

Introduced by

Senators Lee, Sickler

Representatives Jonas, Sanford, Schreiber-Beck

1 A BILL for an Act to create and enact two new sections to chapter 25-13 of the North Dakota
2 Century Code, relating to the certification and sale of assistance animals; to amend and reenact
3 section 25-13-01.1 of the North Dakota Century Code, relating to definitions associated with
4 assistance animals; and to provide a penalty.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 25-13-01.1 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **25-13-01.1. Definitions.**

9 ~~For purposes of~~ As used in this chapter "service:

- 10 1. "Assistance animal" means an animal, other than a service animal, that works,
11 performs tasks, or provides therapeutic emotional support for an individual with a
12 disability.
- 13 2. "Health care provider" means an individual or facility licensed, certified, or otherwise
14 authorized by law to administer health care, for profit or otherwise, in the ordinary
15 course of business or professional practice.
- 16 3. "Health care services" means services rendered by a health care provider within the
17 scope of the provider's license.
- 18 4. "Service animal" means any ~~a~~ dog trained to ~~do~~ work, perform tasks, or provide
19 assistance for the benefit of an individual with a disability. The term includes a dog
20 trained to ~~provide assistance to~~ assist an individual with a disability, ~~pull by pulling~~ a
21 wheelchair, ~~lend~~ lending balance support, ~~retrieve~~ retrieving dropped objects, or
22 ~~provide~~ providing assistance in a medical crisis.
- 23 5. "Therapeutic relationship" means the rendering of health care services by a health
24 care provider in good faith and with actual knowledge of an individual's disability and

1 the individual's disability-related need of an assistance animal. The term does not
2 include services provided by a person that issues a certificate, license, letter, or similar
3 document purporting to confirm the individual has a disability or a disability-related
4 need for an assistance animal without conducting an assessment of an individual's
5 disability or an individual's disability-related need for an assistance animal.

6 **SECTION 2.** A new section to chapter 25-13 of the North Dakota Century Code is created
7 and enacted as follows:

8 **Health care provider documentation - Requirements - Prohibited acts - Penalty.**

- 9 1. A health care provider may not produce documentation relating to an individual's need
10 for an assistance animal unless the health care provider:
11 a. Is actively licensed to practice medicine in the state;
12 b. Is qualified and licensed to evaluate and diagnose disabilities and has performed
13 a disability assessment on the individual for which documentation is produced;
14 c. Has engaged with the individual in-person or remotely in at least two sessions
15 before issuing documentation determining the individual requires an assistance
16 animal; and
17 d. Performs a clinical evaluation of the individual no less than thirty days before
18 producing documentation regarding the individual's need for an assistance
19 animal.
- 20 2. Documentation issued by a health care provider regarding an individual's need for an
21 assistance animal must include:
22 a. The effective date of the documentation;
23 b. The license number of the health care provider;
24 c. The type of professional license held by the health care provider; and
25 d. Evidence establishing a therapeutic relationship with the individual no less than
26 thirty days before producing the documentation regarding the individual's need
27 for an assistance animal.
- 28 3. A health care provider may not represent or attempt to represent that an individual has
29 a disability requiring an assistance animal when an individual is not disabled or does
30 not need an assistance animal on account of the individual's disability.

- 1 4. An individual may not represent or attempt to represent to a third party that the
2 individual has a disability requiring an assistance animal when the individual is not
3 disabled or does not require an assistance animal on account of the individual's
4 disability.
- 5 5. Any person in violation of this section is guilty of an infraction for a first offense and a
6 class B misdemeanor for a second or subsequent offense.
- 7 6. This section may not be construed to restrict or modify any federal or state laws
8 relating to an individual's rights for reasonable accommodation and equal access to
9 housing, including rights afforded in accordance with the Fair Housing Act [Pub. L.
10 90-284; 82 Stat. 81; 42 U.S.C. 3601, et seq.] and the Americans with Disabilities Act
11 [Pub. L. 101-336; 104 Stat. 327; 42 U.S.C 12101 et seq.].

12 **SECTION 3.** A new section to chapter 25-13 of the North Dakota Century Code is created
13 and enacted as follows:

14 **Sale of assistance animals - Notice requirements - Penalty.**

- 15 1. A person selling, providing an animal for use as an assistance animal, or providing a
16 certificate or letter certifying an animal for use as an assistance animal shall provide a
17 written notice to the buyer or recipient of the animal stating the assistance animal:
- 18 a. Does not have the special training required to qualify as a service animal; and
19 b. Is not entitled to the rights and privileges accorded by law to a service animal.
- 20 2. The written notice under subsection 1 must be printed in bold in at least twelve-point
21 typeface.
- 22 3. A person violating this section is guilty of an infraction for a first offense and a class B
23 misdemeanor for a second or subsequent offense.
- 24 4. This section does not restrict or modify any federal or state laws relating to an
25 individual's rights for reasonable accommodation and equal access to housing,
26 including rights afforded in accordance with the Fair Housing Act [Pub. L. 90-284; 82
27 Stat. 81; 42 U.S.C. 3601, et seq.] and the Americans with Disabilities Act [Pub. L.
28 101-336; 104 Stat. 327; 42 U.S.C 12101 et seq.].