

2025 SENATE AGRICULTURE AND VETERANS AFFAIRS

SB 2193

2025 SENATE STANDING COMMITTEE MINUTES

Agriculture and Veterans Affairs Committee Fort Union Room, State Capitol

SB 2193
1/24/2025

Relating to definitions associated with assistance animals; and to provide a penalty.

8:30 a.m. Chairman Luick called the meeting to order.

Members present: Chairman Luick, Vice-Chair Myrdal, Senator Marcellais, Senator Weston, Senator Weber, Senator Lemm

Discussion Topics:

- Animals classified as assistance animals
- Verifying disabilities that permit service animals

8:32 a.m. Chairman Luick recessed the meeting.

8:44 a.m. Chairman Luick reconvened the meeting.

8:44 a.m. Senator Lee, District 13, introduced SB 2193 and testified in favor.

8:52 a.m. Cody Schuler, ACLU, testified in opposition and submitted testimony #31260.

9:01 a.m. Christina Sambor, High Plains Fair Housing Center, testified in opposition and submitted testimony #31261.

9:14 a.m. Micah Olson, Attorney, North Dakota Protection and Advocacy Project, testified in opposition and submitted testimony #31174.

9:24 a.m. Kirsten Dvorak, Executive Director, The Arc of North Dakota, testified in opposition and submitted testimony #31161.

9:24 a.m. Lilliann Johnston testified in opposition and submitted testimony #30983.

9:27 a.m. Chairman Luick closed the hearing.

Audrey Oswald, Committee Clerk

Lilliann Johnston

Resident - Bismarck, ND

Testimony for SB 2193 - In Opposition

My name is Lilliann Johnston and I am a resident of Bismarck, ND. I am in opposition to SB 2193. SB 2193 aims to address the problem of online retailers who claim to offer emotional support/ assistance animal certificates and trick consumers into believing they have an assistance animal afforded the protections under the Fair Housing Act. By abusing the system, these certificate mills negatively impact those who meet the requirements for an assistance animal under the Fair Housing Act. Proper legislation is needed, but the language in SB 2193 creates barriers that will negatively impact those properly requiring an assistance animal such as myself, medical providers, advocates, and lessors. With the proper amendments, SB 2193 could better protect the rights of all affected.

Section 1 Subsection 4

4. "Service animal" means a dog trained to do work, perform tasks, or provide assistance for the benefit of an individual with a disability. The term includes a dog trained to assist an individual with a disability, by pulling a wheelchair, lending balance support, retrieving dropped objects, or providing assistance in a medical crisis.

This section should be amended to allow for miniature horses which are recognized as service animals under the ADA. Miniature horses are trained as service animals for disabled people requiring a service animal who may be allergic to dogs.

Section 2 Subsection 1: Pg. 2 Line 11

1. a. Is actively licensed to practice medicine in the state

This line should be amended to allow healthcare providers other than medical doctors to produce documentation. The law currently allows physicians, nurse practitioners, psychologists, and licensed therapists/counselors to produce documentation. Medical doctors may not always be the best avenue for diagnosing patients with conditions that may require an assistance animal. Complex conditions such as PTSD and Autism Spectrum Disorder are often referred to a psychologist or therapist for diagnosis and treatment. These mental health professionals are capable of properly assessing a patient's need for an assistance animal and should be allowed to do so. I personally have had documentation produced by a psychiatrist and therapist on separate occasions.

Professionals licensed outside of North Dakota should be allowed to provide documentation. When an individual requiring an assistance animal moves to North Dakota from out of state they are required to provide documentation before signing their lease. I moved to North Dakota from California and depended on documentation from my psychiatrist in California to keep assistance animal with me. It would not have been possible for me to see a provider in North Dakota before my move and there was a six-month wait time before I could see a new health care provider in the state. It would be impossible for people moving to North Dakota to keep their medically necessary assistance animals without allowing providers licensed outside of the state to provide documentation.

Section 2, Subsections 3 & 4: Pg. 2 Lines 28-30 and Pg. 3 Lines 1-4

3. A health care provider may not represent or attempt to represent that an individual has a disability requiring an assistance animal when an individual is not disabled or does not need an assistance animal on account of the individual's disability.

4. An individual may not represent or attempt to represent to a third party that the individual has a disability requiring an assistance animal when the individual is not disabled or does not require an assistance animal on account of the individual's disability.

This section is problematic because it discourages health care providers from representing patients, especially new patients or those with complex diagnoses. Certain conditions such as PTSD can not always be diagnosed in a couple of sessions. Mental health professionals rely on information from patients regarding past diagnoses. A health care provider may be wary to provide documentation for a patient after 2 sessions even if they show a need for an assistance animal and have a diagnosis from a previous provider.

This section would also discourage advocates from representing individuals with an assistance animal who are experiencing housing discrimination. I experienced housing discrimination for requiring an assistance animal when moving into my current apartment in Bismarck. I had a letter from a local licensed therapist stating my need for an assistance animal, which is all the law requires. The rental company illegally insisted my provider sign an invasive form or charge me a nonrefundable \$500 pet deposit and pay pet rent. I could not find any health care provider willing to sign their form. I relied on an advocate from High Plains Fair Housing to get the property management company to back down from their request and allow me to move in. This section may make it so that individuals with service animals are unable to obtain an advocate when they experience housing discrimination. I would propose chapters 3 and 4 of section 2 be amended to include "knowingly represent" to protect health care providers and advocates.

Section 3

I am in support of section 3 of SB 2193 as written. Consumers who may not be aware of the law regarding assistance should be protected from animal sellers who prey on their need or desire to acquire an assistance animal. I have encountered many people who are under the false belief that their assistance animal has the same rights as a service animal. These animals may be disruptive or dangerous in public and negatively impact the views of assistance animals and their owners who obey the law by keeping their animals in designated spaces only.

I strongly urge a do not pass on SB 2193 in its current form.



Senate Agriculture and Veterans Affairs
SB 2193
January 23, 2023

My name is Kirsten Dvorak, and I am the Executive Director of The Arc of North Dakota, the oldest statewide disability advocacy organization. I am here today to share concerns about this bill, which may have unintended impacts on individuals with disabilities and those who support them.

