

2024 Regular Session

HOUSE BILL NO. 407

BY REPRESENTATIVE STAGNI

1 AN ACT

2 To enact Chapter 24 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 46:1971 through 1978, relative to support animals and service dogs; to
4 provide for purposes and definitions; to provide documentation requirements for
5 healthcare providers in recommending support animals; to provide notice
6 requirements in the sale of support animals; to prohibit certain misrepresentations;
7 to provide for penalties; to provide for exceptions; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Chapter 24 of Title 46 of the Louisiana Revised Statutes of 1950,
10 comprised of R.S. 46:1971 through 1978, is hereby enacted to read as follows:

11 CHAPTER 24. SUPPORT AND SERVICE ANIMAL INTEGRITY ACT

12 §1971. Short title

13 This Chapter shall be cited as "The Louisiana Support and Service Animal
14 Integrity Act".

15 §1972. Purposes and intent

16 The purpose and intent of this Chapter is to restore integrity into the process
17 of determining whether an individual has a disability which requires the use of a
18 support animal and to impose penalties on those who determine that an individual
19 requires the use of a support animal without having a reliable basis to do so and those
20 who claim the need for a support animal on account of a disability or handicap
21 without having a reliable basis for that need. It is the further purpose and intent of
22 this Chapter to place limitations on individuals and businesses selling support

1 animals and items attendant to support animals. It is also the purpose and intent of
2 this Chapter to penalize those who misrepresent an animal as a service dog and to
3 provide immunity to owners and lessors of residential dwellings from and against
4 liability for injuries and damages caused by support animals and service dogs.

5 §1973. Definitions

6 As used in this Chapter:

7 (1) "Disability" is defined in accordance with the federal "Americans with
8 Disabilities Act of 1990", 42 U.S.C. 12101 et seq., and its related amendments and
9 implementing regulations. The term "disability" includes a handicap as defined by
10 the federal "Fair Housing Act", 42 U.S.C. 3601 et seq., as amended, and 24 CFR
11 100.201.

12 (2) "Healthcare provider" has the same definition as set forth in R.S.
13 40:1231.1.

14 (3) "Healthcare services" has the same definition as set forth in R.S.
15 22:1020.1.

16 (4) "Public accommodation" or "place of public accommodation" has the
17 same meaning as set forth in R.S. 51:2232.

18 (5) "Service dog" has the same definition as set forth in R.S. 46:1952.

19 (6) "Support animal" means an animal, other than a service dog as defined
20 in R.S. 46:1952, that does work, performs tasks, provides assistance, or therapeutic
21 emotional support for individuals with disabilities.

22 (7) "Therapeutic relationship" means the provision of healthcare services by
23 a healthcare provider in good faith and with actual knowledge of an individual's
24 disability and that individual's disability-related need for a support animal. The term
25 "therapeutic relationship" does not include services provided by an individual or
26 entity that issues a certificate, license, letter or similar document that purports to
27 confirm, without conducting a meaningful assessment of an individual's disability
28 or an individual's disability-related need for a support animal, that a person has either
29 a disability or a disability-related need for a support animal.

1 §1974. Requirements for documentation produced by healthcare providers;
2 prohibitions

3 A. No healthcare provider shall produce documentation relating to an
4 individual's need for a support animal unless the healthcare provider complies with
5 all of the following:

6 (1) Possesses an active and valid Louisiana license or an active license
7 within a healthcare profession that has a licensure compact to perform the healthcare
8 services being offered to an individual.

9 (2) Is qualified and licensed to evaluate and diagnose disabilities and has
10 performed a disability assessment of an individual.

11 (3) Includes in the documentation relating to an individual's need for a
12 support animal all the following:

13 (a) The effective date of the documentation.

14 (b) The license number of the healthcare provider.

15 (c) The type of professional license held by the healthcare provider.

16 (4) Establishes a therapeutic relationship with an individual no less than
17 thirty days prior to producing the documentation regarding the individual's need for
18 a support animal.

19 (5) Has engaged with an individual in person or remotely in at least two
20 sessions before issuing documentation determining that the individual requires a
21 support animal.

22 (6) Performs a clinical evaluation of an individual no less than thirty days
23 before producing documentation regarding individual's need for a support animal.

24 B. No healthcare provider shall represent or attempt to represent that an
25 individual has a disability requiring a support animal when an individual is not
26 disabled or does not need a support animal on account of the individual's disability.

27 C. No individual shall represent or attempt to represent to a third party that
28 he has a disability requiring a support animal when the individual is not disabled or
29 does not require a support animal on account of the individual's disability.

1 §1975. Misrepresentation of service animal

2 No individual shall misrepresent an animal to be a service dog or service dog-
3 in-training to a person or entity that owns or operates a public accommodation or a
4 residential dwelling.

5 §1976. Notice requirements for the sale of support animals

6 A.(1) An individual or business that sells or provides an animal for use as a
7 support animal shall provide a written notice to the buyer or recipient of the animal
8 that states all the following:

9 (a) The animal does not have the special training required to qualify as a
10 service dog.

11 (b) The animal is not entitled to the rights and privileges accorded by law to
12 a service dog.

13 (2) Misrepresenting an animal as a service dog or animal may subject an
14 individual to a civil penalty pursuant to R.S. 46:1977.

15 B. An individual or business that sells or provides a certificate or letter for
16 a support animal shall provide a written notice to the buyer or recipient that states the
17 following:

18 (1) The item does not entitle a support animal to the rights and privileges
19 accorded by law to a service dog.

20 (2) Misrepresenting an animal as a service dog may subject an individual to
21 a civil penalty pursuant to R.S. 46:1977.

22 C. The written notice described in Subsections A and B of this Section shall
23 be made in the following manner:

24 (1) In bold typed print of no less than twelve-point font.

25 (2) Provided on any of the following:

26 (a) The receipt for the support animal.

27 (b) The product described in Subsection B of this Section.

28 (c) A separate piece of paper.

1 §1977. Violations; penalties

2 A. Any individual, business, or healthcare provider that violates the
3 provisions in this Chapter shall be fined no more than five hundred dollars for the
4 first offense.

5 B. Any individual, business, or healthcare provider that violates the
6 provisions in this Chapter shall be fined no more than one thousand dollars for the
7 second offense.

8 C. Any individual, business, or healthcare provider that violates the
9 provisions in this Chapter shall be fined no more than two thousand five hundred
10 dollars for the third, or any subsequent, offense.

11 §1978. Exceptions

12 Nothing in this Chapter shall be construed to restrict or modify any federal
13 or state laws related to an individual's rights for reasonable accommodation and
14 equal access to housing, including but not limited to rights afforded in accordance
15 with the Louisiana Equal Housing Opportunity Act, R.S. 51:2601, the Fair Housing
16 Act, 42 U.S.C. 3601, the Americans with Disabilities Act, or related state or federal
17 legislation.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____