

AMENDED IN SENATE JULY 1, 2021
AMENDED IN SENATE JUNE 8, 2021
AMENDED IN ASSEMBLY APRIL 6, 2021
AMENDED IN ASSEMBLY MARCH 22, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 468

Introduced by Assembly Member Friedman

February 8, 2021

An act to add Article 4 (commencing with Section 122317) to Chapter 5 of Part 6 of Division 105 of the Health and Safety Code, relating to support dogs.

LEGISLATIVE COUNSEL'S DIGEST

AB 468, as amended, Friedman. Emotional support dogs.

Existing law regulates the sale of dogs and cats. Existing law also makes a person who knowingly and fraudulently represents, through verbal or written notice, the person to be the owner or trainer of a canine licensed as, to be qualified as, or identified as, a guide, signal, or service dog, as defined, guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding 6 months, by a fine not exceeding \$1,000, or by both that fine and imprisonment.

This bill would require a person or business that sells or provides a dog *for use* as an emotional support dog to ~~provide an explicit disclosure form to the potential receiver~~ *dog, as defined, to provide a written notice to the buyer or recipient* of the dog stating that the dog does not have the special training required ~~of to qualify as~~ a guide, signal, or service dog and is not entitled to the rights and privileges accorded by law to

a guide, signal, or service ~~dog~~. *dog, and that knowingly and fraudulently representing oneself to be the owner or trainer of any canine licensed as, to be qualified as, or identified as, a guide, signal, or service dog is a misdemeanor.* The bill would require a person or business that ~~offers to sell or provide~~ *sells or provides* a certificate, identification, tag, vest, leash, or harness for an emotional support dog to provide ~~an explicit disclosure form,~~ *a written notice*, as specified, to the buyer or potential buyer, and would prohibit that person or business that ~~offers to sell or provide a certification or registration, or both, for an emotional support dog from implying that there is a government validation or endorsement of the certification or registry.~~ *recipient.* The bill would also prohibit a health care practitioner from providing documentation relating to an individual's need for an emotional support dog unless the health care practitioner complies with specified requirements, including holding a valid license, establishing a client-provider relationship with the individual for at least 30 days prior to providing the documentation, and completing a clinical evaluation of the individual regarding the need for an emotional support dog. The bill would make a ~~person or business who fails to comply with these~~ *violation of the written notice* requirements or ~~who knowingly and fraudulently represents, sells, or offers representing, selling, or offering for sale, or attempts attempting~~ *to represent, sell, or offer for sale, an emotional support dog as being entitled to the rights and privileges accorded by law to a guide, signal, or service dog, subject to a fine or civil penalty.* *civil penalty, as specified.* The bill would state that this provision is not to be construed to restrict or change existing federal and state law related to a person's rights for reasonable accommodation and equal access to housing, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Article 4 (commencing with Section 122317) is
- 2 added to Chapter 5 of Part 6 of Division 105 of the Health and
- 3 Safety Code, to read:

Article 4. Emotional Support Dogs

122317. (a) A person or business that sells or provides a dog for use as an emotional support dog shall provide ~~an explicit disclosure form to the potential receiver of the dog stating that the~~ a written notice to the buyer or recipient of the dog that states all of the following:

(1) The dog does not have the special training required ~~of to~~ qualify as a guide, signal, or service ~~dog and~~ dog.

(2) The dog is not entitled to the rights and privileges accorded by law to a guide, signal, or service dog.

(3) Knowingly and fraudulently representing oneself to be the owner or trainer of any canine licensed as, to be qualified as, or identified as, a guide, signal, or service dog is a misdemeanor violation of Section 365.7 of the Penal Code.

(b) A person or business that ~~offers to sell or provide~~ sells or provides a certificate, identification, tag, vest, leash, or harness for an emotional support dog shall provide ~~an explicit disclosure form to the buyer or potential buyer stating that the material a~~ written notice to the buyer or recipient that states all of the following:

(1) The item does not entitle an emotional support dog to the rights and privileges accorded by law to a guide, signal, or service dog.

