HOUSE RESEARCH

Bill Summary

File Number:	H.F. 2815	**Date:**	March 7, 2018
Version:	As introduced		

Authors: Green and Poston

Subject: 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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Subd. 1. Service animals allowed. Strikes the definition of "service animal." The definition is moved to a new subdivision.

Subd. 2. Misrepresenting animal as service animal. Creates a misdemeanor penalty for knowingly misrepresenting an animal as a service animal for the purpose of obtaining rights available to a person with a physical or sensory disability. Requires the imposition of a fine of not less than $500 unless the court finds that the defendant is indigent, and allows reduction of the fine to $50 with the imposition of community service for indigent defendants. Limits those investigating a possible offense to asking if the animal is required due to a disability and what tasks the animal performs. Those questions are consistent with limitations in 28 C.F.R. § 35.136, part of the federal Americans with Disabilities Act (ADA).

Subd. 3. Definitions. Defines "knowingly represent" to include making or adopting a statement, producing fraudulent paperwork, or attaching a form of identification to the dog that states or implies that an animal is a service animal. Adopts the definition of "service animal" used in 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

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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 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. § 35.104; 28 C.F.R. § 36.104)

In some cases, a miniature horse can also be a service animal. (28 C.F.R. § 35.136) There is no federal requirement for any official license or other proof that a dog is a service animal.

Subd. 4. Public notice. Directs the Department of Employment and Economic Development to prepare, and make available upon request, a decal suitable for posting which states that service animals are welcome and that misrepresenting an animal as a service animal is a violation of Minnesota law.

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