

SENATE No. 2397

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 service dogs.

PETITION OF:

NAME:

Julian Cyr

DISTRICT/ADDRESS:

Cape and Islands

SENATE No. 2397

By Mr. Cyr, a petition (accompanied by bill, Senate, No. 2397) of Julian Cyr for legislation relative to protecting veterans with service dogs. Veterans and Federal Affairs.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2158 OF 2019-2020.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act relative to 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 98C the
2 following new section:-

3 Section 98D.

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.

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

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

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

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

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

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

(1) An individual in possession of a dog expressly or impliedly represents that the dog is 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.