

FIRST REGULAR SESSION  
[PERFECTED]  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 107**  
**100TH GENERAL ASSEMBLY**

0262H.02P

DANA RADEMAN MILLER, Chief Clerk

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**AN ACT**

To repeal sections 209.150, 209.200, and 209.204, RSMo, and to enact in lieu thereof three new sections relating to service dogs, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 209.150, 209.200, and 209.204, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 209.150, 209.200, and 209.204, to read as follows:

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

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

3. Every person with a visual, aural or other disability including diabetes, as **disability is** defined in section 213.010, shall have the right to be accompanied by a guide dog, hearing dog, or service dog, **as defined in section 209.200**, which is especially trained for the purpose, in any of the places listed in subsection 2 of this section without being required to pay an extra charge

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 for the guide dog, hearing dog or service dog; provided that such person shall be liable for any  
17 damage done to the premises or facilities by such dog.

18 4. As used in sections 209.150 to 209.190, the term "service dog" ~~[means any dog~~  
19 ~~specifically trained to assist a person with a physical or mental disability by performing necessary~~  
20 ~~tasks or doing work which the person cannot perform. Such tasks shall include, but not be~~  
21 ~~limited to, pulling a wheelchair, retrieving items, carrying supplies, and search and rescue of an~~  
22 ~~individual with a disability]~~ **shall have the same definition as in section 209.200.**

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

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

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

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

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

11 (c) "Medical alert or ~~[respond]~~ **response dog**", a dog that is being or has been trained to  
12 alert a person with a disability that a particular medical event is about to occur or to respond to  
13 a medical event that has occurred;

14 (d) **"Mental health service dog" or "psychiatric service dog", a dog individually**  
15 **trained for its owner who is diagnosed with a psychiatric disability, medical condition, or**  
16 **developmental disability recognized in the most recently published Diagnostic and**  
17 **Statistical Manual of Mental Disorders (DSM) to perform tasks that mitigate or assist with**  
18 **difficulties including, but not limited to, alerting or responding to episodes such as panic**  
19 **and anxiety attacks and performing other tasks directly related to the owner's psychiatric**  
20 **disability, medical condition, or developmental disability including, but not limited to,**  
21 **autism spectrum disorder, major depressive disorder, bipolar disorder, Alzheimer's**  
22 **disease, dementia, post-traumatic stress disorder (PTSD), anxiety disorder, obsessive-**  
23 **compulsive disorder, schizophrenia, and other mental illnesses and invisible disabilities;**

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

26 ~~[e)]~~ (f) "Professional therapy dog", a dog which is selected, trained, and tested to  
27 provide specific physical therapeutic functions, under the direction and control of a qualified  
28 handler who works with the dog as a team as a part of the handler's occupation or profession.  
29 Such dogs, with their handlers, perform such functions in institutional settings, community-based

30 group settings, or when providing services to specific persons who have disabilities.  
31 Professional therapy dogs do not include dogs, certified or not, which are used by volunteers in  
32 visitation therapy;

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

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

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

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

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

13 **(2) Knowingly providing to another person documents falsely stating that a dog is**  
14 **a service dog;**

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

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

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

24 **3. No person shall knowingly misrepresent any animal as an assistance animal for**  
25 **the purpose of receiving the accommodations regarding assistance animals under the Fair**  
26 **Housing Act, 42 U.S.C. Section 3601 et seq., or the Rehabilitation Act, 29 U.S.C. Section**  
27 **701 et seq. For purposes of this section an "assistance animal" is an animal, also known**

28 as a service animal, assistive animal, support animal, and emotional support animal.  
29 Misrepresentation of an assistance animal includes, but is not limited to:

30 (1) Knowingly creating documents that falsely represent that an animal is an  
31 assistance animal;

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

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

37 (4) Knowingly and intentionally misrepresenting a material fact to a health care  
38 provider for the purpose of obtaining documentation from the health care provider  
39 necessary to designate an animal as an assistance animal. All documentation for an  
40 assistance animal must be from a licensed caregiver including, but not limited to, a  
41 physician, psychiatrist, social worker, or other mental health professional, as permitted  
42 under the Fair Housing Act, 42 U.S.C. Section 3601 et seq., or the Rehabilitation Act, 29  
43 U.S.C. Section 701 et seq.

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

48 4. The Missouri commission on human rights as established in section 213.020 shall  
49 use its existing complaint hotline to receive reports of individuals impersonating a person  
50 with a disability for the purpose of receiving accommodations regarding service dogs under  
51 the Americans with Disabilities Act, 42 U.S.C. Section 12101 et seq., the Fair Housing Act,  
52 42 U.S.C. Section 3601 et seq., or the Rehabilitation Act, 29 U.S.C. Section 701 et seq.,  
53 misrepresenting a dog as a service dog, or misrepresenting an animal as an assistance  
54 animal. The commission shall refer an alleged violation of this act to the appropriate law  
55 enforcement agency for investigation. A person who intentionally files a false complaint  
56 under subsection 4 of this section is guilty of a class C misdemeanor and shall also be civilly  
57 liable for any actual damages resulting from such misrepresentation. Any second or  
58 subsequent violation of this subsection is a class B misdemeanor.

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

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

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