

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Kimberly N. Ferguson

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the misrepresentation of a service animal.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>
<i>James R. Miceli</i>	<i>19th Middlesex</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Mathew Muratore</i>	<i>1st Plymouth</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act relative to the misrepresentation of a service animal.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 272 of the General Laws, as appearing in the 2014 Official Edition, is hereby
2 amended by inserting after section 98A the following:-

3 Section 98B. (a) As used in this section, the following words shall have the following
4 meanings unless the context clearly requires otherwise:

5 “Disability” has the same meaning as set forth in the deferral “Americans with
6 Disabilities Act of 1990”, 42 U.S.C. Sec. 12101 et seq., and its related amendments
7 implementing regulations.

8 “Service dog” has the same meaning as set forth in the implementing regulations of Title
9 II and Title III of the federal “Americans with Disabilities Act of 1990”, 42 U.S.C. Sec. 12101 et
10 seq.

11 “Service-dog-in-training” means a dog or puppy that has been selected for service dog
12 work and is being handled by a service-dog trainer .

13 “Service-dog trainer” means a competent dog trainer who is providing individual training
14 of a dog or puppy with the intention of having the dog or puppy become a working service dog
15 that will perform tasks for a disabled person.

16 (b) Business owners and individuals will continue to be protected under the Americans
17 with Disabilities Act of 1990.

18 (c) The Executive Office of Labor and Workforce Development Business shall prepare
19 and make available to businesses upon request, (i) a decal suitable for posting in a front window
20 or door, stating that service dogs are welcome and that misrepresentation of a service dog is a
21 violation of Massachusetts law, (ii) a brochure detailing permissible questions a business owner
22 may ask in order to determine whether a dog is a service dog, proper answers to those questions,
23 and guidelines defining unacceptable behavior.

24 (d) It shall be a civil infraction for any individual to misrepresent a pet dog as a service
25 dog. A violation of this section occurs when:

26 (1) An individual expressly or impliedly represents that a dog in his or her possession
27 is his or her service dog or a service-dog-in-training for the purpose of obtaining any rights or
28 privileges afforded disabled persons accompanied by service dogs, but unavailable to people and
29 their pets, and

30 (2) Said individual knew or should have known that the dog in question did not meet
31 the definition of a service animal or service-animal-in-training.

32 (3) It is an intentional misrepresentation and a violation of this section for an
33 individual to take a dog into a place of public accommodation where pets are not permitted, and

the dog is wearing a cape, vest, special leash, or other form of identification that states or implies that the dog is a service dog entitled to be present, even if the individual makes no affirmative statements.

(e) Any police or animal control officer may investigate and enforce this section by making inquiry of the individual accompanied by the dog in question and issuing a citation. Refusal by the individual to answer the permissible questions shall create a presumption that the dog is not a service dog and the officer may issue the citation and require the individual to remove the dog from the place of public accommodation.

(f) A person who violates this section commits a civil infraction, punishable by 30 hours of community service for an organization that serves individuals with disabilities, or for another entity or organization at the discretion of the court, to be completed in not more than 6 months and/or pay a fine no more than \$500.