While the bill seeks to address the misuse of assistance animals, it could inadvertently create challenges for individuals with legitimate needs. Specifically, I would like to highlight the following points:

The bill introduces specific conditions for healthcare providers before issuing documentation for assistance animals. For individuals in rural or underserved areas, accessing a licensed healthcare provider for multiple sessions within a specified time frame can be challenging. This issue is further compounded for individuals with rare and complex medical needs, who may already face significant hurdles in accessing specialized care. Such delays could critically impact those who rely on assistance animals for daily functioning.

While the bill states it does not modify federal protections under the Fair Housing Act and the Americans with Disabilities Act, the additional documentation requirements could inadvertently discourage landlords and property managers from accommodating assistance animals. This could potentially complicate the process for individuals seeking accommodations.

The distinction between assistance animals and service animals may lead to misunderstanding or stigma. Clear and consistent messaging will help ensure that the intent and application of the law are well understood.

In conclusion, addressing fraudulent claims related to assistance animals is essential, especially given the prevalence of falsified documentation, such as certificates obtained through the Internet without proper verification. However, the measures outlined in Senate Bill No. 2193 could be refined to better balance accountability with accessibility and fairness for those with legitimate needs. I respectfully recommend that the committee consider adjustments to the bill to address these concerns. Thank you for your time and consideration. I am happy to answer any questions the committee may have.

Sincerely,
Kirsten Dvorak
Executive Director, The Arc of North Dakota



Protection & Advocacy Project

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www.ndpanda.org



Senate Agriculture and Veterans Affairs Committee
Senate Bill 2193- January 24, 2025

Testimony of Micah Olson, P&A Position-In Opposition

Mr. Chairman, members of the committee, my name is Micah Olson. I am an attorney at Protection & Advocacy. I am speaking in opposition to Senate Bill No. 2193 in its current form. I am here today to discuss concerns with this bill.

Section 2 (1) (a) requires an individual who provides documentation supporting the need for an assistance animal to be licensed to practice medicine in North Dakota. There are two concerns with this requirement. First, it is not clear from the language if the individual licensed to practice medicine is required to be a medical doctor or if another type of licensed medical professional is permissible. Specifically identifying the types of individuals who can provide documentation will clarify this issue. A licensed counselor, therapist, or psychologist or medical professional other than a medical doctor, such as a physician's assistant or nurse practitioner would be qualified to assess whether an individual requires an assistance animal, and this bill should reflect this. Because of limits in access to medical doctors, it is common for North Dakotans to see qualified medical professionals other than medical doctors. Requiring an individual to establish a new relationship with a medical doctor may be burdensome, possibly requiring individuals who require assistance animals to wait months to obtain the documentation needed to support the need for an assistance animal.

Secondly, requiring the medical professional to be licensed in North Dakota would adversely affect individuals moving to the state who require assistance animals. The requirement would not be feasible for new North Dakota residents, as they are unlikely to have established a medical provider immediately upon moving to North Dakota. Additionally, the individual may not have health insurance immediately upon moving to North Dakota, making it unfeasible to go to the doctor for the required two visits to establish a need for an assistance animal. Also, the need for an assistance animal may not be immediately obvious to a new medical provider, which would cause further delays. A legitimate medical provider in a different state who has an established relationship with the individual should be permitted to provide any documentation needed so the individual to immediately utilize an assistance animal, which may be a

necessary accommodation for an individual. Additionally, an individual may see an out-of-state specialist for medical care. Even though such a specialist would be qualified to assess the need for an assistance animal, this bill would not allow the specialist's expertise to be considered.

Next, Section 2 (3) and (4) prohibits health care providers and individuals in general from misrepresenting an individual has a disability. Protection & Advocacy proposes the word "knowingly" be added to these subsections, as there is a possibility of a health care provider or advocate unintentionally relying on incorrect information when assisting an individual seeking an assistance animal, and unintentionally violating these subsections. Adding "knowingly" addresses the issue of an individual intentionally providing false information, while protecting providers, advocates, or other individuals who are acting in good faith.

Next Protection & Advocacy recommends the definition of "service animal" in Section 1 (4) include miniature horses, as this conforms with 28 C.F.R. § 35.136, a regulation under the Americans with Disabilities Act. North Dakota law should conform to federal law.

Protection & Advocacy also recommends section 2 include, "Documentation is not required when the need for an assistance animal due to a disability is readily apparent." This conforms to guidance from the U.S. Department of Housing and Urban Development. When the need for an assistance animal is readily apparent, it is unnecessary and burdensome for the individual requesting the accommodation. This clarification is also needed because of concerns landlords or management companies may develop policies requiring documentation for other disability-related modifications based on the requirements in this bill.

Protection & Advocacy has the following fact sheets regarding assistance animals and service animals, which may assist the committee.

[Assistance & Emotional Support Animals](#)

[Service Animals](#)

[Housing Rights Service, Assistance, & Emotional Support Animals](#)

[Where Are Service, Emotional Support & Assistance Animals Allowed](#)

Protection & Advocacy supports a Do Not Pass recommendation in its current form.

Sixty-ninth North Dakota Legislative Assembly
 Senate Agriculture and Veterans Affairs Committee
H.B. 2193
 January 24, 2025



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aclund.org

Chair Luick, Vice Chair Myrdal, and members of the Committee:

The ACLU strives for a North Dakota free of discrimination against people with disabilities and where people with disabilities are valued, integrated members of society who have full access to education, homes, health care, jobs, families, voting, and civic engagement. To that end, I submit testimony on behalf of the ACLU of North Dakota in opposition to Senate Bill 2193,.

We recognize that SB 2193 is aimed at clarifying emotional support animal requirements and preventing common fraud or scams perpetrated by businesses selling bogus emotional support animal credentials. However, by appearing to establish firmer requirements than those associated with the Americans with Disabilities Act (ADA) and Fair Housing Act (FHA) as well as seeking to provide clarity over the difference between an emotional support animal and a service animal, this bill creates concern for potential discrimination of people with disabilities with legitimate need for, and possession of, emotional support animals.

Attempting to address concerns regarding potential fraud cannot be allowed to infringe on citizens' rights and accommodations for possessing an animal for medical and therapeutic purposes. Therefore, the ACLU urges the committee to exercise extreme caution in the consideration of this bill in its current form, along with in any amendments and revision it may undergo. We advise the same caution when the near identical SB 2222 comes before you. In your efforts, judiciously consider the potential harm to the rights of citizens with disabilities against the issues the bill sponsors seek to address.

