

**CHAPTER 106--H.F.No. 3157**

*An act relating to public safety; establishing a crime for misrepresenting an animal as a service animal; specifying immunity from liability for real property owners required to provide access to assistance animals; proposing coding for new law in Minnesota Statutes, chapters 604A; 609.*

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

**Section 1. [604A.302] ASSISTANCE ANIMAL ACCESS TO REAL PROPERTY; PROPERTY OWNER IMMUNITY FROM LIABILITY.**

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

(b) "Assistance animal" means an animal that assists, supports, or provides a service to a person with a disability.

(c) "Owner" means the owner of real property, a contract for deed vendee, receiver, personal representative, trustee, lessor, lessee, agent, or other person directly or indirectly in control of the real property.

(d) "Real property" includes any physical location or portion of real property that federal or state law or local ordinance requires to be accessible to a person with a disability who is using an assistance animal.

Subd. 2. **Immunity.** An owner of real property is not liable for any injury or damage caused by an assistance animal if:

(1) the owner believes in good faith that the animal is an assistance animal or the individual using the assistance animal represents that the animal is an assistance animal; and

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

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

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

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

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

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

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

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

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

"NOTICE

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

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

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

Presented to the governor April 26, 2018