

HCS HB 107 -- SERVICE DOGS

SPONSOR: Sommer

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Agriculture Policy by a vote of 23 to 1. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 9 to 0.

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.

This 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, 42 U.S.C. Section 12101, et seq., 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.

This 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, 42 U.S.C. Section 3601 et, seq., 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 hotline 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 council must also create a brochure to help business owners with permissible questions and guidelines defining acceptable behavior.

This bill is similar to HB 1369 and HB 2031 (2018).

PROPONENTS: Supporters say that this bill provides clarification about the laws relating to service and assistance animals and

protects those with invisible disabilities who use a service animal.

Testifying for the bill were Representative Sommer; St. Louis Apartment Association; and Missouri Realtors.

OPPONENTS: Those who oppose the bill say that this puts the burden of proving an animal is a service or assistance animal on the disabled person rather than protecting them from people and companies who will take advantage of the disabled. Instead, laws should punish people and companies who provide fraudulent documents and supplies to people to pass their pets off as service animals.

Testifying against the bill were V. Genile Dennison and Christopher Cross.

OTHERS: Others testifying on the bill explained the importance of her service dog to her daily life and the experiences she has had related to her service dog.

Testifying on the bill was Linda Haffner.