

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR
HOUSE BILL NO. 1907
99TH GENERAL ASSEMBLY

5062H.04C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 209.150, 209.200, and 209.204, RSMo, and to enact in lieu thereof four new sections relating to working animals, with penalty provisions.

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Section A. Sections 209.150, 209.200, and 209.204, RSMo, are repealed and four new
2 sections enacted in lieu thereof, to be known as sections 209.150, 209.200, 209.204, and
3 262.760, to read as follows:

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

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

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

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.

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 be as defined 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 **attacks and anxiety 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,**
11 **"misrepresent a dog as a service dog" means a representation by word or action that a dog**
12 **has been trained as a service dog as defined in section 209.200. Misrepresentation of a**
13 **service dog includes, but is not limited to:**

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

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

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

20 (4) **Knowingly representing that a dog is a service dog when the dog has not**
21 **completed training to perform disability-related tasks or do disability-related work for a**
22 **person with a disability.**

23

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

27 **3. No person shall knowingly misrepresent any animal as an assistance animal for**
28 **the purpose of receiving the accommodations regarding assistance animals under the Fair**
29 **Housing Act, 42 U.S.C. Section 3601, et seq., or the Rehabilitation Act, 29 U.S.C. Section**

30 701, et seq. For purposes of this section the term "assistance animal" shall include an
31 emotional support animal. Misrepresentation of an assistance animal includes, but is not
32 limited to:

33 (1) Knowingly creating documents that falsely represent that an animal is an
34 assistance animal;

35 (2) Knowingly providing to another person documents falsely stating that an
36 animal is an assistance animal; and

37 (3) Knowingly fitting an animal, when the animal is not an assistance animal, with
38 a harness, collar, vest, or sign of the type commonly used by a person with a disability to
39 indicate an animal is an assistance animal.

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

44 4. The Missouri commission on human rights as established under section 213.020
45 shall use its existing complaint hotline to receive reports of individuals impersonating a
46 person with a disability, misrepresenting a dog as a service dog, or misrepresenting an
47 animal as an assistance animal. The commission shall refer an alleged violation of this act
48 to the appropriate law enforcement agency for investigation.

49 5. The governor's council on disability shall prepare and make available online a
50 placard suitable for posting in a front window or door, stating that service dogs are
51 welcome and that misrepresentation of a service dog is a violation of Missouri law and a
52 brochure detailing permissible questions a business owner may ask in order to determine
53 whether a dog is a service dog, proper answers to those questions, and guidelines defining
54 unacceptable behavior.

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

262.760. 1. No law, ordinance, regulation, policy, or rule shall be enacted by any
2 village, town, city, or county, including any home rule city, that terminates, bans, or
3 effectively bans by creating undue financial or regulatory hardship, the job or use of
4 working animals or a working animal enterprise. All current state or federal laws and
5 statutes that regulate animal care, public health, and safety shall remain in effect. Animal
6 care standards shall comply with all state and federal statutes and regulations.

7 2. No village, town, city, or county, including any home rule city, shall impose any
8 law, ordinance, regulation, policy, or rule prohibiting working animals on public streets

9 unless such street, or time of day for a particular street, poses a reasonable threat to the
10 health, safety, or welfare of the public or poses an imminent and serious threat to the safety
11 of the working animal.

12 3. The provisions of subsection 2 of this section shall not apply to:

13 (1) Mounted peace officers;

14 (2) Parades and public celebrations;

15 (3) Horses or ponies measuring less than forty inches as measured from the last
16 hairs of the mane, which are at the withers.

17 4. For the purposes of this section, "working animal" shall mean any animal used
18 for the purpose of performing a specific duty or function in entertainment, transportation,
19 educational exhibits, or exhibition.

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