

SENATE SUBSTITUTE

FOR

HOUSE BILL NO. 116

AN ACT

To amend chapter 209, RSMo, by adding thereto four new sections relating to rights of persons with dogs, with penalty provisions and an emergency clause for certain sections.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Section A. Chapter 209, RSMo, is amended by adding thereto four new sections, to be known as sections 209.200, 209.202, 209.204, and 1, to read as follows:

209.200. 1. As used in sections 209.200 to 209.204, the following terms shall mean:

(1) "Disability", as defined in section 213.010, RSMo;

(2) "Service dog", a dog that is being or has been specially trained to do work or perform tasks which benefit a particular person with a disability. Service dog includes:

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

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

(c) "Medical alert or respond dog", a dog that is being or has been trained to alert a person with a disability that a particular medical event is about to occur or to respond to a medical event that has occurred;

1 (d) "Mobility dog", a dog that is being or has been
2 specially trained to assist a person with a disability caused by
3 physical impairments.

4 209.202. 1. Any person who knowingly, intentionally, or
5 recklessly causes substantial physical injury to or the death of
6 a service dog is guilty of a class A misdemeanor. The provisions
7 of this subsection shall not apply to the destruction of a
8 service dog for humane purposes.

9 2. Any person who knowingly or intentionally fails to
10 exercise sufficient control over an animal such person owns,
11 keeps, harbors, or exercises control over to prevent the animal
12 from causing the substantial physical injury to or death of a
13 service dog, or the subsequent inability to function as a service
14 dog as a result of the animal's attacking, chasing, or harassing
15 the service dog is guilty of a class A misdemeanor.

16 3. Any person who harasses or chases a dog known to such
17 person to be a service dog is guilty of a class B misdemeanor.

18 4. Any person who owns, keeps, harbors, or exercises
19 control over an animal and who knowingly or intentionally fails
20 to exercise sufficient control over the animal to prevent such
21 animal from chasing or harassing a service dog while such dog is
22 carrying out the dog's function as a service dog, to the extent
23 that the animal temporarily interferes with the service dog's
24 ability to carry out the dog's function is guilty of a class B
25 misdemeanor.

26 5. An owner of a service dog or a person with a disability
27 who uses a service dog may file a cause of action to recover
28 civil damages against any person who:

1 (1) Violates the provisions of subsection 1 or 2 of this
2 section; or

3 (2) Steals a service dog resulting in the loss of the
4 services of the service dog.

5 6. Any civil damages awarded under subsection 5 of this
6 section shall be based on the following:

7 (1) The replacement value of an equally trained service
8 dog, without any differentiation for the age or experience of the
9 service dog;

10 (2) The cost and expenses incurred by the owner of a
11 service dog or the person with a disability who used the service
12 dog, including:

13 (a) The cost of temporary replacement services, whether
14 provided by another service dog or by a person;

15 (b) The reasonable costs incurred in efforts to recover a
16 stolen service dog; and

17 (c) Court costs and attorney's fees incurred in bringing a
18 civil action under subsection 5 of this section.

19 7. An owner of a service dog or a person with a disability
20 who uses a service dog may file a cause of action to recover
21 civil damages against a person who:

22 (1) Violates the provisions of subsections 1 to 4 of this
23 section resulting in injury from which the service dog recovers
24 to an extent that the dog is able to function as a service dog
25 for the person with a disability; or

26 (2) Steals a service dog and the service dog is recovered
27 resulting in the service dog being able to function as a service
28 dog for the person with a disability.

1 8. Any civil damages awarded under subsection 7 of this
2 section shall be based on the following:

3 (1) Veterinary medical expenses;

4 (2) Retraining expenses;

5 (3) The cost of temporary replacement services, whether
6 provided by another service dog or by a person;

7 (4) Reasonable costs incurred in the recovery of the
8 service dog; and

9 (5) Court costs and attorney's fees incurred in bringing
10 the civil action under subsection 7 of this section.

11 9. The provisions of this section shall not apply if a
12 person with a disability, an owner, or a person having custody or
13 supervision of a service dog commits criminal or civil trespass.

14 10. Nothing in this section shall be construed to preclude
15 any other remedies available at law.

16 209.204. Any person who knowingly impersonates a person
17 with a disability for the purpose of receiving the accommodations
18 regarding service dogs under the Americans with Disabilities Act,
19 42 U.S.C. Section 12101, et seq., is guilty of a class C
20 misdemeanor and shall also be civilly liable for the amount of
21 any actual damages resulting from such impersonation. Any second
22 or subsequent violation of this section is a class B misdemeanor.
23 For purposes of this section, "impersonates a person with a
24 disability" means a representation by word or action as a person
25 with a disability or a representation of a dog by word or action
26 as a service dog.

27 Section 1. 1. Notwithstanding any other provision of
28 sections 340.200 to 340.330 or any rule to the contrary, nothing

1 shall prohibit a licensed physical therapist or therapist
2 assistant from providing rehabilitation services on animals
3 pursuant to a written prescription of a licensed veterinarian,
4 provided the supervising veterinarian be immediately available to
5 the physical therapist or therapist assistant for consultation,
6 assistance, or intervention, either personally or via
7 telecommunications.

8 2. Licensed physical therapists or therapist assistants
9 wishing to provide rehabilitative services on animals after
10 August 28, 2005, must complete fifty hours of classroom training
11 provided by a national accreditation entity for animal physical
12 therapy recognized by the Missouri veterinary medicine board and
13 fifty hours of supervised practical training under a licensed
14 veterinarian.

15 Section B. Because immediate action is necessary to protect
16 the rights of disabled persons the enactment of sections 209.200
17 to 209.204 of this act is deemed necessary for the immediate
18 preservation of the public health, welfare, peace, and safety,
19 and is hereby declared to be an emergency act within the meaning
20 of the constitution, and the enactment of sections 209.200 to
21 209.204 of this act shall be in full force and effect upon its
22 passage and approval.