

HCS HB 1319 -- SERVICE ANIMALS

SPONSOR: Sommer

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Health and Mental Health Policy by a vote of 14 to 0. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 9 to 1.

The following is a summary of the House Committee Substitute for HB 1319.

This bill revises the term "service dog" to include a "psychiatric service dog" or "mental health service dog" that is trained to do work or perform tasks for an owner with a psychiatric disability, medical condition, or developmental disability recognized in the Diagnostic and Statistical Manual of Mental Disorders.

This bill specifies that anyone who knowingly misrepresents a dog as a service dog for the purpose of receiving the accommodations afforded service dogs under the Americans with Disabilities Act, 42 U.S.C. Section 12101, et seq., is guilty of a class C misdemeanor and liable for any actual damages resulting from the misrepresentation. Any subsequent violation is a class B misdemeanor.

This bill also specifies that anyone who knowingly misrepresents an animal as an assistance animal for the purpose of receiving the accommodations afforded assistance animals under the Fair Housing Act, 42 U.S.C. Section 3601 et, seq., is guilty of a class C misdemeanor and liable for any actual damages resulting from the misrepresentation. Any subsequent violation is a class B misdemeanor.

The Governor's Council on Disability must prepare and make available online a placard suitable for posting in a front window or door, stating that service dogs are welcome and that misrepresentation of a service dog is a violation of Missouri law. The council must also create a brochure to help business owners with permissible questions and guidelines defining acceptable behavior.

This bill is similar to HB 107 (2019), HB 1369 and HB 2031 (2018).

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that fraudulent service animals hurt

landlords and other tenants and is a safety issue. It also stigmatizes people who truly need them and have appropriately trained animals, so it is important to protect the disabled.

Testifying for the bill were Representative Sommer; Missouri Apartment Association; St. Louis Apartment Association; Husch Blackwell Strategies; and Wayne Lee.

OPPONENTS: There was no opposition voiced to the committee.