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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. **2815**

02/20/2018 Authored by Green, Poston and Pugh

The bill was read for the first time and referred to the Committee on Civil Law and Data Practices Policy

03/12/2018 Adoption of Report: Amended and re-referred to the Committee on Public Safety and Security Policy and Finance

1.1 A bill for an act
1.2 relating to human rights; establishing a crime for misrepresenting an animal as a
1.3 service animal; amending Minnesota Statutes 2016, section 363A.19.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2016, section 363A.19, is amended to read:

1.6 **363A.19 DISCRIMINATION AGAINST BLIND, DEAF, OR OTHER PERSONS**
1.7 **WITH PHYSICAL OR SENSORY DISABILITIES PROHIBITED.**

1.8 Subdivision 1. Service animals allowed. (a) It is an unfair discriminatory practice for
1.9 an owner, operator, or manager of a hotel, restaurant, public conveyance, or other public
1.10 place to prohibit a blind or deaf person or a person with a physical or sensory disability
1.11 from taking a service animal into the public place or conveyance to aid blind or deaf persons
1.12 or persons with physical or sensory disabilities, and if the service animal is properly harnessed
1.13 or leashed so that the blind or deaf person or a person with a physical or sensory disability
1.14 may maintain control of the service animal.

1.15 (b) No person shall require a blind, physically disabled, or deaf person to make an extra
1.16 payment or pay an additional charge when taking a service animal into any of the public
1.17 places referred to in paragraph (a).

1.18 ~~(c) For purposes of this section, "service animal" means a service animal as defined by~~
1.19 ~~the federal Americans with Disabilities Act, as amended.~~

1.20 Subd. 2. Misrepresenting animal as service animal. (a) A person who knowingly
1.21 misrepresents that an animal is a service animal for the purpose of obtaining rights or

2.1 privileges available to a blind or deaf person or a person with a physical or sensory disability
2.2 is guilty of a misdemeanor.

2.3 (b) Notwithstanding any law to the contrary, when a court sentences a person for violating
2.4 paragraph (a), it must impose a fine of not less than \$500 except that if the court finds on
2.5 the record that the person is indigent or that immediate payment of the fine would create
2.6 undue hardship for the convicted person or that person's family, the court may reduce the
2.7 amount of the minimum fine to not less than \$50 if the court orders the defendant to perform
2.8 community service in lieu of a fine.

2.9 (c) A peace officer or animal control officer investigating a possible violation of this
2.10 subdivision may ask the person accompanied by the animal in question:

2.11 (1) if the animal is required due to disability; and

2.12 (2) what tasks the animal is trained to perform.

2.13 Subd. 3. **Definitions.** (a) For purposes of this section, "service animal" means a service
2.14 animal as defined by the federal Americans with Disabilities Act, as amended.

2.15 (b) "Knowingly misrepresents" means making or adopting a statement, producing
2.16 fraudulent paperwork, or attaching a cape, vest, leash, or other form of identification that
2.17 states or implies that an animal is a service animal when the animal is not.

2.18 Subd. 4. **Public notice.** The commissioner of the Department of Employment and
2.19 Economic Development shall prepare and make available to businesses upon request a decal
2.20 suitable for posting in a front window or door, stating that service animals are welcome and
2.21 that misrepresenting an animal as a service animal is a violation of Minnesota law.

2.22 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to violations
2.23 committed on or after that date.