

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~~ assist an individual with a disability, ~~pull by pulling~~ a  
21 wheelchair, ~~lend~~ lending balance support, ~~retriever~~ 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.].