

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE BILL 1223

By: Bullard

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5  
6 AS INTRODUCED

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

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

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

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

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

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

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

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

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

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