

1 **SENATE FLOOR VERSION**

2 February 9, 2022

3 SENATE BILL NO. 1223

By: Bullard

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6 An Act relating to service animals; amending 4 O.S.
7 2021, Section 801, which relates to public
8 accommodations; creating misdemeanor for improper use
9 of service animal; and providing an effective date.

10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 1. AMENDATORY 4 O.S. 2021, Section 801, is
12 amended to read as follows:

13 Section 801. A. For purposes of this section:

14 1. The terms "place of public accommodation", "public
15 accommodation" and "service animal" shall have the same meaning as
16 such terms are defined in 28 C.F.R., Section 36.104. "Service
17 animal" does not include an emotional support animal or a therapy
18 animal;

19 2. "Emotional support animal" means an animal selected to
20 reside with an individual with a disability that does not work or
21 perform tasks for the benefit of an individual with a disability and
22 does not accompany at all times an individual with a disability; and

23 3. "Therapy animal" means a personal pet who is certified to
24 make therapeutic visits with a trained volunteer to places

1 including, but not limited to, nursing facilities, schools and
2 hospitals to bring therapeutic benefit, comfort and cheer to others.

3 B. A public accommodation may adopt a policy to prohibit
4 animals, except service animals, from entering the place of public
5 accommodation.

6 C. A public accommodation which adopts such a policy shall post
7 a sign in a conspicuous location outside the entrance of the place
8 of public accommodation stating which animals or types of animals
9 are prohibited. Such sign shall also state that service animals are
10 permitted.

11 D. If a public accommodation inquires into the qualification of
12 a service animal, the public accommodation shall comply with 28
13 C.F.R., Section 36.302(c)(6).

14 E. Any person who is not an individual with a disability or is
15 not trained to assist individuals with disabilities, who uses a
16 service animal in an attempt to gain treatment or benefits as an
17 individual with a disability shall, upon conviction, be guilty of a
18 misdemeanor.

19 SECTION 2. This act shall become effective November 1, 2022.

20 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
21 February 9, 2022 - DO PASS

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