

HOUSE No. 4329

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, February 8, 2024.

The committee on The Judiciary to whom was referred the petition (accompanied by bill, House, No. 1480) of Kimberly N. Ferguson and others for an investigation by a special commission (including members of the General Court) relative to the intentional misrepresentation of a service animal and the petition (accompanied by bill, House. No. 1481) of Kimberly N. Ferguson and others relative to the misrepresentation of a service animal, reports recommending that the accompanying bill (House, No. 4329) ought to pass.

For the committee,

MICHAEL S. DAY.

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**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to a commission to study the intentional 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 (a) There shall be a special legislative commission established pursuant to section 2A of
2 chapter 4 of the General Laws to study and report on the use of service animals in the
3 commonwealth. The commission shall consist of 15 members: 2 of whom shall be the house and
4 senate chairs of the joint committee on the judiciary or their designees, who shall serve as co-
5 chairs; 1 of whom shall be appointed by the speaker of the house; 1 of whom shall be appointed
6 by the senate president; 1 of whom shall be appointed by the house minority leader; 1 of whom
7 shall be appointed by the senate minority leader; 1 of whom shall be the attorney general or their
8 designee; 1 of whom shall be the director of the Massachusetts office on disability or their
9 designee; 1 of whom shall be the chair of the Massachusetts Commission Against Discrimination
10 or their designee; 1 of whom shall be the chair of the municipal police training committee
11 established pursuant to section 116 of chapter 6 of the General Laws or their designee; 1 of
12 whom shall be the executive director of the mental health legal advisors committee established
13 pursuant to section 34E of chapter 221 of the General Laws or their designee; 1 of whom shall be
14 the president of the Massachusetts Restaurant Association or their designee; and 3 members who

15 shall be appointed by the governor, 1 of whom shall be a representative of a professional
16 organization specializing in the advocacy, education or training of service animals, 1 of whom
17 shall be a representative of a professional organization specializing in the advocacy, education,
18 and/or training of other animals, including emotional support, companion, or comfort animals,
19 and 1 of whom shall be a member of an association advocating for the interests of retailers in the
20 commonwealth.

21 (b) The study shall include, but not be limited to: (i) reviewing current federal, state and
22 local laws and procedures governing the use of service animals in the commonwealth; (ii)
23 examining the use and benefit of service animals by individuals with disabilities in the
24 commonwealth; (iii) investigating the presence, prevalence and impact of fraud,
25 misrepresentation and other misuse of service animals in the commonwealth; (iv) researching
26 laws and practices in other jurisdictions with the objective to deter the misuse of service animals;
27 and (v) identifying training and educational opportunities aimed at increasing understanding of
28 laws governing the use of service animals among public officials, law enforcement, business
29 owners and members of the public in the commonwealth. The commission shall report on its
30 findings, including, but not limited to: (i) recommending changes to laws governing the use of
31 service animals in the commonwealth, if any, including the definition of “service animal” and
32 whether to introduce legislation prohibiting and civilly penalizing service animal fraud; and (ii)
33 determining the feasibility of certifying, registering or licensing service animals in the
34 commonwealth.

35 (c) The commission shall file its report not later than April 1, 2025 with the clerks of the
36 house of representatives and the senate, who shall forward a copy of the report to the chairs of
37 the house and senate committees on ways and means and the joint committee on the judiciary.