



February 26, 2018

ENGROSSED

SENATE BILL No. 240

DIGEST OF SB 240 (Updated February 26, 2018 12:17 pm - DI 84)

Citations Affected: IC 22-9; IC 34-30.

Synopsis: Emotional support animals. Defines "emotional support animal". Specifies who may use an emotional support animal, who may prescribe an emotional support animal, and when an individual may be prescribed an emotional support animal. Provides that an individual with a disability that is not readily apparent who submits a request for an emotional support animal that falsely suggests the individual has a disability that entitles the individual to the use of an emotional support animal in a dwelling commits a Class A infraction.

Effective: July 1, 2018.

Leising, Messmer

(HOUSE SPONSORS — SIEGRIST, CLERE)

January 3, 2018, read first time and referred to Committee on Civil Law.
January 29, 2018, amended, reported favorably — Do Pass.
February 1, 2018, read second time, amended, ordered engrossed.
February 2, 2018, engrossed.
February 6, 2018, read third time, passed. Yeas 38, nays 10.

HOUSE ACTION

February 12, 2018, read first time and referred to Committee on Judiciary.
February 26, 2018, reported — Do Pass.

ES 240—LS 6738/DI 129



February 26, 2018

Second Regular Session 120th General Assembly (2018)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2017 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 240

A BILL FOR AN ACT to amend the Indiana Code concerning property.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 22-9-7 IS ADDED TO THE INDIANA CODE AS
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2018]:

4 **Chapter 7. Emotional Support Animals in Housing**
5 **Sec. 1. As used in this chapter, "dwelling" means:**
6 (1) any building, structure, or part of a building or structure
7 that is occupied as, or designed or intended for occupancy as,
8 a residence by one (1) or more families; or
9 (2) any vacant land that is offered for sale or lease for the
10 construction or location of a building, structure, or part of a
11 building or structure described in subdivision (1).

12 The term includes a recreational vehicle (as defined in
13 IC 9-13-2-150).

14 Sec. 2. As used in this chapter, "family" has the meaning set
15 forth in IC 22-9.5-2-9.

16 Sec. 3. As used in this chapter, "health service provider" refers
17 to:

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1 (1) a psychiatrist or physician who is licensed under
2 IC 25-22.5;

3 (2) a psychologist who is licensed under IC 25-33;

4 (3) an individual who holds a license under IC 25-23.6; or

5 (4) an advanced practice nurse (as defined in IC 25-23-1-1)
6 licensed under IC 25-23;

7 who provides medical services or treatment to an individual. This
8 definition excludes an individual described in subdivision (1), (2),
9 (3), or (4) whose sole service to the individual is to provide a
10 verification letter for a fee.

11 Sec. 4. As used in this chapter, "individual with a disability"
12 means an individual:

13 (1) with a physical or mental impairment that substantially
14 limits one (1) or more of the major life activities of the
15 individual; or

16 (2) who:

17 (A) has a record of;

18 (B) or is regarded as;

19 having an impairment described in subdivision (1).

20 Sec. 5. As used in this chapter, "emotional support animal"
21 means a companion animal that a health service provider has
22 determined provides a benefit for an individual with a disability,
23 which may include improving at least one (1) symptom of the
24 disability.

25 Sec. 6. As used in this chapter, "to rent" has the meaning set
26 forth in IC 22-9.5-2-13.

27 Sec. 7. (a) Emotional support animals may be used by
28 individuals with a range of physical, psychiatric, or intellectual
29 disabilities.

30 (b) To be prescribed an emotional support animal, the
31 individual seeking an emotional support animal must have a
32 verifiable disability. An animal does not need specific training to
33 become an emotional support animal.

34 Sec. 8. A person who offers to rent or otherwise make available
35 a dwelling to an individual with a disability that is not readily
36 apparent who seeks a reasonable accommodation for an emotional
37 support animal in a dwelling may require that the individual
38 provide written verification from a health service provider that:

39 (1) the individual is an individual with a disability;

40 (2) there is a disability related need for the emotional support
41 animal to assist the individual; and

