

SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 2646

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DATE	D-PG	OFFICIAL STATUS
02/26/2018	6191	Introduction and first reading
		Referred to Judiciary and Public Safety Finance and Policy
03/12/2018		Comm report: To pass as amended
		Second reading

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; specifying immunity from liability for real property owners required

1.4 to provide access to assistance animals; proposing coding for new law in Minnesota

1.5 Statutes, chapters 604A; 609.

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

1.7 Section 1. **[604A.302] ASSISTANCE ANIMAL ACCESS TO REAL PROPERTY;**

1.8 **PROPERTY OWNER IMMUNITY FROM LIABILITY.**

1.9 Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

1.10 (b) "Assistance animal" means an animal that assists, supports, or provides a service to

1.11 a person with a disability.

1.12 (c) "Owner" means the owner of real property, a contract for deed vendee, receiver,

1.13 personal representative, trustee, lessor, lessee, agent, or other person directly or indirectly

1.14 in control of the real property.

1.15 (d) "Real property" includes any physical location or portion of real property that federal

1.16 or state law or local ordinance requires to be accessible to a person with a disability who is

1.17 using an assistance animal.

1.18 Subd. 2. **Immunity.** An owner of real property is not liable for any injury or damage

1.19 caused by an assistance animal if:

1.20 (1) the owner believes in good faith that the animal is an assistance animal or the

1.21 individual using the assistance animal represents that the animal is an assistance animal;

1.22 and

2.1 (2) the injury or damage is not caused by the negligence of the owner of the real property
 2.2 and the owner is not liable under section 347.22.

2.3 **Sec. 2. [609.833] MISREPRESENTATION OF SERVICE ANIMAL.**

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

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

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

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

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

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

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

2.21 "NOTICE

2.22 Service Animals Welcome. It is illegal for a person to misrepresent an animal in that
 2.23 person's possession as a service animal or service animal in training."

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

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