
DIGEST

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HB 407 Reengrossed

2024 Regular Session

Stagni

Abstract: Prohibits healthcare providers from producing documentation relating to an individual's need for a support animal unless they satisfy certain requirements. Prohibits misrepresentations of service dogs and requires written notices for individuals and businesses that sell support animals. Limits liability for owners and lessors for damages caused by a service dog or support animal.

Proposed law provides a short title for proposed law, to be known as the "La. Support and Service Animal Integrity Act."

Proposed law provides the purposes and intent of proposed law.

Proposed law defines "disability" in accordance with 42 U.S.C. 12101 et seq., and its related amendments. The term includes handicap as defined by 42 U.S.C. 3601 et seq., as amended, and 24 CFR 100.201.

Proposed law defines "healthcare provider" in accordance with R.S. 40:1231.1.

Proposed law defines "healthcare services" in accordance with R.S. 22:1020.1.

Proposed law defines "support animal" as an animal, other than a service dog as defined in present law (R.S. 46:1952), that does work, performs tasks, provides assistance, or therapeutic emotional support for individuals with disabilities.

Proposed law defines "public accommodation" or "place of public accommodation" in accordance with R.S. 51:2232.

Proposed law defines "therapeutic relationship" as the provision of healthcare services by a healthcare provider in good faith and with actual knowledge of an individual's disability and that individual's disability-related need for a support animal. The term shall not include services provided by an individual or entity that issues a certificate, license, letter or similar document that purports to confirm, without conducting a meaningful assessment of a person's disability or a person's disability-related need for a support animal, that a person: (a) has a disability; or (b) has a disability-related need for a support animal.

Proposed law prohibits healthcare providers from producing documentation relating to an individual's need for a support animal unless they satisfy the following requirements:

- (1) Possess an active and valid La. license to perform healthcare services or an active license within a healthcare profession that has a licensure compact.
- (2) Are qualified and licensed to evaluate and diagnose disabilities and have performed a disability assessment of an individual.
- (3) Include all the following in the documentation relating to an individual's need for a support animal:
 - (a) The effective date of the documentation.
 - (b) The license number of the healthcare provider.
 - (c) The type of professional license held by the healthcare provider.
- (4) Establish a therapeutic relationship with an individual no less than 30 days prior to producing the documentation regarding the individual's need for a support animal.
- (5) Have engaged with an individual in person or remotely in at least two sessions before issuing documentation regarding the individual's need for a support animal.
- (6) Perform a clinical evaluation of an individual no less than 30 days before producing documentation regarding individual's need for a support animal.

Proposed law prohibits healthcare providers from representing or attempting to represent that an individual has a disability that requires the use of a support animal when the individual is not disabled or does not need a support animal for that individual's disability.

Proposed law prohibits an individual from representing or attempting to represent to third parties that the individual has a disability that requires the use of a support animal when the individual is not disabled or does not need a support animal for that individual's disability.

Proposed law prohibits an individual from representing that an animal is a service dog or service dog-in-training to any person or entity operating a public accommodation or residential dwelling.

Proposed law provides certain written notice requirements for an individual or business engaged in the sale of support animals.

Proposed law provides certain written notice requirements for an individual or business engaged in the sale of certificates or letters for support animals.

Proposed law provides a penalty of \$500 for the first offense of an individual who violates the provisions of proposed law. Further provides a penalty of \$1,000 for the second offense and a penalty of \$2,500 for the third or any subsequent offense.

Proposed law provides immunity for owners and lessors of residential dwellings, and their agents,

employees or representatives, for damages caused by a service dog or support animal.

Proposed law further provides that owners and operators of public accommodations and their agents, employees, or representatives shall be immune from liability for injuries and damages caused by an individual's service dog or support animal."

(Adds R.S. 46:1971-1979)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Make technical corrections.

The House Floor Amendments to the engrossed bill:

1. Define "public accommodation" or "place of public accommodation".
2. Change therapeutic relationship requirements for an individual from no less than 60 days to no less than 30 days prior to producing the documentation regarding the individual's need for a support animal.
3. Change in-person and remote engagement requirements from at least three sessions to at least two sessions before issuing documentation regarding the individual's need for a support animal.
4. Change clinical evaluation requirements for individuals from no less than 60 days to no less than 30 days before producing documentation regarding individual's need for a support animal.
5. Include possession of an active license within a healthcare profession that has a licensure compact as a satisfactory requirement for documentation of an individual's service animal needs.
6. Require immunity from liability for injuries and damages caused by an individual's service dog or support animal for owners and operators of public accommodations and their agents, employees, or representatives.
7. Remove provisions relative to identification, tags, vests, leashes, or harnesses for support animals.
8. Make technical corrections.