42 (3) the emotional support animal assists the individual in



- 1 **managing the individual's disability.**
- 2 **Sec. 9. (a) Except as provided in subsection (b), an individual**
- 3 **who moves from another state may provide documentation from**
- 4 **a:**
- 5 **(1) physician;**
- 6 **(2) psychiatrist;**
- 7 **(3) social worker; or**
- 8 **(4) other mental health professional;**
- 9 **licensed in that state, so long as the individual has an ongoing**
- 10 **treatment relationship with the health service provider.**
- 11 **(b) This section excludes a health service provider whose sole**
- 12 **service to the individual is to provide a verification letter in**
- 13 **exchange for a fee.**
- 14 **Sec. 10. If an individual described in section 8 of this chapter**
- 15 **submits a request for a reasonable accommodation, a person who**
- 16 **offers to rent or otherwise make available a dwelling may evaluate**
- 17 **any documents submitted with the request for a reasonable**
- 18 **accommodation to verify the individual's disability related need for**
- 19 **an emotional support animal.**
- 20 **Sec. 11. This section applies to an individual described in section**
- 21 **8 of this chapter who has a disability that is not readily apparent,**
- 22 **and the health service provider that verifies the individual's**
- 23 **disability status and need for an emotional support animal. An**
- 24 **individual who submits a request to maintain an emotional support**
- 25 **animal in a dwelling, or a health service provider who verifies the**
- 26 **individual's need for an emotional support animal, and:**
- 27 **(1) misrepresents to a person who offers to rent or otherwise**
- 28 **make available a dwelling that the individual is an individual**
- 29 **with a disability or has a disability related need that requires**
- 30 **the use of an emotional support animal in a dwelling;**
- 31 **(2) makes a materially false statement to the individual's**
- 32 **health service provider to obtain documentation to**
- 33 **substantiate the individual's need for an emotional support**
- 34 **animal in a dwelling;**
- 35 **(3) provides a document to a person who offers to rent or**
- 36 **otherwise make available a dwelling that misrepresents that**
- 37 **the animal is an emotional support animal;**
- 38 **(4) fits an animal that is not an emotional support animal with**
- 39 **a harness, collar, vest, or sign that would cause a reasonable**
- 40 **person to believe the animal is an emotional support animal;**
- 41 **or**
- 42 **(5) in the case of a health service provider:**



1 (A) verifies an individual's disability status and need for an
 2 emotional support animal without adequate professional
 3 knowledge of the individual's condition to provide a
 4 reliable verification; or

5 (B) charges a fee for providing a written verification for an
 6 individual's disability status and need for an emotional
 7 support animal, and provides no other service to the
 8 individual,

9 commits a Class A infraction.

10 Sec. 12. A person who offers to rent or otherwise make available
 11 a dwelling may not require an individual with a disability to pay a
 12 fee to maintain an emotional support animal in the dwelling.

13 Sec. 13. This chapter does not prohibit a person who offers to
 14 rent or otherwise make available a dwelling from requiring an
 15 individual with a disability who uses an emotional support animal
 16 from:

17 (1) complying with the terms of the rental agreement and
 18 other rules or regulations applicable to the dwelling on the
 19 same terms as other residents;

20 (2) paying for the cost of repairs that result from any damages
 21 to the dwelling that are caused by an emotional support
 22 animal in the same manner as a resident who maintains an
 23 animal that is not an emotional support animal in the
 24 dwelling; or

25 (3) signing an addendum or other agreement that sets forth
 26 the responsibilities of the owner of the emotional support
 27 animal.

28 Sec. 14. Subject to any other federal, state, or local law, a person
 29 who offers to rent or otherwise make available a dwelling and
 30 permits an individual with a disability the use of an emotional
 31 support animal on the premises of a dwelling as a reasonable
 32 accommodation under:

33 (1) the federal Fair Housing Act (42 U.S.C. 3601 et seq.) and
 34 any amendments and regulations thereto;

35 (2) Section 504 of the federal Rehabilitation Act of 1973 (29
 36 U.S.C. 794) and any amendments and regulations thereto;

37 (3) the federal Americans with Disabilities Act (42 U.S.C.
 38 12101 et seq.) and any amendments and regulations thereto;

39 or

40 (4) any other applicable state or local law;

41 is not liable for an injury to another individual caused by an
 42 individual's emotional support animal.



1 SECTION 2. IC 34-30-2-87.7 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2018]: **Sec. 87.7. IC 22-9-7-12 (Concerning**
4 **a person who offers to rent or otherwise make available a dwelling**
5 **to an individual with a disability who uses an emotional support**
6 **animal as a reasonable accommodation).**



COMMITTEE REPORT

Madam President: The Senate Committee on Civil Law, to which was referred Senate Bill No. 240, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 4, delete "Service" and insert "**Emotional Support**".

Page 2, line 1, after "psychiatrist" insert "**or physician**".

Page 2, line 1, delete "as a physician".

Page 2, line 5, after "individual." insert "**This definition excludes an individual described in subdivision (1), (2), or (3) whose sole service to the individual is to provide a verification letter for a fee.**".

Page 2, line 15, delete ""service" and insert ""**emotional support**".

Page 2, line 15, delete "has the" and insert "**means a companion animal that a health service provider has determined provides a benefit for an individual with a disability, which may include improving at least one (1) symptom of the disability.**".

Page 2, delete line 16.

Page 2, line 19, delete "Except as provided in subsection (b), a person who".

Page 2, delete lines 20 through 22 and insert "**Emotional support animals may be used by individuals with a range of physical, psychiatric, or intellectual disabilities.**

(b) To be prescribed an emotional support animal, the individual seeking an emotional support animal must have a verifiable disability. An animal does not need specific training to become an emotional support animal.

