

Chapter: 106

Session: 2018 Regular Session

Topic: Criminalizing the misrepresentation of service animals

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Overview

This bill creates the crime of misrepresentation of service animal.

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- 1 Assistance animal access to real property; property owner immunity from liability.** Defines “assistance animal,” “owner,” and “real property.” Establishes that the owner of real property is not liable for injury or damage caused by an assistance animal if (1) the owner believes that the animal is an assistance animal or the person using the animal represents that the animal is an assistance animal, and (2) the injury or damage is not caused by the negligence of the owner of the real property and the owner is not liable under section 347.22.
- 2 Subd. 1. Definitions.** Adopts the definition of “place of accommodation” in section 363A.03, subdivision 34 and the definition of “service animal” used in the 2018 version of the federal Americans with Disabilities Act (ADA). The ADA defines service animal as:
 - any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an

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individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition. (28 C.F.R. § 36.104)

There is no federal requirement for any official license or other proof that a dog is a service animal.

Subd. 2. Prohibited Conduct. Creates a crime for an individual to intentionally misrepresent an animal as a service animal in any place of public accommodation to obtain the rights and privileges available to a person who qualifies for a service animal.

Subd. 3. Penalty. A first offense is a petty misdemeanor. A second offense is a misdemeanor.

Subd. 4. Notice. Permits a place of public accommodation to post a public notice stating that service animals are welcome and that it is illegal to misrepresent that an animal is a service animal. The council on disability is given permission to prepare a brochure detailing questions a business can ask to determine whether an animal is a service animal and guidelines defining unacceptable behavior.

Effective date. The bill becomes effective on August 1, 2018 and applies to crimes committed on or after that date.