SLS 20RS-349 **ORIGINAL** 

2020 Regular Session

SENATE BILL NO. 286

BY SENATOR POPE

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HEALTH SERVICES. Creates the offense of misrepresentation of entitlement to assistance animals. (8/1/20)

AN ACT

| 2  | To enact R.S. 46:1954.1, relative to animals that assist certain persons; to create a |
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| 3  | prohibition for misrepresenting the entitlement to assistance animals; to provide for |
| 4  | definitions; to provide for penalties; and to provide for related matters.            |
| 5  | Be it enacted by the Legislature of Louisiana:  |
| 6  | Section 1. R.S. 46:1954.1 is hereby enacted to read as follows:                       |
| 7  | §1954.1. Misrepresentation of entitlement to assistance animal; penalties             |
| 8  | A. A person shall be guilty of the offense of misrepresentation of                    |
| 9  | entitlement to an assistance animal if he obtains a reasonable accommodation          |
| 10 | in housing accommodations through one or more of the following means:                 |
| 11 | (1) Makes a false claim in having a disability that requires the use of an            |
| 12 | assistance animal.  |
| 13 | (2) Provides false supporting documentation in connection with making                 |
| 14 | a claim of having a disability that requires the use of an assistance animal.         |
| 15 | (3) Creates or executes a document that misrepresents an animal as an                 |
| 16 | assistance animal.  |
| 17 | (4) Provides a document to another falsely stating that an animal is an               |

(1)

(2)

(3)

animal.

assistance animal for a person.

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|       | (5) Fits an animal, which is not an assistance animal, with a harness  |
|       | collar, vest, or sign that the animal is an assistance animal.   |
|       | B. A person shall be guilty of the offense of misrepresentation o  |
|       | entitlement to an assistance animal if he makes materially false statements for  |
|       | purposes of obtaining documentation which is meant to entitle him to posses  |
|       | an assistance animal in housing accommodations.  |
|       | C. As used in this Section, "assistance animal" shall mean any of the  |
|       | following:   |
|       | (1) A "service dog" as defined in R.S. 46:1952.  |
|       | (2) An animal that provides support to alleviate one or more identified  |
|       | symptoms of a person's disability that does not work or perform tasks for the  |
|       | benefit of the individual with a disability.   |
|       | D.(1) Any person convicted of a first offense of this Section shall be   |
|       | subject to a fine of not more than two hundred fifty dollars.  |
|       | (2) Any person convicted of a second or subsequent offense of thi  |
|       | Section shall be subject to a fine of not more than five hundred dollars.  |
|       | The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Margaret M. Corley.                                |
| CD 20 | DIGEST 2020 Provides Services  |
| SB 28 | 36 Original 2020 Regular Session Popular Session   |
|       | nt law provides that the policy of the state is to encourage and enable a person with a lity to participate fully in the social and economic life of the state (R.S. 46:1951). |
| _     | <u>seed law</u> provides for the creation of the offense of misrepresentation of entitlement to ance animal.   |
|       | osed law provides that a person shall be guilty of this offense if he obtains a reasonable amodation in housing accommodations through one or more of the following means      |

having a disability that requires the use of an assistance animal.

Makes a false claim in having a disability that requires the use of an assistance

Provides false supporting documentation in connection with making a claim of

Creates or executes a document that misrepresents an animal as an assistance animal.

<u>Proposed law</u> further provides that a person shall be guilty of this offense if he makes materially false statements for purposes of obtaining documentation which is meant to entitle him to possess an assistance animal in housing accommodations.

Proposed law provides for definitions.

<u>Proposed law</u> provides that the first offense shall be a fine of not more than \$250 and any subsequent offense shall be a fine of not more than \$500.

Effective August 1, 2020.

(Adds R.S. 46:1954.1)