In particular, we draw your attention to Section 2.6 that states: "This section may not be construed to restrict or modify any federal or state laws relating to an individual's rights for reasonable accommodation and equal access to housing, including rights afforded in accordance with the Fair Housing Act [Pub. L. 90 - 284; 82 Stat. 81; 42 U.S.C. 3601, et seq.] and the Americans with Disabilities Act [Pub. L. 101 - 336; 104 Stat. 327; 42 U.S.C 12101 et seq.]." Simply codifying a statement that a state law is not in conflict with a federal law does not necessarily make it so. Rather, we suggest due diligence to create state law that is not only in compliance with the FHA and ADA, but that also strengthens the rights of North Dakotans with disabilities.

Furthermore, the ACLU cautions the committee that passing SB 2193 may jeopardize federal funding and North Dakota's standing with the U.S. Department of Housing and Urban Development (HUD). North Dakota housing law has been deemed "substantially equivalent" to the FHA by HUD in that it offers at least the same substantive rights, procedures, remedies, and judicial review provisions as the federal law. Under this, the North Dakota Department of Labor and Human Rights

is in a Cooperative Agreements with HUD which is accompanied by funding for the department for complaint processing, administrative costs, and training. If state law becomes more restrictive than federal law, substantial equivalency may be in jeopardy leading to a loss of funding, increased burden on citizens with disabilities as well as housing providers and the Department of Labor itself. Additionally, this could bring increased federal enforcement that may also be duplicative of required state enforcement responsibilities under both state and federal law.

In the best interest of North Dakotans with disabilities, housing providers, and state government officials, the ACLU of North Dakota urges the Senate Agriculture and Veteran Affairs Committee give a Do Not Pass recommendation for SB 2193 in its current form.

Submitted by:

Cody J. Schuler

Advocacy Manager, ACLU of North Dakota

ND Lobbyist #367

cschuler@aclu.org

Christina Sambor, Lobbyist No. 312
On behalf of High Plains Fair Housing Center
Testimony in Opposition to SB2193
Senate Agriculture and Veteran's Affairs Committee
January 24, 2025

Mr. Chairman and members of the Committee:

I am here on behalf of High Plains Fair Housing Center. High Plains Fair Housing Center is a private, non-profit fair housing organization that works to eliminate housing discrimination and to ensure equal housing opportunity for all. High Plains advocates for those who have experienced discrimination in housing based on their status in a protected class and provides education about fair housing rights and responsibilities throughout the entire state. We help the many people who contact us with housing issues, and most often they resolve their issues without going to court.

Consistent with nationwide statistics, the number one type of housing discrimination we see in North Dakota is against persons with disabilities. About 25% of our disability cases involve combat veterans who have PTSD and use assistance or companion animals in their homes to alleviate their symptoms. While this is an entirely valid use of the law, we see landlords often resist requests from these vets for assistance animals. These individuals already struggle to overcome that resistance and obtain approval.

High Plains assisted a young father who was unable to leave his apartment because of severe PTSD from his time serving in Afghanistan. He talked about his fear of open spaces and said that he feared snipers on every roof top. He worked with his psychologist who prescribed an assistance dog. He was able to begin leaving the house with the assistance of that dog, taking the dog on walks. After some time he was able to go outside and walk with his wife and baby, and over time, was able to return to normal activities, including work.

While High Plains opposes SB2193 as written, we understand that there are abuses of reasonable accommodations and that some people misrepresent that they have a disability to have their pets in pet-free buildings or to avoid pet fees. Fraudulent claims make our job more difficult. Still, in the 12 years High Plains has been doing this work for people in North Dakota, we have seen many, many people who legitimately needed assistance animals and whose lives improved because of the assistance animals in their homes. We are concerned that this bill will prevent North Dakotans with disabilities from getting assistance animals, with negative consequences for them and for our state as a whole. Therefore, High Plains

requests that if this committee recommends a do pass on this bill, that it be after the following amendments.

First, in Section 2: Requiring the prescribing health care provider to “be actively licensed to practice medicine in the state,” could in fact benefit the fraudulent online providers that exist solely for the purpose of providing ESA letters. Those online providers **are** licensed in the state. Conversely, the many students who attend our universities and out-of-state workers who come here with an assistance animal will be penalized for having long term, established relationships with their out-of-state healthcare providers.

Additionally, “licensed to practice medicine” conflicts with the federal law. Federal law permits documentation to come from a variety of sources (**not just** a physician), without **any** geographic restriction, if the documentation provider is “in a position to know about the individual's disability”. This can include counselors, therapists, psychologists, and social workers who work directly with the disabled person.

In Section 2-5: the bill provides: “any person in violation of this section is guilty of an infraction for the first offense and a class B misdemeanor for a second or subsequent offense.” This addition will have a chilling effect on any legitimate healthcare provider prescribing an emotional support animal.

Next, in Section 3: Regarding the proposed disclosures required of a person providing an assistance animal, since an assistance or emotional support animal does not have to be trained, an assistance animal can come from a pet store, a local farmer, the Humane Society or any other rescue shelters. This first sentence will create an undue burden on the legitimate businesses, organizations, and individuals involved in the sale of animals or even private persons or entities who provide animals for adoption.

Finally, we are concerned that passing this bill without amendments could jeopardize North Dakota’s relationship with The U.S. Department of Housing and Urban Development (HUD). This bill itself recognizes conflict with existing federal housing law. The text says: This section may not be construed to restrict or modify any federal or state laws relating to an individual's rights for reasonable accommodation and equal access to housing, including rights afforded in accordance with the Fair Housing Act [Pub. L. 90-284; 82 Stat. 81; 42 U.S.C. 3601, et seq.] and the Americans with Disabilities Act [Pub. L. 101-336; 104 Stat. 327; 42 U.S.C 12101 et seq.].

State law may not restrict rights granted by federal law and is preempted by federal law. Passing a state law that expressly conflicts with federal law but then acknowledges the supremacy of federal law will create confusion and a basis for potential litigation. HUD has deemed current North Dakota housing law “substantially equivalent” to the Fair Housing

Act, meaning that it offers **at least the same substantive rights, procedures, remedies, and judicial review provisions as the federal Fair Housing Act**. The substantial equivalency status of our state law allows the North Dakota Department of Labor and Human Rights to enter into Cooperative Agreements with HUD. HUD then provides **funding** to the Department for complaint processing, administrative costs, and training. HUD sends an average of about **\$125,000 per year** to the state of North Dakota to investigate fair housing claims. Restrictive laws like this one can impact substantial equivalence **and cause North Dakota to lose HUD funding** to investigate cases. If that were to happen, housing discrimination cases would still need to be investigated at the state level and at the federal level. This outcome would double the administrative burden for both the complainant and respondent. SB 2193 as written could have the unintended effect of opening our landlords to more federal enforcement of housing discrimination claims. When a similar bill was considered in the state of Virginia, the state consulted with federal authorities and then revised its proposals about who can provide reliable documentation, so their state law more closely mirrors federal law.

