definition as in section 209.200.

26 209.200. As used in sections [209.200] 209.150 to 209.204, not to exceed the provisions of  
27 the Americans With Disabilities Act, the following terms shall mean:

28 (1) "Disability", as defined in section 213.010 including diabetes;

29 (2) "Service dog", a dog that is being or has been specially trained to do work or perform  
30 tasks which benefit a particular person with a disability. Service dog includes but is not limited to:

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

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

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

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1 event that has occurred;

2 (d) "Mental health service dog" or "psychiatric service dog", a dog individually trained for  
 3 its owner who is diagnosed with a psychiatric disability, medical condition, or developmental  
 4 disability recognized in the most recently published Diagnostic and Statistical Manual of Mental  
 5 Disorders (DSM) to perform tasks that mitigate or assist with difficulties directly related to the  
 6 owner's psychiatric disability, medical condition, or developmental disability;

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

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

20 209.204. 1. Any person who knowingly impersonates a person with a disability for the  
 21 purpose of receiving the accommodations regarding service dogs under the Americans with  
 22 Disabilities Act, 42 U.S.C. Section 12101, et seq., is guilty of a class C misdemeanor and shall also  
 23 be civilly liable for the amount of any actual damages resulting from such impersonation. Any  
 24 second or subsequent violation of this section is a class B misdemeanor. For purposes of this  
 25 section, "impersonates a person with a disability" means a representation by word or action as a  
 26 person with a disability [or a representation of a dog by word or action as a service dog].

27 2. No person shall knowingly misrepresent a dog as a service dog for the purpose of  
 28 receiving the accommodations regarding service dogs under the Americans with Disabilities Act, 42  
 29 U.S.C. Section 12101, et seq. For purposes of this section, "misrepresent a dog as a service dog"  
 30 includes, but is not limited to:

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

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

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

36 (4) Knowingly representing that a dog is a service dog if the dog does not fit the definition  
 37 of service dog under section 209.200.

38  
 39 A person who violates this subsection is guilty of a class C misdemeanor and shall also be civilly  
 40 liable for any actual damages resulting from such misrepresentation. Any second or subsequent  
 41 violation of this subsection is a class B misdemeanor.

42 3. No person shall knowingly misrepresent any animal as an assistance animal for the  
 43 purpose of receiving the accommodations regarding assistance animals under the Fair Housing Act,  
 44 42 U.S.C. Section 3601 et seq., or the Rehabilitation Act, 29 U.S.C. Section 701 et seq. For  
 45 purposes of this section an "assistance animal" is an animal, also known as a service animal,  
 46 assistive animal, support animal, and emotional support animal. Misrepresentation of an assistance  
 47 animal includes, but is not limited to:

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

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

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

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

11  
12 A person who violates this subsection is guilty of a class C misdemeanor and shall also be civilly  
13 liable for any actual damages resulting from such misrepresentation. Any second or subsequent  
14 violation of this subsection is a class B misdemeanor.

15       4. The Missouri commission on human rights as established in section 213.020 shall use its  
16 existing complaint hotline to receive reports of individuals impersonating a person with a disability  
17 for the purpose of receiving accommodations regarding service dogs under the Americans with  
18 Disabilities Act, 42 U.S.C. Section 12101 et seq., the Fair Housing Act, 42 U.S.C. Section 3601 et  
19 seq., or the Rehabilitation Act, 29 U.S.C. Section 701 et seq., misrepresenting a dog as a service  
20 dog, or misrepresenting an animal as an assistance animal. The commission shall refer an alleged  
21 violation of this act to the appropriate law enforcement agency for investigation. A person who  
22 intentionally files a false complaint under subsection 4 of this section is guilty of a class C  
23 misdemeanor and shall also be civilly liable for any actual damages resulting from such  
24 misrepresentation. Any second or subsequent violation of this subsection is a class B misdemeanor.

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

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

33  
34 Further amend said bill by amending the title, enacting clause, and intersectional references  
35 accordingly.