

**HOUSE . . . . . No. 2277**

---

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Kimberly N. Ferguson***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the misrepresentation of a service animal.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>
<i>Donald R. Berthiaume, Jr.</i>	<i>5th Worcester</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>
<i>Kate D. Campanale</i>	<i>17th Worcester</i>
<i>Daniel Cullinane</i>	<i>12th Suffolk</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>
<i>Geoff Diehl</i>	<i>7th Plymouth</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>

<i>Peter J. Durant</i>	<i>6th Worcester</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>
<i>Solomon Goldstein-Rose</i>	<i>3rd Hampshire</i>
<i>Natalie Higgins</i>	<i>4th Worcester</i>
<i>Bradford R. Hill</i>	<i>4th Essex</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>
<i>Kevin J. Kuros</i>	<i>8th Worcester</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>James R. Miceli</i>	<i>19th Middlesex</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Mathew Muratore</i>	<i>1st Plymouth</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>
<i>Harold P. Naughton, Jr.</i>	<i>12th Worcester</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>
<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>James E. Timilty</i>	<i>Bristol and Norfolk</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>

*Susannah M. Whipps*

*2nd Franklin*

*Jonathan D. Zlotnik*

*2nd Worcester*

*Sean Garballey*

*23rd Middlesex*

**HOUSE . . . . . No. 2277**

By Mrs. Ferguson of Holden, a petition (accompanied by bill, House, No. 2277) of Kimberly N. Ferguson and others relative to service animals and penalties for misrepresentation. The Judiciary.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninetieth General Court  
(2017-2018)**

An Act relative to the misrepresentation of a service animal.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 272 of the General Laws, as appearing in the 2014 Official Edition, is hereby  
2 amended by inserting after section 98A the following:-

3 Section 98B. (a) As used in this section, the following words shall have the following  
4 meanings unless the context clearly requires otherwise:

5 “Disability” has the same meaning as set forth in the deferral “Americans with  
6 Disabilities Act of 1990”, 42 U.S.C. Sec. 12101 et seq., and its related amendments  
7 implementing regulations.

8 “Service dog” has the same meaning as set forth in the implementing regulations of Title  
9 II and Title III of the federal “Americans with Disabilities Act of 1990”, 42 U.S.C. Sec. 12101 et  
10 seq.

11 “Service-dog-in-training” means a dog or puppy that has been selected for service dog  
12 work and is being handled by a service-dog trainer .

13 “Service-dog trainer” means a competent dog trainer who is providing individual training  
14 of a dog or puppy with the intention of having the dog or puppy become a working service dog  
15 that will perform tasks for a disabled person.

16 (b) Business owners and individuals will continue to be protected under the Americans  
17 with Disabilities Act of 1990.

18 (c) The Executive Office of Labor and Workforce Development Business shall prepare  
19 and make available to businesses upon request, (i) a decal suitable for posting in a front window  
20 or door, stating that service dogs are welcome and that misrepresentation of a service dog is a  
21 violation of Massachusetts law, (ii) a brochure detailing permissible questions a business owner  
22 may ask in order to determine whether a dog is a service dog, proper answers to those questions,  
23 and guidelines defining unacceptable behavior.

24 (d) It shall be a civil infraction for any individual to misrepresent a pet dog as a service  
25 dog. A violation of this section occurs when:

26 (1) An individual expressly or impliedly represents that a dog in his or her possession  
27 is his or her service dog or a service-dog-in-training for the purpose of obtaining any rights or  
28 privileges afforded disabled persons accompanied by service dogs, but unavailable to people and  
29 their pets, and

30 (2) Said individual knew or should have known that the dog in question did not meet  
31 the definition of a service animal or service-animal-in-training.

32           (3)     It is an intentional misrepresentation and a violation of this section for an  
33 individual to take a dog into a place of public accommodation where pets are not permitted, and  
34 the dog is wearing a cape, vest, special leash, or other form of identification that states or implies  
35 that the dog is a service dog entitled to be present, even if the individual makes no affirmative  
36 statements.

37           (e) Any police or animal control officer may investigate and enforce this section by  
38 making inquiry of the individual accompanied by the dog in question and issuing a citation.  
39 Refusal by the individual to answer the permissible questions shall create a presumption that the  
40 dog is not a service dog and the officer may issue the citation and require the individual to  
41 remove the dog from the place of public accommodation.

42           (f) A person who violates this section commits a civil infraction, punishable by 30 hours  
43 of community service for an organization that serves individuals with disabilities, or for another  
44 entity or organization at the discretion of the court, to be completed in not more than 6 months  
45 and/or pay a fine no more than \$500.