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Legislative Reference Bureau

INTRODUCED _____

By Miller, Dan L. District 42
NO. _____

By _____ District _____
NO. _____

By _____ District _____
NO. _____

By _____ District _____
NO. _____

See next page for additional co-sponsors.

Prior Session _____

Referred to Committee on	
Date	_____
Reported	_____
As Committed-Amended	
Recomendation	_____
By Hon.	_____

AN ACT

1 Amending the act of October 24, 2018 (P.L.733, No.118), entitled
2 "An act providing for requirements for documentation of the
3 need for an assistance animal or service animal in housing
4 and for the offenses of misrepresentation of entitlement to
5 assistance animal or service animal and misrepresentation of
6 animal as assistance animal or service animal," further
7 providing for definitions; establishing the trained service
8 animal card; providing for the documentation of service dogs
9 and for admittance of registered service animal to public
10 accommodations; establishing a trained service animal card
11 database; providing for immunity from liability; and making
12 editorial changes.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. The act of October 24, 2018 (P.L.733, No.118),
16 known as the Assistance and Service Animal Integrity Act, is
17 amended by adding a chapter heading to read:

18 CHAPTER 1

19 PRELIMINARY PROVISIONS

20 Section 2. Section 1 of the act is renumbered to read:
21 Section [1] 101. Short title.

22 This act shall be known and may be cited as the Assistance

1 and Service Animal Integrity Act.

2 Section 3. Section 2 of the act is repealed:

3 [~~Section 2. Definitions.~~

4 ~~The following words and phrases when used in this act shall~~
5 ~~have the meanings given to them in this section unless the~~
6 ~~context clearly indicates otherwise:~~

7 ~~"Assistance animal." An animal, other than a service animal,~~
8 ~~that qualifies as a reasonable accommodation under the Fair~~
9 ~~Housing Act (Public Law 90-284, 42 U.S.C. § 3601 et seq.),~~
10 ~~section 504 of the Rehabilitation Act of 1973 (Public Law 93-~~
11 ~~112, 29 U.S.C. § 701 et seq.) or local law. The term includes an~~
12 ~~emotional support animal when the animal qualifies as a~~
13 ~~reasonable accommodation.~~

14 ~~"Association." The owners association established to operate~~
15 ~~a condominium, cooperative or planned community located in this~~
16 ~~Commonwealth.~~

17 ~~"Disability." A physical or mental impairment which~~
18 ~~substantially limits one or more major life activities.~~

19 ~~"Service animal." An animal, other than an assistance~~
20 ~~animal, that qualifies as a service animal under the Americans~~
21 ~~with Disabilities Act of 1990 (Public Law 101-336, 104 Stat.~~
22 ~~327) or as a guide or support animal under the act of October~~
23 ~~27, 1955 (P.L.744, No.222), known as the Pennsylvania Human~~
24 ~~Relations Act, or local law.]~~

25 Section 4. The act is amended by adding a section to read:

26 Section 102. Definitions.

27 The following words and phrases when used in this act shall
28 have the meanings given to them in this section unless the
29 context clearly indicates otherwise:

30 "Department." The Department of Health of the Commonwealth.

1 "Disability." A physical or mental impairment which
2 substantially limits one or more major life activities.

3 Section 5. The act is amended by adding a chapter heading to
4 read:

5 CHAPTER 3

6 ANIMAL ASSISTANCE IN HOUSING

7 Section 6. The act is amended by adding a section to read:

8 Section 301. Definitions.

9 The following words and phrases when used in this chapter
10 shall have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Assistance animal." An animal, other than a service animal,
13 that qualifies as a reasonable accommodation under 42 U.S.C. Ch.
14 45 (relating to fair housing), 29 U.S.C. Ch. 16 (relating to
15 vocational rehabilitation and other rehabilitation services) or
16 local law. The term includes an emotional support animal when
17 the animal qualifies as a reasonable accommodation.

18 "Association." The owners association established to operate
19 a condominium, cooperative or planned community located in this
20 Commonwealth.

21 "Service animal." An animal, other than an assistance
22 animal, that qualifies as a service animal under the Americans
23 with Disabilities Act of 1990 (Public Law 101-336, 104 Stat.
24 327) or as a guide or support animal under the act of October
25 27, 1955 (P.L.744, No.222), known as the Pennsylvania Human
26 Relations Act.