Page 2, line 23, delete "(b)" and insert "**Sec. 8.**".

Page 2, line 24, after "not" insert "**readily**".

Page 2, line 25, delete "a service" and insert "**an emotional support**".

Page 2, line 26, delete "certify in writing" and insert "**provide written verification**".

Page 2, line 29, delete "medical" and insert "**disability related**".

Page 2, line 29, delete "service" and insert "**emotional support**".

Page 2, line 31, delete "service" and insert "**emotional support**".

Page 2, line 33, delete "8." and insert "**9.**".

Page 2, line 33, delete "7(b)" and insert "**8**".

Page 2, line 37, delete "medical" and insert "**disability related**".

Page 2, line 37, delete "for a".

Page 2, line 38, delete "service" and insert "**for an emotional**



support".

Page 2, line 39, delete "9." and insert "**10.**".

Page 2, line 40, delete "7(b)" and insert "**8**".

Page 2, line 40, after "not" insert "**readily**".

Page 2, line 40, delete "apparent." and insert "**apparent, and the health service provider that verifies the individual's disability status and need for an emotional support animal.**".

Page 2, line 41, delete "a service" and insert "**an emotional support**".

Page 2, line 42, delete "dwelling" and insert "**dwelling, or a health service provider who verifies the individual's need for an emotional support animal,**".

Page 3, line 3, delete "medical" and insert "**disability related**".

Page 3, line 4, delete "a service" and insert "**an emotional support**".

Page 3, line 7, delete "a service" and insert "**an emotional support**".

Page 3, line 11, delete "a service" and insert "**an emotional support**".

Page 3, line 11, delete "or".

Page 3, line 12, delete "a service" and insert "**an emotional support**".

Page 3, line 14, delete "a service" and insert "**an emotional support**".

Page 3, line 14, after "animal;" insert "**or**".

Page 3 between lines 14 and 15, begin a new line block indented and insert:

"(5) in the case of a health service provider:

(A) verifies an individual's disability status and need for an emotional support animal without adequate professional knowledge of the individual's condition to provide a reliable verification; or

(B) charges a fee for providing a written verification for an individual's disability status and need for an emotional support animal, and provides no other service to the individual,".

Page 3, line 16, delete "10." and insert "**11.**".

Page 3, line 18, delete "the service" and insert "**an emotional support**".

Page 3, line 19, delete "11." and insert "**12.**".

Page 3, line 21, delete "a service" and insert "**an emotional support**".

Page 3, line 24, delete "or".

Page 3, line 26, delete "the service" and insert "**an emotional**



support".

Page 3, line 28, delete "a service" and insert "**an emotional support**".

Page 3, line 28, delete "dwelling." and insert "**dwelling; or**".

Page 3, between lines 28 and 29, begin a new line block indented and insert:

"(3) signing an addendum or other agreement that sets forth the responsibilities of the owner of the emotional support animal."

Page 3, line 29, delete "12." and insert "**13**".

Page 3, line 31, delete "a service" and insert "**an emotional support**".

Page 4, line 1, delete "service" and insert "**emotional support**".

Page 4, line 6, delete "a service" and insert "**an emotional support**".

and when so amended that said bill do pass.

(Reference is to SB 240 as introduced.)

HEAD, Chairperson

Committee Vote: Yeas 6, Nays 3.

SENATE MOTION

Madam President: I move that Senate Bill 240 be amended to read as follows:

Page 2, line 3, delete "or".

Page 2, line 4, after "IC 25-23.6;" insert "**or**".

Page 2, between lines 4 and 5, begin a new line block indented and insert:

"(4) an advanced practice nurse (as defined in IC 25-23-1-1) licensed under IC 25-23;"

Page 2, line 7, delete "or (3)" and insert "**(3), or (4)**".

Page 2, between lines 41 and 42, begin a new paragraph and insert:

"Sec. 9. (a) Except as provided in subsection (b), an individual who moves from another state may provide documentation from a:

- (1) physician;**
- (2) psychiatrist;**
- (3) social worker; or**



**(4) other mental health professional;
licensed in that state, so long as the individual has an ongoing
treatment relationship with the health service provider.**

**(b) This section excludes a health service provider whose sole
service to the individual is to provide a verification letter in
exchange for a fee."**

Page 2, line 42, delete "Sec. 9." and insert "**Sec. 10.**".

Page 3, line 6, delete "Sec. 10." and insert "**Sec. 11.**".

Page 3, line 38, delete "Sec. 11." and insert "**Sec. 12.**".

Page 3, line 41, delete "Sec. 12." and insert "**Sec. 13.**".

Page 4, line 14, delete "Sec. 13." and insert "**Sec. 14.**".

(Reference is to SB 240 as printed January 30, 2018.)

LEISING

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 240, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 240 as reprinted February 2, 2018.)

STEUERWALD

Committee Vote: Yeas 8, Nays 1

