



## **SUPPORT SB2158 – An Act Relative to Protecting Veterans With Service Dogs Sen. Julian Cyr (D)**

Referred to the Joint Committee on Veterans and Federal Affairs

### **What This Bill Does:**

It shall be a civil infraction for any individual to misrepresent a pet dog as a service dog in Massachusetts. Any person found guilty will serve 30 hours of community service for an organization that serves individuals with disabilities within 6 months or pay a fine of no more than \$500.

A violation will occur when:

- An individual in possession of a dog expressly or impliedly represents that the dog is a service dog or service-dog-in-training for the purpose of obtaining any rights or privileges afforded disabled persons accompanied by service dogs, but unavailable to people and their pets, and
- The individual knew or should have known that the dog did not meet the definition of a service animal or service-animal-in-training.

### **Why You Should Support This Bill:**

The Massachusetts Federation of Dog Clubs and Responsible Dog Owners and The American Kennel Club (AKC) strongly support the training and use of service dogs by people with disabilities. Each day, these dogs provide essential services that benefit and assist people with a variety of challenges. Individuals who misrepresent an animal as a service animal are using deception to obtain these same benefits and can even hinder delivery of these important services to those who deserve them. Some public places can only accommodate a limited number of animals. Further, legitimate service and assistance animals are specially trained, and locations that accommodate service animals expect that level of training when allowing these animals to enter their establishment. “Fake service dogs” do not have this training and their owners should be penalized if they try to gain personal advantage by representing their dog as a legitimate service dog.

However, we suggest this bill be renamed “An Act Relative to Misrepresenting Service Dogs”. This bill does not mention veterans and has nothing specifically to do with Veterans (although it would clearly protect them), but applies broadly to all misrepresentations of service dogs in the Commonwealth.

### **FOR MORE INFORMATION:**

**Massachusetts Federation of Dog Clubs and Responsible Dog Owners**

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03/13/19

**SENATE . . . . . No. 2158**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Julian Cyr*

*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 protecting veterans with service dogs.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Julian Cyr</i>	<i>Cape and Islands</i>	
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>2/1/2019</i>

**SENATE . . . . . No. 2158**

By Mr. Cyr, a petition (accompanied by bill, Senate, No. 2158) of Julian Cyr and Colleen M. Garry for legislation relative to protecting veterans with service dogs. Veterans and Federal Affairs.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-First General Court  
(2019-2020)**

An Act relative to protecting veterans with service dogs.

*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 is hereby amended by inserting after section 98A the  
2 following new section:-

3 Section 98B.

4 (a) As used in this section, the following words shall have the following meanings unless  
5 the context clearly requires otherwise:

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

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

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

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

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

19           (c) The executive office of labor and workforce development shall prepare and make  
20 available to businesses upon request: (i) a decal suitable for posting in a front window or door,  
21 stating that service dogs are welcome and that misrepresentation of a service dog is a violation of  
22 Massachusetts law; and (ii) a brochure detailing permissible questions a business owner may ask  
23 to determine whether a dog is a service dog, acceptable answers to those questions, and  
24 guidelines defining unacceptable behavior.

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

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

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

33 (e) It shall be an express or implied representation under subsection (d) to be in  
34 possession of a dog in a place of public accommodation where pets are not permitted if the dog is  
35 wearing a cape, vest, special leash, or other form of identification that states or implies that the  
36 dog is a service dog. The individual need not make an affirmative statement to expressly or  
37 impliedly represent a dog as a service dog under this section.

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

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