

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 1309 By: Stark of the House
3
and
4 Stanley of the Senate
5
6

7 [disabled persons - prohibiting intentional
8 misrepresentation of qualified service animals -
9 effective date]
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11

12 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
entire bill and insert
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"An Act relating to animals; defining terms; allowing
14 a public accommodation to adopt certain policy;
15 requiring certain signage; requiring certain
conformance with federal law; providing for
16 codification; and providing an effective date.
17

18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

19 SECTION 1. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 801 of Title 4, unless there is
21 created a duplication in numbering, reads as follows:

22 A. For purposes of this section:

23 1. The terms "place of public accommodation", "public
24 accommodation" and "service animal" shall have the same meaning as

1 such terms are defined in 28 C.F.R., Section 36.104. "Service
2 animal" does not include an emotional support animal or a therapy
3 animal;

4 2. "Emotional support animal" means an animal selected to
5 reside with an individual with a disability that does not work or
6 perform tasks for the benefit of an individual with a disability and
7 does not accompany at all times an individual with a disability; and

8 3. "Therapy animal" means a personal pet who is certified to
9 make therapeutic visits with a trained volunteer to places
10 including, but not limited to, nursing facilities, schools and
11 hospitals to bring therapeutic benefit, comfort and cheer to others.

12 B. A public accommodation may adopt a policy to prohibit
13 animals, except service animals, from entering the place of public
14 accommodation.

15 C. A public accommodation which adopts such a policy shall post
16 a sign in a conspicuous location outside the entrance of the place
17 of public accommodation stating which animals or types of animals
18 are prohibited. Such sign shall also state that service animals are
19 permitted.

20 D. If a public accommodation inquires into the qualification of
21 a service animal, the public accommodation shall comply with 28
22 C.F.R., Section 36.302(c)(6).

23 SECTION 2. This act shall become effective November 1, 2019."
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1 Passed the Senate the 16th day of April, 2019.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2019.

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8 _____
9 Presiding Officer of the House
10 of Representatives

1 ENGROSSED HOUSE
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12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 3. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 20 of Title 7, unless there is
15 created a duplication in numbering, reads as follows:

16 A. No person shall knowingly present any animal or therapy
17 animal as a qualified service animal or intentionally misrepresent
18 entitlement to an animal in his or her possession as a qualified
19 service animal for the purpose of obtaining any of the rights or
20 privileges set forth in state or federal law for an individual with
21 a disability.

22 B. Any person who violates the provisions of subsection A of
23 this section shall be guilty of a misdemeanor.

24 C. For purposes of this section:

1 1. "Qualified service animal" shall mean any dog individually
2 trained to do work or perform tasks for the benefit of an individual
3 with a disability, including a physical, sensory, psychiatric,
4 intellectual or other mental disability. Other species of animals,
5 whether wild or domestic, trained or untrained, are not service
6 animals for purposes of this definition; and

7 2. "Therapy animal" shall mean an animal selected to accompany
8 an individual with a disability that does not work or perform tasks
9 for the benefit of an individual with a disability and does not
10 accompany at all times an individual with a disability.

11 SECTION 4. This act shall become effective November 1, 2019.

12 Passed the House of Representatives the 12th day of March, 2019.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ____ day of _____, 2019.

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Presiding Officer of the Senate

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