— HOUSE RESEARCH —

— Bill Summary —

File Number:	H.F. 3157	**Date:**	March 5, 2018
Version:	As introduced		

Authors: Green and others

Subject: Criminalizing the misrepresentation of service animals

Analyst: Ben Johnson, (651) 296-8957

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd/.

This bill creates the crime of misrepresentation of service animal.

Section

1

    Subd. 1. Definition. 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 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,

Section

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. 2. Crime. Creates a crime for an individual to knowingly misrepresent an animal as a service animal or service animal in training in any place, accommodation, or conveyance 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 subject to a fine of not more than $100. A second offense is a misdemeanor and a sentence must include an order that the person complete 30 hours of community service at an organization that serves individuals with disabilities.

Subd. 4. Notice. Permits a place, accommodation, or conveyance to post a public notice stating that service animals are welcome and that it is a misdemeanor to knowingly misrepresent that an animal is a service animal or service animal in training.

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