

1 ENGROSSED SENATE
2 BILL NO. 1223

By: Bullard of the Senate

and

3
4 Roberts (Dustin) of the
House

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

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

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

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

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

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

1 3. "Therapy animal" means a personal pet who is certified to
2 make therapeutic visits with a trained volunteer to places
3 including, but not limited to, nursing facilities, schools and
4 hospitals to bring therapeutic benefit, comfort and cheer to others.

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

8 C. A public accommodation which adopts such a policy shall post
9 a sign in a conspicuous location outside the entrance of the place
10 of public accommodation stating which animals or types of animals
11 are prohibited. Such sign shall ~~also~~ state that service animals are
12 permitted and may also include a statement pursuant to subparagraph
13 a of paragraph 2 of subsection E of this section.

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

17 E. 1. Any person who is not an individual with a disability or
18 is not trained to assist individuals with disabilities, who uses a
19 service animal in an attempt to gain treatment or benefits as an
20 individual with a disability shall, upon conviction, be guilty of a
21 misdemeanor punishable by a fine not more than Five Hundred Dollars
22 (\$500.00).

23 2. A public accommodation may post a sign inside or outside of
24 the place of public accommodation stating:

