

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute
2 for Senate Bill No. 523, Page 65, Section 195.815, Line 28, inserting after all of said section and
3 line the following:
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5 "209.150. 1. Every person with a ~~[visual, aural, or other]~~ disability, ~~[including diabetes,]~~ as
6 defined in section 213.010, shall have the same rights afforded to a person with no such disability to
7 the full and free use of the streets, highways, sidewalks, walkways, public buildings, public
8 facilities, and other public places.

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

15 3. Every person with a ~~[visual, aural, or other]~~ disability, ~~[including diabetes,]~~ as defined in
16 section 213.010, shall have the right to be accompanied by a ~~[guide dog, hearing dog, or]~~ service
17 dog or dogs, as defined in section 209.200, which is especially trained for the purpose, in any of the
18 places listed in subsection 2 of this section without being required to pay an extra charge for the
19 ~~[guide dog, hearing dog, or]~~ service dog or dogs, as defined in section 209.200; provided that such
20 person shall be liable for any damage done to the premises or facilities by such dog.

21 4. As used in sections 209.150 to 209.190, the term "service dog" ~~[means any dog~~
22 ~~specifically trained to assist a person with a physical or mental disability by performing necessary~~
23 ~~tasks or doing work which the person cannot perform. Such tasks shall include, but not be limited~~
24 ~~to, pulling a wheelchair, retrieving items, carrying supplies, and search and rescue of an individual~~
25 ~~with a disability]~~ shall have the same definition as in section 209.200.

26 209.200. As used in sections ~~[209.200]~~ 209.150 to 209.204, not to exceed the provisions of
27 the Americans With Disabilities Act, the following terms shall mean:

28 (1) "Disability", as defined in section 213.010 including diabetes;

29 (2) "Service dog", a dog that is being or has been ~~[specially]~~ individually trained to do work
30 or perform tasks ~~[which]~~ for the benefit [a particular person] of an individual with a disability,
31 including a physical, sensory, psychiatric, intellectual, or other mental disability. Service dog
32 includes but is not limited to:

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

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

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

4 (d) "Mental health service dog" or "psychiatric service dog", a dog individually trained for
 5 its owner who is diagnosed with a psychiatric disability, medical condition, or developmental
 6 disability recognized in the most recently published Diagnostic and Statistical Manual of Mental
 7 Disorders (DSM) to perform tasks that mitigate or assist with difficulties directly related to the
 8 owner's psychiatric disability, medical condition, or developmental disability;

9 (e) "Mobility dog", a dog that is being or has been specially trained to assist a person with a
 10 disability caused by physical impairments;

11 ~~[(e)]~~ (f) "Professional therapy dog", a dog which is selected, trained, and tested to provide
 12 specific physical therapeutic functions, under the direction and control of a qualified handler who
 13 works with the dog as a team as a part of the handler's occupation or profession. Such dogs, with
 14 their handlers, perform such functions in institutional settings, community-based group settings, or
 15 when providing services to specific persons who have disabilities. Professional therapy dogs do not
 16 include dogs, certified or not, which are used by volunteers in visitation therapy;

17 ~~[(f)]~~ (g) "Search and rescue dog", a dog that is being or has been trained to search for or
 18 prevent a person with a mental disability, including but not limited to verbal and nonverbal autism,
 19 from becoming lost;

20 (3) "Service dog team", a team consisting of a trained service dog, a disabled person or
 21 child, and a person who is an adult and who has been trained to handle the service dog.

22 209.204. 1. Any person who knowingly impersonates a person with a disability for the
 23 purpose of receiving the accommodations regarding service dogs under the Americans with
 24 Disabilities Act, 42 U.S.C. Section 12101, et seq., is guilty of a class C misdemeanor and shall also
 25 be civilly liable for the amount of any actual damages resulting from such impersonation. Any
 26 second or subsequent violation of this section is a class B misdemeanor. For purposes of this
 27 section, "impersonates a person with a disability" means a representation by word or action as a
 28 person with a disability ~~[or a representation of a dog by word or action as a service dog].~~

29 2. No person shall knowingly misrepresent a dog as a service dog for the purpose of
 30 receiving the accommodations regarding service dogs under the Americans with Disabilities Act, 42
 31 U.S.C. Section 12101, et seq. For purposes of this section, "misrepresent a dog as a service dog"
 32 means a representation by word or action that a dog has been trained as a service dog as defined in
 33 section 209.200. Misrepresentation of a service dog includes, but is not limited to:

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

35 (2) Knowingly providing to another person documents falsely stating that a dog is a service
 36 dog;

37 (3) Knowingly fitting a dog, if the dog is not a service dog, with a harness, collar, vest, or
 38 sign of the type commonly used by a person with a disability to indicate a dog is a service dog; or

39 (4) Knowingly representing that a dog is a service dog if the dog has not completed training
 40 to perform disability-related tasks or do disability-related work for a person with a disability.

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

45 3. No person shall knowingly misrepresent any animal as an assistance animal for the
 46 purpose of receiving the accommodations regarding assistance animals under the Fair Housing Act,
 47 42 U.S.C. Section 3601, et seq., or the Rehabilitation Act, 29 U.S.C. Section 701, et seq. For the
 48 purposes of this section an "assistance animal" is an animal that works, provides assistance, or
 49 performs tasks, or is being trained to work, provide assistance, or perform tasks, for the benefit of a

1 person with a disability, or that provides emotional support that alleviates one or more identified
2 effects of a person's disability. While dogs are the most common type of assistance animal, other
3 animals can also be assistance animals. Misrepresentation of an assistance animal includes, but is
4 not limited to:

5 (1) Knowingly creating documents that falsely represent that an animal is an assistance
6 animal;

7 (2) Knowingly providing to another person documents falsely stating that an animal is an
8 assistance animal;

9 (3) Knowingly fitting an animal, if the animal is not an assistance animal, with a harness,
10 collar, vest, or sign of the type commonly used by a person with a disability to indicate an animal is
11 an assistance animal; or

12 (4) Knowingly and intentionally misrepresenting a material fact to a health care provider for
13 the purpose of obtaining documentation from the health care provider necessary to designate an
14 animal as an assistance animal. All documentation for an assistance animal must be from a
15 qualified professional as permitted under the Fair Housing Act, 42 U.S.C. Section 3601, et seq., or
16 the Rehabilitation Act, 29 U.S.C. Section 701, et seq.

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

21 4. The governor's council on disability shall prepare and make available online a placard
22 suitable for posting in a front window or door, stating that service dogs are welcome and that
23 misrepresentation of a service dog is a violation of Missouri law, as well as a brochure detailing
24 permissible questions as allowed by the Americans with Disabilities Act, a business owner may ask
25 in order to determine whether a dog is a service dog, and guidelines defining unacceptable behavior.

26 5. The governor's council on disability shall prepare and make available online a brochure
27 for landlords and tenants regarding laws relating to service dogs, assistance animals, and housing
28 under federal and Missouri law."; and

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30 Further amend said bill by amending the title, enacting clause, and intersectional references
31 accordingly.