

Sixty-ninth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2222

Introduced by

Senators Paulson, Luick, Weston

Representatives Lefor, Louser, M. Ruby

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 sections 25-13-01.1 and 47-16-07.5 of the North Dakota Century Code, relating to definitions
4 associated with assistance animals and disability documentation for a service or assistance
5 animal in a rental dwelling; and to provide a penalty.

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

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

9 **25-13-01.1. Definitions.**

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

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

- 1 5. "Therapeutic relationship" means the rendering of health care services by a health
2 care provider in good faith and with actual knowledge of an individual's disability and
3 the individual's disability-related need of an assistance animal. The term does not
4 include services provided by a person that issues a certificate, license, letter, or similar
5 document purporting to confirm the individual has a disability or a disability-related
6 need for an assistance animal without conducting an assessment of an individual's
7 disability or an individual's disability-related need for an assistance animal.

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

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

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

- 1 3. A health care provider may not represent or attempt to represent that an individual has
2 a disability requiring an assistance animal when an individual is not disabled or does
3 not need an assistance animal on account of the individual's disability.
- 4 4. An individual may not represent or attempt to represent to a third party that the
5 individual has a disability requiring an assistance animal when the individual is not
6 disabled or does not require an assistance animal on account of the individual's
7 disability.
- 8 5. An individual receiving documentation from a health care provider regarding the
9 individual's need for an assistance animal under this section shall renew the
10 documentation within one year of issuance. A documentation not renewed within one
11 year of issuance is deemed expired and ineffective.
- 12 6. Any person in violation of this section is guilty of an infraction for a first offense and a
13 class B misdemeanor for a second or subsequent offense.
- 14 7. This section may not be construed to restrict or modify any federal or state laws
15 relating to an individual's rights for reasonable accommodation and equal access to
16 housing, including rights afforded in accordance with the Fair Housing Act [Pub. L.
17 90-284; 82 Stat. 81; 42 U.S.C. 3601, et seq.] and the Americans with Disabilities Act
18 [Pub. L. 101-336; 104 Stat. 327; 42 U.S.C 12101 et seq.].

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

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

- 22 1. A person selling, providing an animal for use as an assistance animal, or providing a
23 certificate or letter certifying an animal for use as an assistance animal shall provide a
24 written notice to the buyer or recipient of the animal stating the assistance animal:
 - 25 a. Does not have the special training required to qualify as a service animal; and
 - 26 b. Is not entitled to the rights and privileges accorded by law to a service animal.
- 27 2. The written notice under subsection 1 must be printed in bold in at least twelve-point
28 typeface.
- 29 3. A person violating this section is guilty of an infraction for a first offense and a class B
30 misdemeanor for a second or subsequent offense.

1 4. This section does not restrict or modify any federal or state laws relating to an
2 individual's rights for reasonable accommodation and equal access to housing,
3 including rights afforded in accordance with the Fair Housing Act [Pub. L. 90-284; 82
4 Stat. 81; 42 U.S.C. 3601, et seq.] and the Americans with Disabilities Act [Pub. L.
5 101-336; 104 Stat. 327; 42 U.S.C 12101 et seq.].

6 **SECTION 4. AMENDMENT.** Section 47-16-07.5 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **47-16-07.5. Disability documentation for service or assistance animal in rental**
9 **dwelling.**

- 10 1. A landlord may require reliable supporting documentation be provided by a tenant of a
11 rental dwelling that is subject to a no pets policy, if the tenant asserts a disability
12 requiring a service animal or assistance animal be allowed as an accommodation on
13 the rented premises under any provision of law.
- 14 2. Reliable supporting documentation may be provided by a physician or medical
15 professional who does not operate in this state solely to provide certification for
16 service or assistance animals. Reliable supporting documentation must confirm the
17 tenant's disability and the relationship between the tenant's disability and the need for
18 the requested accommodation. A landlord may not require supporting documentation
19 from a tenant if the tenant's disability or disability-related need for a service animal or
20 assistance animal is readily apparent or already known to the landlord.
- 21 3. Documentation provided by a tenant of a rental dwelling that is subject to a no pets
22 policy which asserts a disability that requires an assistance animal must comply with
23 the documentation requirements under section 2 of this Act.