

2024 Regular Session

HOUSE BILL NO. 407

BY REPRESENTATIVE STAGNI

ANIMALS: Provides relative to support and service animals

1 AN ACT

2 To enact Chapter 24 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 46:1971 through 1979, relative to support animals and service dogs; to
4 provide for its purposes and definitions; to provide documentation requirements for
5 healthcare providers in recommending support animals; to provide notice
6 requirements in the sale of support animals; to prohibit certain misrepresentations;
7 to provide for penalties; to provide for immunities; to provide for exceptions; and to
8 provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Chapter 24 of Title 46 of the Louisiana Revised Statutes of 1950,
11 comprised of R.S. 46:1971 through 1979, is hereby enacted to read as follows:

12 CHAPTER 24. SUPPORT AND SERVICE ANIMAL INTEGRITY ACT

13 §1971. Short title

14 This Chapter shall be cited as "The Louisiana Support and Service Animal
15 Integrity Act".

16 §1972. Purposes and intent

17 The purpose and intent of this Chapter is to restore integrity into the process
18 of determining whether an individual has a disability which requires the use of a
19 support animal and to impose penalties on those who determine that an individual
20 requires the use of a support animal without having a reliable basis to do so and those

1 who claim the need for a support animal on account of a disability or handicap
2 without having a reliable basis for that need. It is the further purpose and intent of
3 this Chapter to place limitations on individuals and businesses selling support
4 animals and items attendant to support animals. It is also the purpose and intent of
5 this Chapter to penalize those who misrepresent an animal as a service dog and to
6 provide immunity to owners and lessors of residential dwellings from and against
7 liability for injuries and damages caused by support animals and service dogs.

8 §1973. Definitions

9 As used in this Chapter:

10 (1) "Disability" is defined in accordance with the federal "Americans with
11 Disabilities Act of 1990", 42 U.S.C. 12101 et seq., and its related amendments and
12 implementing regulations. The term "disability" includes a handicap as defined by
13 the federal "Fair Housing Act", 42 U.S.C. 3601 et seq., as amended, and 24 CFR
14 100.201.

15 (2) "Healthcare provider" has the same definition as set forth in R.S.
16 40:1231.1.

17 (3) "Healthcare services" has the same definition as set forth in R.S.
18 22:1020.1.

19 (4) "Public accommodation" or "place of public accommodation" has the
20 same meaning as set forth in R.S. 51:2232.

21 (5) "Service dog" has the same definition as set forth in R.S. 46:1952.

22 (6) "Support animal" means an animal, other than a service dog as defined
23 in R.S. 46:1952, that does work, performs tasks, provides assistance, or therapeutic
24 emotional support for individuals with disabilities.

25 (7) "Therapeutic relationship" means the provision of healthcare services by
26 a healthcare provider in good faith and with actual knowledge of an individual's
27 disability and that individual's disability-related need for a support animal. The term
28 "therapeutic relationship" does not include services provided by an individual or
29 entity that issues a certificate, license, letter or similar document that purports to

1 confirm, without conducting a meaningful assessment of an individual's disability
2 or an individual's disability-related need for a support animal, that a person has either
3 a disability or a disability-related need for a support animal.

4 §1974. Requirements for documentation produced by healthcare providers;
5 prohibitions

6 A. No healthcare provider shall produce documentation relating to an
7 individual's need for a support animal unless the healthcare provider complies with
8 all of the following:

9 (1) Possesses an active and valid Louisiana license or an active license
10 within a healthcare profession that has a licensure compact to perform the healthcare
11 services being offered to an individual.

12 (2) Is qualified and licensed to evaluate and diagnose disabilities and has
13 performed a disability assessment of an individual.

14 (3) Includes in the documentation relating to an individual's need for a
15 support animal all the following:

16 (a) The effective date of the documentation.

17 (b) The license number of the healthcare provider.

18 (c) The type of professional license held by the healthcare provider.

19 (4) Establishes a therapeutic relationship with an individual no less than
20 thirty days prior to producing the documentation regarding the individual's need for
21 a support animal.