Therefore, High Plains urges this Committee to recommend a “do not pass” on this bill, or in the alternative, to consider these amendments to better balance the legitimate needs of disabled North Dakotans with those of property owners and managers, and to avoid clashing with federal law and losing HUD funding.

2025 SENATE STANDING COMMITTEE MINUTES

Agriculture and Veterans Affairs Committee

Fort Union Room, State Capitol

SB 2193

1/31/2025

A bill relating to the certification and sale of assistance animals; and relating to definitions associated with assistance animals; and to provide a penalty.

9:37 a.m. Chairman Luick opened the hearing.

Members present: Chairman Luick, Vice-Chair Myrdal, Senator Marcellais, Senator Weston, Senator Weber, Senator Lemm

Discussion Topics:

- Parameters of the service animal industry
- Comfort animals and service animals
- Required documents
- Depression, anxiety and emotional disabilities
- Rights of others and property rights

9:38 a.m. Chairman Luick led committee in discussion on effects of the bill.

9:47 a.m. Senator Myrdal moved a Do Pass.

9:47 a.m. Senator Weston seconded the motion.

Senators	Vote
Senator Larry Luick	Y
Senator Janne Myrdal	Y
Senator Randy D. Lemm	Y
Senator Richard Marcellais	N
Senator Mark F. Weber	N
Senator Kent Weston	Y

Motion passed 4-2-0.

Senator Myrdal will carry the bill.

9:48 a.m. Chairman Luick closed the hearing.

Audrey Oswald, Committee Clerk

REPORT OF STANDING COMMITTEE
SB 2193 ([25.0247.01000](#))

Agriculture and Veterans Affairs Committee (Sen. Luick, Chairman) recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). SB 2193 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

2025 HOUSE AGRICULTURE

SB 2193

2025 HOUSE STANDING COMMITTEE MINUTES

Agriculture Committee Room JW327C, State Capitol

SB 2193
3/13/2025

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

10:14 a.m. Chairman Beltz opened the meeting.

Members Present: Chairman Beltz, Vice Chairman Hauck, Representatives Anderson, Dobervich, Henderson, Holle, Hoverson, Kiefert, Nehring, Olson, Rios, Schreiber-Beck, Tveit, Vollmer

Discussion Topics:

- Sensible boundaries/guidelines
- Federal Fair Housing Act
- HUD funding
- Clarify therapist

10:15 a.m. Senator Judy Lee, District 13, West Fargo, ND, introduced the bill and submitted testimony #41347.

10:24 a.m. Zachary N. Greenberg, Interim Commissioner, ND Department of Labor and Human Rights, testified in opposition and submitted testimony #41090.

10:33 a.m. Christina Sambor, Lobbyist #312, High Plains Fair Housing Center, testified in opposition #41306.

10:46 a.m. Micah Olson, Attorney, ND Protection & Advocacy Project, testified in opposition and submitted testimony #40651.

10:55 a.m. Lilliann Johnston, Bismarck, ND, testified in opposition.

11:00 a.m. Courtney Koebele, Executive Director, North Dakota Medical Association (NDMA), testified in opposition and submitted testimony #41144.

11:00 a.m. Cody Schuler, Dakota advocacy Manager, ACLU of ND, testified in opposition.

Additional Written Testimony:

Kirsten Dvorak, Executive Director, The Arc of North Dakota, submitted testimony in favor #41134.

11:01 a.m. Chairman Beltz closed the meeting.

Diane Lillis, Committee Clerk



Protection & Advocacy Project

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House Agriculture Committee
Senate Bill 2193- March 13, 2025
Testimony of Micah Olson, P&A Position-In Opposition

Mr. Chairman, members of the committee, my name is Micah Olson. I am an attorney at Protection & Advocacy. I am speaking in opposition to Senate Bill No. 2193 in its current form. I am here today to discuss concerns with this bill.

There are three federal laws that relate to assistance animals and service animals. The Fair Housing Act and Rehabilitation Act of 1973 both relate to housing and allow for reasonable accommodations and modifications for disabilities. One possible accommodation is an assistance animal. Assistance animals can assist disabled individuals with one or more tasks. Emotional support animals are a type of assistance animal. Assistance animals are limited to an individual's home. They do not have a right to be in a public place, hotel, or public transportation. There is no certification to be an assistance or emotional support animal. Assistance animals are often dogs or cats, but there is not a specific limitation on the type of animal an assistance animal can be.

Under the Americans with Disabilities Act (ADA), a service animal is a dog or miniature horse that assists a disabled individual with one or more tasks. Service animals can go anywhere the general public can go, including stores, restaurants, and other public places. Service animals are often trained to become service animals, but the ADA does not have specific training requirements.

Protection & Advocacy has attached fact sheets explaining the laws regarding assistance animals and service animals.

Protection & Advocacy recommends the definition of "service animal" in Section 1 (4) include miniature horses, as this conforms with 28 C.F.R. § 35.136, a regulation under the Americans with Disabilities Act. North Dakota law should conform to the federal law.

Section 2 (1) (a) requires an individual who provides documentation supporting the need for an assistance animal to be licensed to practice medicine in North Dakota. There are two concerns with this requirement.

First, it is not clear from the language if the individual licensed to practice medicine is required to be a medical doctor or if another type of licensed medical professional is permissible. Specifically identifying the types of individuals who can provide documentation will clarify this issue. A licensed counselor, therapist, or psychologist or medical professional other than a medical doctor, such as a physician's assistant or nurse practitioner would be qualified to assess whether an individual requires an assistance animal, and this bill should reflect this. Because of limits in access to medical doctors, it is common for North Dakotans to see qualified medical professionals other than medical doctors. Requiring an individual to establish a new relationship with a medical doctor may be burdensome, possibly requiring individuals who require assistance animals to wait months to obtain the documentation needed to support the need for an assistance animal.

