

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023

A Bill

HOUSE BILL 1420

4
5 By: Representatives M. Brown, Achor, Bentley, Duffield, Ennett, Gramlich, Hudson, J. Mayberry,
6 McCullough, McGrew, J. Moore, Pearce, Pilkington, Rye, Unger
7 By: Senator Irvin

For An Act To Be Entitled

10 AN ACT REGARDING EMOTIONAL SUPPORT ANIMALS; TO
11 REQUIRE WRITTEN NOTICE TO THE BUYER OR RECIPIENT OF
12 AN EMOTIONAL SUPPORT DOG; TO PLACE REQUIREMENTS ON A
13 HEALTHCARE PROVIDER RELATED TO EMOTIONAL SUPPORT
14 ANIMALS; TO PROVIDE VIOLATIONS FOR MISREPRESENTATIONS
15 RELATED TO EMOTIONAL SUPPORT ANIMALS; AND FOR OTHER
16 PURPOSES.

Subtitle

18 REGARDING EMOTIONAL SUPPORT ANIMALS.

19
20
21
22
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

24
25 SECTION 1. Arkansas Code Title 20, Chapter 14, is amended to add an
26 additional subchapter to read as follows:

Subchapter 10 – Emotional Support Animals

20-14-1001. Definitions.

As used in this subchapter:

31 (1) “Emotional support animal” means an animal that:

32 (A) Provides emotional, cognitive, or other similar support
33 to an individual with a disability; and

34 (B) Does not need to be trained or certified;

35 (2) “Emotional support dog” means a dog that:

36 (A) Provides emotional, cognitive, or other similar



1 support to an individual with a disability; and

2 (B) Does not need to be trained or certified;

3 (3) "Healthcare provider" means a person who is licensed,
 4 certified, or otherwise authorized by the laws of this state to administer
 5 health care in the ordinary course of the practice of his or her profession;
 6 and

7 (4) "Service animal" means an animal as defined in 28 C.F.R.
 8 36.104, as it existed on January 1, 2023.

9
 10 20-14-1002. Written notice to buyer or recipient.

11 (a) A person or business that sells or provides a dog for use as an
 12 emotional support dog shall provide a written notice to the buyer or
 13 recipient of the dog that states the following:

14 (1) The dog does not have the special training required to
 15 qualify as a service animal;

16 (2) The dog is not entitled to the rights and privileges
 17 accorded by law to a service animal; and

18 (3) Misrepresenting an animal as a service animal may subject an
 19 individual to a civil penalty under § 20-14-310.

20 (b) A person or business that sells or provides a certificate,
 21 identification, tag, vest, leash, or harness for an emotional support animal
 22 shall provide a written notice to the buyer or recipient that states the
 23 following:

24 (1) The item does not entitle an emotional support animal to the
 25 rights and privileges accorded by law to a service dog; and

26 (2) Misrepresenting an animal as a service animal may subject an
 27 individual to a civil penalty under § 20-14-310.

28 (c) The written notices described in subsections (a) and (b) of this
 29 section shall be:

30 (1) Made in bold and at least 12-point type; and

31 (2) Provided on:

32 (A) The receipt for the emotional support dog;

33 (B) The product described in subsection (b) of this
 34 section; or

35 (C) A separate piece of paper.

36

1 20-14-1003. Criteria required from healthcare provider for provision
2 of documentation for emotional support dog.

3 (a) A healthcare provider shall not provide documentation relating to
4 an individual's need for an emotional support dog unless the healthcare
5 provider:

6 (1) Possesses a valid, active license and includes the effective
7 date, license number, jurisdiction, and type of professional license he or
8 she possesses in the documentation required under this subsection;

9 (2) Is licensed to provide professional services within the
10 scope of his or her license in the jurisdiction in which the documentation
11 required under this subsection is provided;

12 (3)(A) Except as specified in subdivision (a)(3)(B) of this
13 section, establishes a client-provider relationship with the individual at
14 least thirty (30) days prior to providing the documentation requested
15 regarding the individual's need for an emotional support dog.

16 (B)(i) A client-provider relationship with the individual
17 of thirty (30) days or more is not required for individuals who are verified
18 to be homeless.

19 (ii) Homeless status may be verified by any of the
20 following:

21 (a) Identification through the local Homeless
22 Management Information System, as defined in 24 C.F.R. § 578.3, as it existed
23 on January 1, 2023;

24 (b) A Continuum of Care, as defined in 24
25 C.F.R. § 578.3, as it existed on January 1, 2023, or a homeless services
26 provider that is contracting with a Continuum of Care; or

27 (c) Visual confirmation by a homeless services
28 provider of individuals dwelling in a homeless shelter, homeless encampment,
29 outdoor makeshift shelter, or vehicle;

30 (4) Completes a clinical evaluation of the individual at least
31 one (1) time each year regarding the need for an emotional support dog;

32 (5) Provides a verbal or written notice to the individual that
33 misrepresenting an animal as a service animal may subject the individual to a
34 civil penalty under § 20-14-310; and

35 (6) Reviews the need for an emotional support dog to renew the
36 documentation on a yearly basis.

1 (b) A healthcare provider may be subject to discipline from the
 2 healthcare provider's licensing board for a violation of this section.

3
 4 20-14-1004. Violations - Civil Penalty.

5 (a)(1) A violation of the following shall be subject to a civil
 6 penalty:

7 (A) Knowingly and fraudulently representing, selling, or
 8 offering for sale, or attempting to represent, sell, or offer for sale, an
 9 emotional support dog as being entitled to the rights and privileges accorded
 10 by law to a service animal; or

11 (B) Violating the written notice requirements under § 20-
 12 14-1002.

13 (2) An action for civil penalties under this section may be
 14 brought by the:

15 (A) Attorney General;

16 (B) Prosecuting attorney of the county in which a
 17 violation of this subchapter occurs;

18 (C) County attorney of the county in which a violation of
 19 this subchapter occurs; or

20 (D) City attorney of the city in which a violation of this
 21 subchapter occurs.

22 (b) The following civil penalties shall apply for a violation of
 23 subsection (a) of this section:

24 (1) Five hundred dollars (\$500) for the first violation;

25 (2) One thousand dollars (\$1,000) for the second violation; and

26 (3) Two thousand five hundred dollars (\$2,500) for the third and
 27 any subsequent violations.

28 (c) This section shall not restrict or change existing federal law or
 29 state law related to a person's rights for reasonable accommodation and equal
 30 access to housing.

31
 32
 33
 34
 35
 36