27 Section 7. Sections 3, 4, 5 and 6 of the act are renumbered
28 to read:

29 Section [3] 302. Documentation of disability and disability-
30 related need.

1 (a) Right to request documentation.--A landlord or
2 association that receives a request from a person to make an
3 exception to the landlord's or association's policy prohibiting
4 animals or limiting the size, weight, breed or number of animals
5 on the landlord's property or within property controlled by the
6 association because the person requires the use of an assistance
7 animal or service animal may require the person to produce
8 documentation of the disability and disability-related need for
9 the animal only if the disability or disability-related need is
10 not readily apparent or known to the landlord or, in the case of
11 an association, the executive board of the association.

12 (b) Minimum standards.--Any documentation proving that a
13 person is disabled and requires the use of an assistance animal
14 or service animal as a reasonable accommodation in housing under
15 the Fair Housing Act (Public Law 90-284, 42 U.S.C. § 3601 et
16 seq.), the Rehabilitation Act of 1973 (Public Law 93-112, 29
17 U.S.C. § 701 et seq.), the Americans with Disabilities Act of
18 1990 (Public Law 101-336, 104 Stat. 327) or the act of October
19 27, 1955 (P.L.744, No.222), known as the Pennsylvania Human
20 Relations Act, or local law shall:

21 (1) Be in writing.

22 (2) Be reliable and based on direct knowledge of the
23 person's disability and disability-related need for the
24 assistance animal or service animal.

25 (3) Describe the person's disability-related need for
26 the assistance animal or service animal.

27 Section [4] 303. Immunity.

28 Notwithstanding any other law to the contrary, a landlord or
29 association shall not be liable for injuries caused by a
30 person's assistance animal or service animal permitted on the

1 landlord's property or within property controlled by the
2 association as a reasonable accommodation to assist the person
3 with a disability under the Fair Housing Act (Public Law 90-284,
4 42 U.S.C. § 3601 et seq.), section 504 of the Rehabilitation Act
5 of 1973 (Public Law 93-112, 29 U.S.C. § 701 et seq.), the
6 Americans with Disabilities Act of 1990 (Public Law 101-336, 104
7 Stat. 327), the act of October 27, 1955 (P.L.744, No.222), known
8 as the Pennsylvania Human Relations Act, or any other Federal,
9 State or local law.

10 Section [5] 304. Misrepresentation of entitlement to assistance
11 animal or service animal.

12 (a) Offense defined.--A person commits the offense of
13 misrepresentation of entitlement to assistance animal or service
14 animal if the person intentionally:

15 (1) misrepresents to another that the person has a
16 disability or disability-related need for the use of an
17 assistance animal or service animal in housing; or

18 (2) makes materially false statements for the purpose of
19 obtaining documentation for the use of an assistance animal
20 or service animal in housing.

21 (b) Grading.--A person who violates the provisions of
22 subsection (a) commits a misdemeanor of the third degree.

23 Section [6] 305. Misrepresentation of animal as assistance
24 animal or service animal.

25 (a) Offense defined.--A person commits the offense of
26 misrepresentation of an animal as an assistance animal or
27 service animal if the person intentionally:

28 (1) creates a document misrepresenting an animal as an
29 assistance animal or service animal for use in housing;

30 (2) provides a document to another falsely stating that

1 an animal is an assistance animal or service animal for use
2 in housing; or

3 (3) fits an animal that is not an assistance animal or
4 service animal with a harness, collar, vest or sign that
5 indicates the animal is an assistance animal or service
6 animal for use in housing.

7 (b) Grading.--A person who violates the provisions of
8 subsection (a) commits a summary offense and shall, upon
9 conviction, be sentenced to pay a fine not to exceed \$1,000.

10 Section 8. The act is amended by adding chapters to read:

11 CHAPTER 5

12 SERVICE ANIMALS IN PUBLIC ACCOMMODATIONS

13 Section 501. Definitions.

14 The following words and phrases when used in this chapter
15 shall have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

17 "Individual with a disability." An individual who satisfies
18 all of the following:

19 (1) has a physical or mental impairment that
20 substantially limits one or more major life activity;

21 (2) has a history or record of an impairment described
22 under paragraph (1); and

23 (3) is perceived or known by other people as having an
24 impairment as described under paragraph (1).

25 "Public accommodation." The term shall have the same meaning
26 as "public accommodation, resort or amusement" defined under
27 section 4(1) of the act of October 27, 1955 (P.L.744, No.222),
28 known as the Pennsylvania Human Relations Act.

29 "Registered service animal." A service dog that has been
30 issued a trained service animal card and is listed in the

1 trained service animal card database.