22 (5) Has engaged with an individual in person or remotely in at least two
23 sessions before issuing documentation determining that the individual requires a
24 support animal.

25 (6) Performs a clinical evaluation of an individual no less than thirty days
26 before producing documentation regarding individual's need for a support animal.

27 B. No healthcare provider shall represent or attempt to represent that an
28 individual has a disability requiring a support animal when an individual is not
29 disabled or does not need a support animal on account of the individual's disability.

1 C. No individual shall represent or attempt to represent to a third party that
2 he has a disability requiring a support animal when the individual is not disabled or
3 does not require a support animal on account of the individual's disability.

4 §1975. Misrepresentation of service animal

5 No individual shall misrepresent an animal to be a service dog or service dog-
6 in-training to a person or entity that owns or operates a public accommodation or a
7 residential dwelling.

8 §1976. Notice requirements for the sale of support animals

9 A.(1) An individual or business that sells or provides an animal for use as a
10 support animal shall provide a written notice to the buyer or recipient of the animal
11 that states all the following:

12 (a) The animal does not have the special training required to qualify as a
13 service dog.

14 (b) The animal is not entitled to the rights and privileges accorded by law to
15 a service dog.

16 (2) Misrepresenting an animal as a service dog or animal may subject an
17 individual to a civil penalty pursuant to R.S. 46:1977.

18 B. An individual or business that sells or provides a certificate or letter for
19 a support animal shall provide a written notice to the buyer or recipient that states the
20 following:

21 (1) The item does not entitle a support animal to the rights and privileges
22 accorded by law to a service dog.

23 (2) Misrepresenting an animal as a service dog may subject an individual to
24 a civil penalty pursuant to R.S. 46:1977.

25 C. The written notice described in Subsections A and B of this Section shall
26 be made in the following manner:

27 (1) In bold typed print of no less than twelve-point font.

28 (2) Provided on any of the following:

29 (a) The receipt for the support animal.

1 (b) The product described in Subsection B of this Section.

2 (c) A separate piece of paper.

3 §1977. Violations; penalties

4 A. Any individual, business, or healthcare provider that violates the
5 provisions in this Chapter shall be fined no more than five hundred dollars for the
6 first offense.

7 B. Any individual, business, or healthcare provider that violates the
8 provisions in this Chapter shall be fined no more than one thousand dollars for the
9 second offense.

10 C. Any individual, business, or healthcare provider that violates the
11 provisions in this Chapter shall be fined no more than two thousand five hundred
12 dollars for the third, or any subsequent, offense.

13 §1978. Limitation of liability; owners, operators, and lessors of residential
14 dwelling; public accommodations

15 A. Owners and lessors of residential dwellings, and their agents, employees
16 or representatives, shall be immune from liability for injuries and damages caused
17 by an individual's service dog or support animal.

18 B. Owners and operators of public accommodations and their agents,
19 employees, or representatives shall be immune from liability for injuries and
20 damages caused by an individual's service dog or support animal.

21 §1979. Exceptions

22 Nothing in this Chapter shall be construed to restrict or modify any federal
23 or state laws related to an individual's rights for reasonable accommodation and
24 equal access to housing, including but not limited to rights afforded in accordance
25 with the Louisiana Equal Housing Opportunity Act, R.S. 51:2601, the Fair Housing
26 Act, 42 U.S.C. 3601, the Americans With Disabilities Act, or related state or federal
27 legislation.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 407 Reengrossed

2024 Regular Session

Stagni

Abstract: Prohibits healthcare providers from producing documentation relating to an individual's need for a support animal unless they satisfy certain requirements. Prohibits misrepresentations of service dogs and requires written notices for individuals and businesses that sell support animals. Limits liability for owners and lessors for damages caused by a service dog or support animal.

Proposed law provides a short title for proposed law, to be known as the "La. Support and Service Animal Integrity Act."

Proposed law provides the purposes and intent of proposed law.

Proposed law defines "disability" in accordance with 42 U.S.C. 12101 et seq., and its related amendments. The term includes handicap as defined by 42 U.S.C. 3601 et seq., as amended, and 24 CFR 100.201.

