

Senate Bill 909

Sponsored by Senator BENTZ (at the request of Lee Brock)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Permits place of public accommodation to require person to remove comfort animal from inside place of public accommodation under certain circumstances.

Requires Commissioner of Bureau of Labor and Industries to establish, by rule, system for issuance of permits that certify dog as comfort animal. Establishes minimum requirements for rules.

Creates crime of misrepresenting a comfort animal or other animal as an assistance animal. Punishes by maximum of 30 days' imprisonment, \$1,250 fine, or both.

Prescribes additional fines that court may impose for first conviction and subsequent convictions.

A BILL FOR AN ACT

1
2 Relating to comfort animals.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS chapter 659A.**

5 **SECTION 2. (1) As used in this section:**

6 (a) "Comfort animal" means a dog that is also:

7 (A)(i) A therapy animal as that term is defined in ORS 167.352; or

8 (ii) A companion animal as that term is defined in ORS 164.055; and

9 (B) Certified by the Bureau of Labor and Industries as an animal whose presence pro-
10 vides companionship, emotional support or comfort to, or contributes to the well-being of,
11 the owner or handler of the dog.

12 (b) "Comfort animal" does not mean:

13 (A) An assistance animal as that term is defined in ORS 659A.143;

14 (B) An animal that is trained to perform work or tasks to benefit a person with a disa-
15 bility that directly relate to the disability;

16 (C) A therapy animal, as that term is defined in ORS 167.352, other than a dog; or

17 (D) A companion animal, as that term is defined in ORS 164.055, other than a dog.

18 (c) "Place of public accommodation" has the meaning given that term in ORS 659A.400.

19 (2) A place of public accommodation may require a person to remove a comfort animal
20 from inside the place of public accommodation if:

21 (a) The animal is not housebroken;

22 (b) The animal is not under the control of the person with a leash or harness; or

23 (c) The person claims that the animal is a comfort animal but fails to provide proof of a
24 permit issued under subsection (4) of this section when requested by a person acting on be-
25 half of the place of public accommodation.

26 (3) Nothing in this section is intended to limit, supersede or otherwise affect the rights
27 afforded to an individual under federal housing laws regarding comfort animals.

28 (4) The Commissioner of the Bureau of Labor and Industries shall establish by rule a

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 system for issuing permits that certify a dog as a comfort animal. At a minimum, rules
2 adopted under this subsection must include, but need not be limited to, rules that:

3 (a) Establish specific size and breed standards for dogs that may be certified as a comfort
4 animal; and

5 (b) Condition the issuance of a permit on:

6 (A) Proof of compliance with dog vaccination requirements; and

7 (B) Receipt of written documentation from a permit applicant's health care provider that
8 the bureau, in its discretion, may consider as support for certifying the applicant's dog as a
9 comfort animal.

10 **SECTION 3.** Section 4 of this 2019 Act is added to and made a part of ORS 167.310 to
11 167.351.

12 **SECTION 4.** (1) A person commits the crime of misrepresenting a comfort animal or
13 other animal as an assistance animal if the person:

14 (a) Knowingly affixes to any comfort animal or any other animal any false information
15 or improper identification tag, license or permit that portrays the animal as an assistance
16 animal; and

17 (b) Brings the animal into a place of public accommodation as defined in ORS 659A.400
18 with the intent to misrepresent the animal as an assistance animal.

19 (2) Misrepresenting a comfort animal or other animal as an assistance animal is a Class
20 C misdemeanor.

21 (3) When a person is convicted under this section, in addition to and not in lieu of any
22 jail sentence or fine that may be imposed, the court shall impose:

23 (a) For a person's first conviction, a fine in the amount of \$250.

24 (b) For a person's second conviction, a fine in the amount of \$500.

25 (c) For a person's third or subsequent conviction, a fine in the amount of \$1000.

26 (4) As used in this section:

27 (a) "Assistance animal" has the meaning given that term in ORS 659A.143.

28 (b) "Comfort animal" has the meaning given that term in section 2 of this 2019 Act.

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