Secondly, requiring the medical professional to be licensed in North Dakota would adversely affect individuals moving to the state who require assistance animals. The requirement would not be feasible for new North Dakota residents, as they are unlikely to have established a medical provider immediately upon moving to North Dakota. Additionally, the individual may not have health insurance immediately upon moving to North Dakota, making it unfeasible to go to the doctor for the required two visits to establish a need for an assistance animal. Also, the need for an assistance animal may not be immediately obvious to a new medical provider, which would cause further delays. A legitimate medical provider in a different state who has an established relationship with the individual should be permitted to provide any documentation needed so the individual to immediately utilize an assistance animal, which may be a necessary accommodation for an individual. Additionally, an individual may see an out-of-state specialist for medical care. Even though such a specialist would be qualified to assess the need for an assistance animal, this bill would not allow the specialist's expertise to be considered.

Next, Section 2 (3) and (4) prohibits health care providers and individuals in general from misrepresenting an individual has a disability. Protection & Advocacy proposes the word "knowingly" be added to these subsections, as there is a possibility of a health care provider or advocate unintentionally relying on incorrect information when assisting an individual seeking an assistance animal, and unintentionally violating these subsections. Adding "knowingly" addresses the issue of an individual intentionally providing false information, while protecting providers, advocates, or other individuals who are acting in good faith.

Protection & Advocacy also recommends section 2 include, "Documentation is not required when the need for an assistance animal due to a disability is readily apparent." This conforms to guidance from the U.S. Department of Housing and Urban Development. When the need for an assistance animal is readily apparent, it is unnecessary and burdensome for the individual requesting the accommodation. This clarification is also needed because of concerns landlords or management companies may develop policies requiring documentation for other disability-related accommodations and modifications based on the requirements in this bill.

Section 3, regarding the sale of an assistance animals does not appear to accurately reflect the nature of an assistance animal. Assistance animals are generally not certified as assistance animals or typically sold

for the specific purpose of being an assistance animal. A seller may not know an individual is using the animal as an assistance animal. This section appears to suggest the sale of all animals should include a notice regarding assistance animals.

Protection & Advocacy supports a Do Not Pass recommendation in its current form.

Service Animals

What is a Service Animal?

Under the Americans with Disabilities Act (ADA), a service animal is “any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not considered service animals under the ADA. However, the ADA does include miniature horses in the definition of service animals, providing that the horse has been individually trained to do work or perform tasks for the individual with the disability. There is also a maximum size and weight restriction for a miniature horse that acts as a service animal. The work or tasks performed by a service animal must be directly related to the individual’s disability.” 28 C.F.R. §§ 35.104 and 36.104.

Under North Dakota law, a service animal is “any dog trained to do work, perform tasks, or provide assistance for the benefit of an individual with a disability. The term includes a dog trained to provide assistance to an individual with a disability, pull a wheelchair, lend balance support, retrieve dropped objects, or provide assistance in a medical crisis.” N.D.C.C. § 25-13-01.1.

What are the Responsibilities of Owning a Service Animal?

The service animal must be under the control of its owner. This can be accomplished by harness, leash, or voice control. If the service animal is not under control and the owner fails to take effective action to control the service animal, or the service animal poses a direct threat to the health or safety of others, it is allowable to require the animal to be removed from the premises. The animal must be “house broken.” The owner must also comply with local animal control and public health requirements, such as up-to-date vaccinations and licensing.



DISABILITY RIGHTS
NORTH DAKOTA

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(701) 328-2950
ND Relay 711 TTY
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panda_intake@nd.gov

Please contact Protection and Advocacy if you need an alternative format

How Do Service Animals Assist People with Disabilities?

- Guide Blind people or people who have low vision
- Alert Deaf people or people who are hard of hearing
- Provide non-violent protection or rescue work
- Pull wheelchairs
- Assist an individual during a seizure
- Alert individuals to the presence of allergens
- Retrieve items such as medicine or the telephone
- Provide physical support and assistance with balance and stability
- Help persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors

Are Owners of Service Animals Required to Have Documentation?

An owner of a service animal cannot be required to show documentation of the animal's certification, licensure, or training by a state or local government or animal trainer. It's not required that a service animal is professionally trained. All that can be asked of the owner are two questions:

- Is the animal required because of a disability? (This does not mean that the owner must disclose their disability.)
- What task or work is the animal trained to perform for you?

Additional Resources

- [ADA National Network's Service Animals and Emotional Support Animals](#)
- [U.S. Department of Justice's Frequently Asked Questions About Service Animals and the ADA](#)
- [U.S. Department of Justice's ADA Requirements: Service Animals](#)

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Assistance & Emotional Support Animals

What is an Assistance Animal?

- An assistance animal provides assistance, performs tasks, or provides emotional support for the benefit of a person with a disability.
- An assistance animal is not a pet.
- An assistance animal may be a reasonable accommodation under the Fair Housing Act.
- Unlike service animals under the Americans with Disabilities Act, an assistance animal is not necessarily limited to a dog or miniature horse. It may be another kind of animal.

What are Emotional Support Animals?

- A type of assistance animal.
- Animals that are identified as emotional support, comfort, companion, or therapy animals are not considered service animals under the ADA. This is true even if there is a medical treatment plan that includes the use of such animals.
- While these animals may provide companionship, relieve loneliness, or help with depression, anxiety, and certain phobias, they do not have the specialized training to perform tasks that assist people with disabilities, nor are they limited to working with people with disabilities.

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**DISABILITY RIGHTS
NORTH DAKOTA**

1-800-472-2670
(701) 328-2950
ND Relay 711 TTY
www.ndpanda.org
panda_intake@nd.gov

Please contact Protection and Advocacy if you need an alternative format

Where Can Service Animals, Emotional Support Animals, & Assistance Animals Go?

Where Are Service Animals Allowed?

The ADA requires state and local governments, including public schools, colleges and universities, public accommodations, and commercial facilities to allow service animals to accompany their handlers in all areas where members of the public are allowed to go.

Similarly, North Dakota's law entitles an individual with a disability to be accompanied by a service animal in places of public accommodations.
N.D.C.C. § 25-13-02.

Examples of public accommodations include restaurants, theaters, hotels, grocery stores, hospitals and medical offices, department stores, malls, health clubs, parks, zoos, sporting facilities and all public transportation systems such as airports, car rentals, trains/metro systems, buses/shuttles, and demand-response transportation services, such as taxis, limos and rideshare.

Are They Allowed in Public Transportation?

A public transportation provider cannot deny access, even if there is a "no pets" policy and cannot require the individual to pay additional fees or to sit in a particular area with the service animal.



