

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Committee Substitute for Senate Bill No. 101, Page 1, Section A, Line 2, by
2 inserting after all of said section and line the following:

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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

Action Taken _____ Date _____

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 including, but not limited
 6 to, alerting or responding to episodes such as panic and anxiety attacks and performing other tasks
 7 directly related to the owner's psychiatric disability, medical condition, or developmental disability
 8 including, but not limited to, autism spectrum disorder, major depressive disorder, bipolar disorder,
 9 Alzheimer's disease, dementia, post-traumatic stress disorder (PTSD), anxiety disorder, obsessive-
 10 compulsive disorder, schizophrenia, and other mental illnesses and invisible disabilities;

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

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

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

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

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

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

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

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

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

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

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

46 3. No person shall knowingly misrepresent any animal as an assistance animal for the
 47 purpose of receiving the accommodations regarding assistance animals under the Fair Housing Act,
 48 42 U.S.C. Section 3601 et seq., or the Rehabilitation Act, 29 U.S.C. Section 701 et seq. For
 49 purposes of this section an "assistance animal" is an animal, also known as a service animal,

assistive animal, support animal, and emotional support animal. Misrepresentation of an assistance animal includes, but is not 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 must be from a licensed caregiver including, but not limited to, a physician, psychiatrist, social worker, or other mental health 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 Missouri commission on human rights as established in section 213.020 shall use its existing complaint hotline to receive reports of individuals impersonating a person with a disability for the purpose of receiving accommodations regarding service dogs under the Americans with Disabilities Act, 42 U.S.C. Section 12101 et seq., the Fair Housing Act, 42 U.S.C. Section 3601 et seq., or the Rehabilitation Act, 29 U.S.C. Section 701 et seq., misrepresenting a dog as a service dog, or misrepresenting an animal as an assistance animal. The commission shall refer an alleged violation of this act to the appropriate law enforcement agency for investigation. A person who intentionally files a false complaint under subsection 4 of this section 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.

5. 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.

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

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