Proposed law defines "healthcare provider" in accordance with R.S. 40:1231.1.

Proposed law defines "healthcare services" in accordance with R.S. 22:1020.1.

Proposed law defines "support animal" as an animal, other than a service dog as defined in present law (R.S. 46:1952), that does work, performs tasks, provides assistance, or therapeutic emotional support for individuals with disabilities.

Proposed law defines "public accommodation" or "place of public accommodation" in accordance with R.S. 51:2232.

Proposed law defines "therapeutic relationship" as the provision of healthcare services by a healthcare provider in good faith and with actual knowledge of an individual's disability and that individual's disability-related need for a support animal. The term shall not include services provided by an individual or entity that issues a certificate, license, letter or similar document that purports to confirm, without conducting a meaningful assessment of a person's disability or a person's disability-related need for a support animal, that a person: (a) has a disability; or (b) has a disability-related need for a support animal.

Proposed law prohibits healthcare providers from producing documentation relating to an individual's need for a support animal unless they satisfy the following requirements:

- (1) Possess an active and valid La. license to perform healthcare services or an active license within a healthcare profession that has a licensure compact.
- (2) Are qualified and licensed to evaluate and diagnose disabilities and have performed a disability assessment of an individual.
- (3) Include all the following in the documentation relating to an individual's need for a support animal:
 - (a) The effective date of the documentation.
 - (b) The license number of the healthcare provider.

- (c) The type of professional license held by the healthcare provider.
- (4) Establish a therapeutic relationship with an individual no less than 30 days prior to producing the documentation regarding the individual's need for a support animal.
- (5) Have engaged with an individual in person or remotely in at least two sessions before issuing documentation regarding the individual's need for a support animal.
- (6) Perform a clinical evaluation of an individual no less than 30 days before producing documentation regarding individual's need for a support animal.

Proposed law prohibits healthcare providers from representing or attempting to represent that an individual has a disability that requires the use of a support animal when the individual is not disabled or does not need a support animal for that individual's disability.

Proposed law prohibits an individual from representing or attempting to represent to third parties that the individual has a disability that requires the use of a support animal when the individual is not disabled or does not need a support animal for that individual's disability. Proposed law prohibits an individual from representing that an animal is a service dog or service dog-in-training to any person or entity operating a public accommodation or residential dwelling.

Proposed law provides certain written notice requirements for an individual or business engaged in the sale of support animals.

Proposed law provides certain written notice requirements for an individual or business engaged in the sale of certificates or letters for support animals.

Proposed law provides a penalty of \$500 for the first offense of an individual who violates the provisions of proposed law. Further provides a penalty of \$1,000 for the second offense and a penalty of \$2,500 for the third or any subsequent offense.

Proposed law provides immunity for owners and lessors of residential dwellings, and their agents, employees or representatives, for damages caused by a service dog or support animal.

Proposed law further provides that owners and operators of public accommodations and their agents, employees, or representatives shall be immune from liability for injuries and damages caused by an individual's service dog or support animal."

(Adds R.S. 46:1971-1979)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Make technical corrections.

The House Floor Amendments to the engrossed bill:

1. Define "public accommodation" or "place of public accommodation".
2. Change therapeutic relationship requirements for an individual from no less than 60 days to no less than 30 days prior to producing the documentation regarding the individual's need for a support animal.

3. Change in-person and remote engagement requirements from at least three sessions to at least two sessions before issuing documentation regarding the individual's need for a support animal.
4. Change clinical evaluation requirements for individuals from no less than 60 days to no less than 30 days before producing documentation regarding individual's need for a support animal.
5. Include possession of an active license within a healthcare profession that has a licensure compact as a satisfactory requirement for documentation of an individual's service animal needs.
6. Require immunity from liability for injuries and damages caused by an individual's service dog or support animal for owners and operators of public accommodations and their agents, employees, or representatives.
7. Remove provisions relative to identification, tags, vests, leashes, or harnesses for support animals.
8. Make technical corrections.