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Are They Allowed on Airplanes?

Under the Air Carrier Access Act (ACAA) carriers must allow a service animal to accompany a passenger with a disability. 14 C.F.R. § 382. In this capacity, a service animal “means a dog, regardless of breed or type, that is individually trained to do work or perform tasks for the benefit of a qualified individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.” Animals other than dogs are not considered service animals. Emotional support animals are not allowed under the ACAA. Carriers may require passengers traveling with a service animal to provide documentation. Airports are generally covered under the Americans with Disabilities Act.

Are They Allowed in Schools?

Under the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act, a student may be permitted to have an animal in school that does not meet the ADA definition of a service animal, providing that the IEP or Section 504 team has determined that the animal is necessary for the student to receive a free and appropriate education.

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Housing Rights

Service, Assistance, & Emotional Support Animals

Where are Service Animals Allowed?

The Fair Housing Act prohibits discrimination against an individual with a disability in **renting or buying** residential property, **even if the building has a “no pets” policy**. This includes “a refusal to make reasonable accommodations in rules, policies, practices when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.” [42 U.S.C.A. § 3604\(3\)\(B\)](#).

According to the [United States Department of Housing and Urban Development](#) (HUD) assistance animals are an example of a **reasonable accommodation** for a tenant with a disability. In this capacity, “An assistance animal is an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or that provides emotional support that alleviates one or more identified effects of a person’s disability. **An assistance animal is not a pet.**” Refusing to allow a tenant with a disability to have an assistance animal or charging a fee for the assistance animal are examples of **disability discrimination under the Fair Housing Act**.

Can Landlords Require Tenants to Provide Documentation?

- Housing providers may ask individuals with non-apparent disabilities for documentation of a disability when requesting an accommodation for their assistance animal.
- Housing providers may not ask individuals with assistance animals to provide documentation of their disability if the disability is apparent.
- Housing providers may not ask for documentation of the disability-related need for an assistance animal if the need is readily apparent or already known.



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What Kind of Documentation Should I Provide?

The [documentation](#) should establish that the individual has a disability, and the animal will provide some type of disability-related assistance or emotional support.

Can a Person with a Service Animal or Assistance Animal Visit Someone Who Lives in a Rental Unit?

A person who has a service animal or assistance animal may visit someone who lives in a rental unit. Tenants have the right to have guests, and it is a **reasonable accommodation** to allow a person who uses a service animal or assistance animal to bring the animal to the property. The person who uses the service animal or assistance animal has the right to access the tenant's home and common areas of the property. **Landlords cannot discriminate against the tenant or guest or charge a fee for the animal.**

What can I do if I'm being discriminated against?

- [File a complaint with the ND Department of Labor.](#)
- [Report housing discrimination to HUD.](#)

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69th Legislative Assembly
Regular Session (2025)

S.B. 2193

OPPOSITION

House Agriculture Committee

Rep. Mike Beltz, Chairman

Rep. Dori Hauck, Vice Chairman

Testimony of Zachary Greenberg

Interim Commissioner of Labor

N.D. Department of Labor and Human Rights

March 13, 2025

Chairman Beltz, Vice-Chair Hauck, and Members of the Committee,

Thank you for the opportunity to testify in opposition of SB 2193. My name is Zachary Greenberg, and I serve as the interim Commissioner of the North Dakota Department of Labor and Human Rights.

My concerns with this bill center primarily on its risk of putting North Dakota in non-compliance with federal law by affecting the state's substantial equivalency status with the U.S. Department of Housing and Urban Development (HUD). This non-compliance would have significant consequences, including the loss of funding and an increased administrative burden on all parties involved in housing discrimination claims.

HUD Cooperative Agreement & Substantial Equivalency

The Department is responsible for receiving and investigating complaints of housing discrimination under N.D.C.C. ch. 14-02.5, the Housing Discrimination Act. HUD has deemed North Dakota's Housing Discrimination Act substantially equivalent to the federal Fair Housing Act, meaning that our state law provides at least the same substantive rights, procedures, remedies, and judicial review provisions to residents as federal law.

Maintaining this substantial equivalency status is essential because it allows the Department to enter into a Cooperative Agreement with HUD, which provides funding for complaint processing, administrative costs, and training, and allows the Department to investigate both state and federal housing complaints in tandem, reducing the burden and resolution time for complainants and respondents. In recent years, this funding has amounted to approximately \$125,000 annually.

Impact of SB 2193

SB 2193 creates new provisions regarding documentation requirements for emotional support animals (ESAs) in housing, including:

- The creation of definitions that don't appear in the Federal Fair Housing Act
- Requires documentation originate from a medical professional
- Requires the provider to be licensed or certified in North Dakota
- Provides for a penalty that does not appear in the Federal Fair Housing Act
- Creates a 30-day minimum requirement for relationships with a provider
- Implements burdens on providers of assistance animals

All these requirements are more restrictive than federal law. Because SB 2193 imposes stricter standards than federal law, it has the potential to eliminate North Dakota's substantial equivalency status upon implementation.

Consequences of Losing Substantial Equivalency

If North Dakota loses its substantial equivalency status, the Department would no longer be able to enter into a Cooperative Agreement with HUD and would no longer receive HUD funding. However, our responsibility to investigate housing discrimination claims under N.D.C.C. ch. 14-02.5 would remain. This means:

- The Department would lose critical financial resources, requiring a request for increased state funding to offset the loss.
- Complainants and respondents would be subject to two separate investigations—one by HUD and one by the Department—with no coordination between the agencies. This would increase administrative burdens for all parties.

Conclusion

For these reasons, I respectfully oppose SB 2193 in its current form and urge a modification to preserve North Dakota's substantial equivalency status under federal fair housing laws.

Thank you for your time, and I am happy to answer any questions.



SB 2193
March 13, 2025

My name is Kirsten Dvorak, and I am the Executive Director of The Arc of North Dakota, the oldest statewide disability advocacy organization. I am here today to share concerns about this bill, which may have unintended impacts on individuals with disabilities and those who support them.

While the bill seeks to address the misuse of assistance animals, it could inadvertently create challenges for individuals with legitimate needs. Specifically, I would like to highlight the following points:

The bill introduces specific conditions for healthcare providers before issuing documentation for assistance animals. For individuals in rural or underserved areas, accessing a licensed healthcare provider for multiple sessions within a specified time frame can be challenging. This issue is further compounded for individuals with rare and complex medical needs, who may already face significant hurdles in accessing specialized care. Such delays could critically impact those who rely on assistance animals for daily functioning.