2 "Service dog." A dog individually trained to do work or
3 perform tasks for the benefit of an individual with a
4 disability.

5 "Service dog in training." A dog that is being individually
6 trained to do work or perform tasks for the benefit of a
7 qualified individual with a disability.

8 "Trained service animal card." An identification card issued
9 by the department to indicate that a dog is a registered service
10 animal that includes:

11 (1) A specific insignia.

12 (2) A photograph of the service dog.

13 (3) A photograph of the owner of the service dog.

14 "Trained service animal patch." A patch with a specific
15 insignia inscribed and issued by the department to indicate that
16 a dog is a registered service animal.

17 "Trainer of a service dog." An individual who is training a
18 service dog to do work or perform tasks for the benefit of an
19 individual with a disability.

20 Section 502. Trained service animal patch.

21 (a) Duty of department.--The department shall develop, make
22 and issue a trained service animal patch.

23 (b) Eligibility.--For an individual with a disability to
24 receive a trained service animal patch for their service dog,
25 the individual with a disability shall provide to the department
26 all of the following:

27 (1) A completed registered service animal application
28 form developed by the department.

29 (2) An application fee set by the department. The
30 application fee shall be limited to the cost of the trained

1 service animal patch and trained service animal card.

2 (3) An affidavit signed by the individual with a
3 disability submitting the application and the trainer of the
4 service dog certifying that the dog is a service dog. The
5 affidavit shall list the tasks the service dog is trained to
6 perform.

7 (4) Documentation from a health care provider
8 demonstrating that the individual applying for the trained
9 service animal patch is an individual with a disability and
10 requires the assistance of a service dog.

11 (c) Exception.--The department may promulgate regulations to
12 develop a procedure to address situations in which the trainer
13 documentation is not otherwise obtainable but the department
14 receives information detailing that training of a service dog is
15 sufficient.

16 (d) Materials issued by department.--Within 45 days after
17 the receipt of the eligibility information provided for under
18 subsection (b), the department shall issue the following
19 materials to the individual with a disability:

20 (1) A trained service animal patch capable of being
21 affixed to clothing or a collar.

22 (2) A trained service animal card. The trained service
23 animal card shall expire after the death of the registered
24 service animal.

25 Section 503. Admittance of registered service animal to public
26 accommodations.

27 (a) Admission.--Notwithstanding any other provision of law,
28 a registered service animal shall be:

29 (1) Admitted to any building open to the public.

30 (2) Admitted to any public accommodation.

1 (3) Allowed access to all common carriers.

2 (b) Duty of owner or training.--A registered service animal
3 or service dog in training shall remain under the control of an
4 owner or a trainer of a service dog at all times in a public
5 accommodation.

6 (c) Denying access.--Regardless of a policy denying pets
7 entry to a public accommodation or common carrier, an individual
8 with a disability with a registered service animal may not be
9 denied entry into a public accommodation or common carrier.

10 (d) Additional entrance fee.--An individual with a
11 registered service animal or a trainer of a service dog may not
12 be required to pay any additional fee for admittance or usage
13 because of the registered service animal.

14 (e) Liability.--An individual with a disability or a trainer
15 of a service dog shall be liable for any property damage or
16 personal injury caused by a registered service animal.

17 Section 504. Trained service animal card database.

18 (a) Duty of department.--The department shall develop a
19 database containing records of all registered service animals.

20 (b) Information collected.--The database shall contain the
21 following information about the registered service animal:

22 (1) The name, breed, height and weight.

23 (2) The age as of the date of issuance of the trained
24 service animal card.

25 (3) A description of the registered service animal's
26 fur, including color, length and texture.

27 (4) A copy of the affidavit submitted to the department
28 under section 502(b)(3) and medical documentation provided
29 under section 502(b)(4).

30 (5) Date of issuance of the trained service animal card.

1 Section 505. Immunity from liability.

2 An owner of a public accommodation shall not be liable for a
3 personal injury or property damage caused by a registered
4 service animal or service dog in training so long as the
5 personal injury or property damage has no causal relationship
6 with the owner of a public accommodation's own negligence,
7 recklessness or willful misconduct.

8 Section 506. Regulations.

9 The department may promulgate regulations as necessary to
10 implement this chapter.

11 CHAPTER 7

12 MISCELLANEOUS PROVISIONS

13 Section 701. (Reserved).

14 Section 9. Section 7 of the act is renumbered to read:

15 Section [7] 702. Effective date.

16 This act shall take effect in 60 days.

17 Section 10. This act shall take effect in 60 days.