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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. **3157**

03/01/2018 Authored by Green, O'Neill, Freiberg, Lohmer, Carlson, L., and others
The bill was read for the first time and referred to the Committee on Public Safety and Security Policy and Finance
03/14/2018 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time

1.1 A bill for an act
1.2 relating to public safety; establishing a crime for misrepresenting an animal as a
1.3 service animal; proposing coding for new law in Minnesota Statutes, chapter 609.

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

1.5 Section 1. **[609.833] MISREPRESENTATION OF SERVICE ANIMAL.**

1.6 Subdivision 1. **Definitions.** As used in this section:

1.7 (1) "place of public accommodation" has the meaning given in section 363A.03,
1.8 subdivision 34; and

1.9 (2) "service animal" has the meaning given in Code of Federal Regulations, title 28,
1.10 section 36.104, as amended through March 1, 2018.

1.11 Subd. 2. **Prohibited conduct.** A person may not, directly or indirectly through statements
1.12 or conduct, intentionally misrepresent an animal in that person's possession as a service
1.13 animal in any place of public accommodation to obtain any rights or privileges available
1.14 to a person who qualifies for a service animal under state or federal law knowing that the
1.15 person is not entitled to those rights or privileges.

1.16 Subd. 3. **Penalty.** (a) Except as provided in paragraph (b), a person who violates
1.17 subdivision 2 is guilty of a petty misdemeanor.

1.18 (b) A person who violates subdivision 2 a second or subsequent time is guilty of a
1.19 misdemeanor.

2.1 Subd. 4. Notice. (a) A conspicuous sign may be posted in a location accessible to public
2.2 view in a place of public accommodation that contains the following, or substantially similar,
2.3 language:

2.4 "NOTICE

2.5 Service Animals Welcome. It is illegal for a person to misrepresent an animal in that
2.6 person's possession as a service animal."

2.7 (b) The Council on Disability may prepare and make available to businesses a brochure
2.8 detailing permissible questions a business owner may ask to determine whether an animal
2.9 is a service animal, proper answers to those questions, and guidelines defining unacceptable
2.10 behavior.

2.11 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to acts
2.12 committed on or after that date.