While the bill states it does not modify federal protections under the Fair Housing Act and the Americans with Disabilities Act, the additional documentation requirements could inadvertently discourage landlords and property managers from accommodating assistance animals. This could potentially complicate the process for individuals seeking accommodations.

The distinction between assistance animals and service animals may lead to misunderstanding or stigma. Clear and consistent messaging will help ensure that the intent and application of the law are well understood.

In conclusion, addressing fraudulent claims related to assistance animals is essential, especially given the prevalence of falsified documentation, such as certificates obtained through the Internet without proper verification. However, the measures outlined in Senate Bill No. 2193 could be refined to better balance accountability with accessibility and fairness for those with legitimate needs. I respectfully recommend that the committee consider adjustments to the bill to address these concerns.

Thank you for your time and consideration. I am happy to answer any questions the committee may have.

Sincerely,
Kirsten Dvorak
Executive Director, The Arc of North Dakota



House Agriculture Committee

SB 2193

March 13, 2025

Chairman Beltz and Committee Members, I'm Courtney Koebele and I serve as Executive Director of the North Dakota Medical Association. The North Dakota Medical Association is the professional membership organization for North Dakota physicians, residents, and medical students.

NDMA opposes the penalties provided in SB 2193.

The NDMA Policy Forum recently passed a policy opposing the criminalization of medical practice. This policy states as follows:

NDMA should take all reasonable and necessary steps to ensure that evidence-based medical decision-making and treatment, exercised in accordance with evidence-based standards of care, does not become a violation of criminal law.

SB 2193 provides that a physician who violates this section is guilty of an infraction for a first offense and a class B misdemeanor for a second or subsequent offense.

NDMA believes a penalty such as this creates undue stress on the healthcare provider, who already carries a great deal of weight, assuring patients' needs are met. This is particularly concerning when the documentation process risks unintentionally relying on incorrect information, resulting in an unintentional violation of the law.

Thank you for the opportunity to address this committee. I would be happy to answer any questions.

Christina Sambor, Lobbyist No. 312
On behalf of High Plains Fair Housing Center
Testimony in Opposition to SB2193
House Agriculture Committee
March 13, 2025

Chairman Beltz and members of the Committee:

I am here on behalf of High Plains Fair Housing Center. High Plains Fair Housing Center is a private, non-profit fair housing organization that works to eliminate housing discrimination and to ensure equal housing opportunity for all. High Plains advocates for those who have experienced discrimination in housing based on their status in a protected class and provides education about fair housing rights and responsibilities throughout the entire state. We help the many people who contact us with housing issues, and most often they resolve their issues without going to court.

Consistent with nationwide statistics, the number one type of housing discrimination we see in North Dakota is against persons with disabilities. About 25% of our disability cases involve combat veterans who have PTSD and use assistance or companion animals in their homes to alleviate their symptoms. While this is an entirely valid use of the law, we see landlords often resist requests from these vets for assistance animals. These individuals already struggle to overcome that resistance and obtain approval.

High Plains assisted a young father who was unable to leave his apartment because of severe PTSD from his time serving in Afghanistan. He talked about his fear of open spaces and said that he feared snipers on every roof top. He worked with his psychologist who prescribed an assistance dog. He was able to begin leaving the house with the assistance of that dog, taking the dog on walks. After some time he was able to go outside and walk with his wife and baby, and over time, was able to return to normal activities, including work.

While High Plains opposes SB2193 as written, we understand that there are abuses of reasonable accommodations and that some people misrepresent that they have a disability to have their pets in pet-free buildings or to avoid pet fees. Fraudulent claims make our job more difficult. Still, in the 12 years High Plains has been doing this work for people in North Dakota, we have seen many, many people who legitimately needed assistance animals and whose lives improved because of the assistance animals in their homes. We are concerned that this bill will prevent North Dakotans with disabilities from getting assistance animals, with negative consequences for them and for our state as a whole. Therefore, High Plains

requests that if this committee recommends a do pass on this bill, that it be after the following amendments.

First, in Section 2-1: Requiring the prescribing health care provider to “be actively licensed to practice medicine in the state,” could in fact benefit the fraudulent online providers that exist solely for the purpose of providing ESA letters. Those online providers **are** licensed in the state. Conversely, the many students who attend our universities and out-of-state workers who come here with an assistance animal will be penalized for having long term, established relationships with their out-of-state healthcare providers.

Additionally, “licensed to practice medicine” conflicts with the federal law. Federal law permits documentation to come from a variety of sources (**not just** a physician), without **any** geographic restriction, if the documentation provider is “in a position to know about the individual's disability”. This can include counselors, therapists, psychologists, and social workers who work directly with the disabled person.

In 1(d): requiring a clinical evaluation to have been performed within 30 days is unduly burdensome and unnecessary to reliably show that the person seeking an accommodation for an assistance animal has a disability necessitating the accommodation. It also ignores the reality of the timelines people often encounter when trying to make appointments with qualified professionals to get an evaluation.

In Section 2-5: the bill provides: “any person in violation of this section is guilty of an infraction for the first offense and a class B misdemeanor for a second or subsequent offense.” This addition will have a chilling effect on any legitimate healthcare provider prescribing an emotional support animal.

Next, in Section 3: Regarding the proposed disclosures required of a person providing an assistance animal, since an assistance or emotional support animal does not have to be trained, an assistance animal can come from a pet store, a local farmer, the Humane Society or any other rescue shelters. This first sentence will create an undue burden on the legitimate businesses, organizations, and individuals involved in the sale of animals or even private persons or entities who provide animals for adoption.

Finally, we are concerned that passing this bill without amendments could jeopardize North Dakota's relationship with The U.S. Department of Housing and Urban Development (HUD). This bill itself recognizes conflict with existing federal housing law. The text says: This section may not be construed to restrict or modify any federal or state laws relating to an individual's rights for reasonable accommodation and equal access to housing, including rights afforded in accordance with the Fair Housing Act [Pub. L. 90-284; 82 Stat. 81; 42 U.S.C. 3601, et seq.]

and the Americans with Disabilities Act [Pub. L. 101-336; 104 Stat. 327; 42 U.S.C 12101 et seq.].

