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Attachment C

Public Policy Advocacy and Education Affecting Persons With Disabilities
Affiliate: Disability and Business Technical Assistance Center
Americans With Disabilities Act, Disability Rights Compliance and Customer Service Training

HB 16-1308

“PETS IN VESTS”, MAKING IT ILLEGAL TO REPRESENT AN ANIMAL AS A SERVICE ANIMAL, THAT IS NOT!

This bill is to make it an offense to intentionally fraudulently misrepresent an animal that has not received appropriate training as a service animal, through verbal assertions, putting a vest on them, offering false credentials, etc. in order to gain rights of access or to benefits only granted to service animals and their users.

- A service animal, which can only be a dog or miniature horse in limited circumstances, is defined as an animal which has been trained to perform one or more specific tasks or functions to assist a “qualified individual with a disability” ameliorate or reduce an impairment. Service animals receive thousands of hours of training to provide assistance to a “qualified individual with a disability” as defined by the ADA, which means a significant impairment of a major life activity; and to properly interact (behave) in public. Certifications, vests, identifying collars, etc. may not be required as a condition of access.
- When people falsely represent their pets, emotional support (ESA) or therapy animals as service animals, and there is a lot of misunderstanding that those animals do not have the same rights of access as a service animal, it diminishes the credibility of the program and all legitimate service animal users. When those animals misbehave it can create greater backlash for legitimate users, causing them to be questioned beyond what the law allows, hassled, or even denied access.
- We have had numerous reports of “service animals” being aggressive towards others, bites, endangering others, attacking other dogs, not being house broken, etc. One major airline estimates 50% of the dogs presented as service animals, for boarding, based on observations of their behavior, are not. One bite can ruin a service dog for life, e.g. if they become fearful and anxious.
- The US Department of Justice has been clear, a service animal user may only be asked 2 questions, *is the animal required due to a disability*, and *what function is the animal trained to perform?* No further questioning is permitted, EXCEPT, if in the investigation of a violation of a criminal statute and officer has basis to believe, through credible evidence or their observations they see behavior that leads them to believe it is not a service animal, then they may continue questioning (but not about the person’s disability. A judge may require proof of disability and proof it is a service animal.
- While 17 other states have adopted similar statutes, CO has not. 6 other states are working on similar statutes. This is needed to give business, government, law enforcement, and users the tools needed in order to try to address these egregious abuses, these FRAUDS, and to make those who really do have and need a service animal more credible, less likely to be hassled or denied access.
- We are also hopeful that as a result of this legislation the CO Attorney general will increase investigations and prosecutions anyone selling false credentials, encouraging the sale of vests for a fraudulent purpose, of which there are a number of, such as the Nation Service Animal Registry in Woodland Park CO, which has become a serious problem and violates the CO Consumer Protection Act. This bill will make presentation of false credentials or putting a service animal vest on a pet, ESA or other animal an offense as well.