Emotional Support Animals – AB 468

This is to inform you of the new law regarding false claims on Emotional Support Animals. Also, the information you’ll need to submit with your animal.

Current Text: Chaptered: 9/16/2021

Status: 9/16/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 168, Statutes of 2021.

Location: 9/16/2021-A. CHAPTERED

Summary:  
Existing law regulates the sale of dogs and cats. Existing law also makes a person who knowingly and fraudulently represents, through verbal or written notice, the person to be the owner or trainer of a canine licensed as, to be qualified as, or identified as, a guide, signal, or service dog, as defined, guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding 6 months, by a fine not exceeding $1,000, or by both that fine and imprisonment.

This bill would require a person or business that sells or provides a dog for use as an emotional support dog, as defined, to provide a written notice to the buyer or recipient of the dog stating that the dog does not have the special training required to qualify as a guide, signal, or service dog and is not entitled to the rights and privileges accorded by law to a guide, signal, or service dog, and that knowingly and fraudulently representing oneself to be the owner or trainer of any canine licensed as, to be qualified as, or identified as, a guide, signal, or service dog is a misdemeanor.

The bill would require a person or business that sells or provides a certificate, identification, tag, vest, leash, or harness for an emotional support animal to provide a written notice, as specified, to the buyer or recipient.

The bill would also prohibit a health care practitioner from providing documentation relating to an individual’s need for an emotional support dog unless the health care practitioner complies with specified requirements, including holding a valid license, establishing a client-provider relationship with the individual for at least 30 days prior to providing the documentation, and completing a clinical evaluation of the individual regarding the need for an emotional support dog.

The bill would make a violation of the written notice requirements or knowingly and fraudulently representing, selling, or offering for sale, or attempting to represent, sell, or offer for sale, an emotional support dog as being entitled to the rights and privileges accorded by law to a guide, signal, or service dog, subject to a civil penalty, as specified.

The bill would state that this provision is not to be construed to restrict or change existing federal and state law related to a person’s rights for reasonable accommodation and equal access to housing, as specified.

Laws:  
An act to add Article 4 (commencing with Section 122317) to Chapter 5 of Part 6 of Division 105 of the Health and Safety Code, relating to support animals.

History:

2021

Feb. 8 Read first time. To print.

Feb. 9 From printer. May be heard in committee March 11.

Feb. 18 Referred to Coms. on PUB. S. and B. & P.

Mar. 22 From committee chair, with author's amendments: Amend, and re-refer to Com. on PUB. S. Read second time and amended.

Mar. 23 Re-referred to Com. on PUB. S. In committee: Hearing postponed by committee.

Mar. 25 Re-referred to Com. on B. & P. pursuant to Assembly Rule 96.

Apr. 6 From committee chair, with author's amendments: Amend, and re-refer to Com. on B. & P. Read second time and amended.

Apr. 7 Re-referred to Com. on B. & P.

Apr. 14 From committee: Do pass and re-refer to Com. on APPR. (Ayes 18. Noes 0.) (April 13). Re-referred to Com. on APPR.

May. 5 From committee: Do pass. To Consent Calendar. (Ayes 16. Noes 0.) (May 5).

May. 6 Read second time. Ordered to Consent Calendar.

May. 13 Read third time. Passed. Ordered to the Senate. (Ayes 75. Noes 0. Page 1408.) In Senate. Read first time. To Com. on RLS. for assignment.

May. 27 Referred to Coms. on B., P. & E.D. and JUD.

Jun. 8 From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on B., P. & E.D.

Jun. 14 In committee: Hearing postponed by committee.

Jun. 30 From committee: Do pass and re-refer to Com. on JUD. (Ayes 13. Noes 0.) (June 30). Re-referred to Com. on JUD.

Jul. 1 From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on JUD.

Jul. 14 From committee: Amend, and do pass as amended and re-refer to Com. on APPR. (Ayes 11. Noes 0.) (July 13).

Jul. 15 Read second time and amended. Re-referred to Com. on APPR.

Aug. 16 From committee: Be ordered to second reading pursuant to Senate Rule 28.8.

Aug. 17 Read second time. Ordered to third reading.

Aug. 30 Read third time. Passed. Ordered to the Assembly. (Ayes 39. Noes 0.).

Aug. 31 In Assembly. Concurrence in Senate amendments pending. May be considered on or after September 2 pursuant to Assembly Rule 77.

Sep. 1 Assembly Rule 77 suspended. (Ayes 54. Noes 16.) Senate amendments concurred in. To Engrossing and Enrolling. (Ayes 78. Noes 0.).

Sep. 8 Enrolled and presented to the Governor at 4:30 p.m.

Sep. 16 Approved by the Governor. Chaptered by Secretary of State - Chapter 168, Statutes of 2021.