State law may not restrict rights granted by federal law and is preempted by federal law. Passing a state law that expressly conflicts with federal law but then acknowledges the supremacy of federal law will create confusion and a basis for potential litigation. HUD has deemed current North Dakota housing law "substantially equivalent" to the Fair Housing Act, meaning that it offers **at least the same substantive rights, procedures, remedies, and judicial review provisions as the federal Fair Housing Act**. The substantial equivalency status of our state law allows the North Dakota Department of Labor and Human Rights to enter into Cooperative Agreements with HUD. HUD then provides **funding** to the Department for complaint processing, administrative costs, and training. HUD sends an average of about **\$125,000 per year** to the state of North Dakota to investigate fair housing claims. Restrictive laws like this one can impact substantial equivalence **and cause North Dakota to lose HUD funding** to investigate cases. If that were to happen, housing discrimination cases would still need to be investigated at the state level and at the federal level. This outcome would double the administrative burden for both the complainant and respondent. SB 2193 as written could have the unintended effect of opening our landlords to more federal enforcement of housing discrimination claims. When a similar bill was considered in the state of Virginia, the state consulted with federal authorities and then revised its proposals about who can provide reliable documentation, so their state law more closely mirrors federal law.

Therefore, High Plains urges this Committee to recommend a "do not pass" on this bill, or in the alternative, to consider the proposed amendments to better balance the legitimate needs of disabled North Dakotans with those of property owners and managers, and to avoid clashing with federal law and losing HUD funding.

25.0247.01001
Title.

Prepared by the Legislative Council
staff for Representative Foss
February 5, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2193

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 including a licensed medical doctor, _
16 physician's assistant, nurse practitioner, counselor, therapist, clinical social worker,
17 or psychologist
- 18 3. "Health care services" means services rendered by a health care provider within the
19 scope of the provider's license.

4. "Service animal" means ~~any~~ dog or miniature horse trained to ~~do~~ work, perform tasks, or provide assistance for the benefit of an individual with a disability. The term includes a dog trained to ~~provide assistance to~~ assist an individual with a disability, ~~pull-~~ by pulling a wheelchair, ~~lend~~ lending balance support, ~~retrieve~~ retrieving dropped objects, or ~~provide~~ providing assistance in a medical crisis.

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

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

Health care provider documentation - Requirements - Prohibited acts - ~~Penalty.~~

1. A health care provider may not produce documentation relating to an individual's need for an assistance animal unless the health care provider:

~~a. Is actively licensed to practice medicine in the state;~~

~~b. Is qualified and licensed to evaluate and diagnose disabilities and has performed a disability assessment~~ or clinical evaluation on the individual for which documentation is produced;

~~e.b.~~ Has engaged with the individual in-person or remotely ~~in at least two sessions~~ before issuing documentation determining the individual requires an assistance animal; and

~~d.c.~~ ~~Performs a clinical evaluation of the individual no less than thirty days before producing documentation regarding the individual's need for an assistance animal.~~

2. Documentation issued by a health care provider regarding an individual's need for an assistance animal must include:

a. The effective date of the documentation;

b. The license number of the health care provider;

c. The type of professional license held by the health care provider; and

d. Evidence establishing a therapeutic relationship with the individual no less than thirty days before producing the documentation regarding the individual's need for an assistance animal.

3. A health care provider may not knowingly represent or attempt to represent that an individual has a disability requiring an assistance animal when an individual is not disabled or does not need an assistance animal on account of the individual's disability.

4. An individual may not knowingly represent or attempt to represent to a third party that the individual has a disability requiring an assistance animal when the individual is not disabled or does not require an assistance animal on account of the individual's disability.

~~5. Any person in violation of this section is guilty of an infraction for a first offense and a class B misdemeanor for a second or subsequent offense.~~

~~6.~~ This section may not be construed to restrict or modify any federal or state laws relating to an individual's rights for reasonable accommodation and equal access to housing, including rights afforded in accordance with the Fair Housing Act [Pub. L. 90-284; 82 Stat. 81; 42 U.S.C. 3601, et seq.] and the Americans with Disabilities Act [Pub. L. 101-336; 104 Stat. 327; 42 U.S.C 12101 et seq.].

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

Sale of assistance animals - Notice requirements - Penalty.

1. A person ~~selling~~ advertising the sale of or providing an animal for use as an assistance animal, or providing a certificate or letter certifying an animal for use as an assistance animal shall provide a written notice to the buyer or recipient of the animal stating the assistance animal:

a. Does not have the special training required to qualify as a service animal; and

b. Is not entitled to the rights and privileges accorded by law to a service animal.

2. The written notice under subsection 1 must be printed in bold in at least twelve-point typeface.

3. A person violating this section is guilty of an infraction for a first offense and a class B 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.].

2025 HOUSE STANDING COMMITTEE MINUTES

Agriculture Committee Room JW327C, State Capitol

SB 2193
3/14/2025

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

8:24 a.m. Chairman Beltz opened the meeting.

Members Present: Chairman Beltz, Vice Chairman Hauck, Representatives Anderson, Dobervich, Henderson, Holle, Hoverson, Kiefert, Nehring, Olson, Rios, Schreiber-Beck, Tveit, Vollmer

Discussion Topics:

- Balance owners/renters' interests
- Compliance with Federal Government
- Service animal usage
- Miniature horses
- Companion animals

8:27 a.m. Representative Tveit moved Do Not Pass.

8:27 a.m. Representative Anderson seconded the motion.

Representatives	Vote
Representative Mike Beltz	Y
Representative Dori Hauck	Y
Representative Karen A. Anderson	Y
Representative Gretchen Dobervich	Y
Representative Donna Henderson	Y
Representative Dawson Holle	Y
Representative Jeff Hoverson	Y
Representative Dwight Kiefert	Y
Representative Dennis Nehring	Y
Representative SuAnn Olson	Y
Representative Nico Rios	N
Representative Cynthia Schreiber-Beck	Y
Representative Bill Tveit	Y
Representative Daniel R. Vollmer	AB

Motion passed 12-1-1

8:30 a.m. Representative Dobervich will carry the bill.

House Agriculture Committee

SB 2193

03/14/25

Page 2

8:30 a.m. Chairman Beltz closed the meeting.

Diane Lillis, Committee Clerk

REPORT OF STANDING COMMITTEE
SB 2193 ([25.0247.01000](#))

Agriculture Committee (Rep. Beltz, Chairman) recommends **DO NOT PASS** (12 YEAS, 1 NAY, 1 ABSENT OR EXCUSED AND NOT VOTING). SB 2193 was placed on the Fourteenth order on the calendar.