

1.1 Senator moves to amend S.F. No. 2646 as follows:

1.2 Delete everything after the enacting clause and insert:

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

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

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

1.8 (c) "Owner" means the owner of real property or an operator, manager, lessor, or other
1.9 agent of the owner.

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

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

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

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

1.20 (b) An owner does not have a duty to determine the existence of an exception to the
1.21 applicable law that would allow the owner to deny access to the real property by a person
1.22 using an assistance animal.

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

1.24 Subdivision 1. **Definition.** As used in this section, "service animal" has the meaning
1.25 given in section 343.20, subdivision 7.

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

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

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

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

2.8 "NOTICE

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

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

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

2.17 Delete the title and insert:

2.18 "A bill for an act

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