~~(c) A person or business that offers to sell or provide a certification or registration, or both, for an emotional support dog shall not imply that there is a government validation or endorsement of the certification or registry.~~

(2) Knowingly and fraudulently representing oneself to be the owner or trainer of any canine licensed as, to be qualified as, or identified as, a guide, signal, or service dog is a misdemeanor violation of Section 365.7 of the Penal Code.

(c) The written notices described in subdivisions (a) and (b) shall be made in at least 12-point bold type, and shall be provided on the receipt for the emotional support dog or the product described in subdivision (b), or on a separate piece of paper.

122318. (a) A health care practitioner shall not provide documentation relating to an individual's need for an emotional support dog unless the health care practitioner complies with all of the following criteria:

1 (1) Possesses a valid, active license and includes the effective
2 date, license number, jurisdiction, and type of professional license
3 in the documentation.

4 (2) Is licensed to provide professional services within the scope
5 of the license in the jurisdiction in which the documentation is
6 provided.

7 (3) Establishes a client-provider relationship with the individual
8 for at least 30 days prior to providing the documentation requested
9 regarding the individual's need for an emotional support dog.

10 (4) Completes a clinical evaluation of the individual regarding
11 the need for an emotional support dog.

12 (5) *Provides a verbal or written notice to the individual that*
13 *knowingly and fraudulently representing oneself to be the owner*
14 *or trainer of any canine licensed as, to be qualified as, or identified*
15 *as, a guide, signal, or service dog is a misdemeanor violation of*
16 *Section 365.7 of the Penal Code.*

17 (b) For purposes of this section, "health care practitioner" means
18 a person who is licensed and regulated pursuant to Division 2
19 (commencing with Section 500) of the Business and Professions
20 Code, who is acting within the scope of practice of the person's
21 license or certificate.

22 (c) *A health care practitioner may be subject to discipline from*
23 *the health care practitioner's licensing board for a violation of*
24 *this section.*

25 ~~122319. (a) A person who does either of the following may~~
26 ~~be punished by a fine or civil penalty:~~

27 ~~(1) Knowingly and fraudulently represents, sells, or offers for~~
28 ~~sale, or attempts to represent, sell, or offer for sale, an emotional~~
29 ~~support dog as being entitled to the rights and privileges accorded~~
30 ~~by law to a guide, signal, or service dog.~~

31 ~~(2) Violates the provisions of this article.~~

32 *122319. (a) (1) A violation of either of the following shall be*
33 *subject to a civil penalty of five hundred dollars (\$500) for the*
34 *first violation, one thousand dollars (\$1,000) for the second*
35 *violation, and two thousand five hundred dollars (\$2,500) for the*
36 *third and any subsequent violation:*

37 *(A) Knowingly and fraudulently representing, selling, or offering*
38 *for sale, or attempting to represent, sell, or offer for sale, an*
39 *emotional support dog as being entitled to the rights and privileges*
40 *accorded by law to a guide, signal, or service dog.*

1 (B) Violating the written notice requirements specified in Section
2 122317.

3 (2) An action for civil penalties under this section may be
4 brought by the Attorney General, a district attorney, a county
5 counsel, or a city attorney.

6 (b) (1) As used in this article, “emotional support dog” means
7 a dog that is intended to provide comfort or emotional support
8 and that does not meet the definition of a guide, signal, or service
9 dog.

10 ~~(b)~~

11 (2) As used in this article, “guide, signal, or service dog” has
12 the meaning set forth in subdivisions (d), (e), and (f) of Section
13 365.5 of the Penal Code, and paragraph (6) of subdivision (b) of
14 Section 54.1 of the Civil Code.

15 (c) Nothing in this section shall be construed to restrict or change
16 existing federal and state law related to a person’s rights for
17 reasonable accommodation and equal access to housing, including,
18 but not limited to, rights afforded under the California Fair
19 Employment and Housing Act (Chapter 1 (commencing with
20 Section 12900) of Part 2.8 of Division 3 of Title 2 of the
21 Government Code), the Unruh Civil Rights Act (Section 51 of the
22 Civil Code), and the Disabled Persons Act (Part 2.5 (commencing
23 with Section 54) of Division 1 of the Civil Code).