

DISABILITY LAW

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I. MISREPRESENTATION OF SERVICE ANIMALS

2018 Minn. Laws, [Chapter 106](#), Section 1 (HF 3157)

Adds Minn. Stat. § 609.833

Effective August 1, 2018 and applies to acts committed on or after that date.

A. Definitions

1. “Service Animal”

Defines “service animal” to have the meaning given in 28 C.F.R. 36.104.

Adds Minn. Stat. § 609.833, subd. 1(2)

Note: 28 C.F.R. 36.104 defines “service animal” to mean “any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.”

2. “Place of Public Accommodation”

Defines “owner” to have the meaning given in Minn. Stat. § 363A.03, subd. 34.

Adds Minn. Stat. § 609.833, subd. 1(1)

Note: Minn. Stat. § 363A.03, subd. 34 defines “place of public accommodation” to mean “a business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.”

B. Misrepresentation Prohibited

Prohibits a person from, directly or indirectly through statements or conduct, intentionally misrepresenting an animal in that person's possession as a service animal in any place of public accommodation when the person knows the person is not entitled to those rights or privileges.

Adds Minn. Stat. § 609.833, subd. 2

C. Criminal Penalty for Misrepresentation

Makes the first offense a petty misdemeanor and the second offense a misdemeanor.

Adds Minn. Stat. § 609.833, subd. 3

D. Information to Business Owners

Provides that the Council on Disability may make available to business owners a brochure that details permissible questions a business owner may ask to determine whether an animal is a service animal, proper answers to those questions, and guidelines defining unacceptable behavior.

Adds Minn. Stat. § 609.833, subd. 4(b)

II. IMMUNITY OF PROPERTY OWNERS FOR DAMAGES CAUSED BY ASSISTANCE ANIMALS

2018 Minn. Laws, [Chapter 106](#), Section 2 (HF 3157)

Adds Minn. Stat. § 604A.302

Effective August 1, 2018

A. Definitions

1. “Assistance Animal”

Defines “assistance animal” to mean “an animal that assists, supports, or provides a service to a person with a disability.”

Adds Minn. Stat. § 604A.302, subd. 1(b)

2. “Owner”

Defines “owner” to mean “the owner of real property, a contract for deed vendee, receiver, personal representative, trustee, lessor, lessee, agent, or other person directly or indirectly in control of the real property.”

Adds Minn. Stat. § 604A.302, subd. 1(c)

B. Immunity

Exempts property owners from liability for any injury or damage caused by an assistance animal if: (1) the property owner believes or the individual using the animal represents the animal is an assistance animal; (2) the injury or damage is not caused by negligence; and (3) the property owner isn’t otherwise liable under Minnesota animal law, Minn. Stat. § 347.22.

Adds Minn. Stat. § 604A.302, subd. 2

V. POSITIVE SUPPORTS STRATEGIES/RESTRICTIVE INTERVENTIONS: CHILD CARE CENTERS

2018 Minn. Laws, [Chapter 163](#) (SF 2685)

Adds Minn. Stat. § 245A.23

Effective May 20, 2018

- Exempts, and specifically prohibits child care centers, licensed family child care and group family child care from the requirements of the Positive Supports Strategies and Restrictive Interventions under Minnesota Rules, [Chapter 9544](#).
- Requires child care providers exempted from Positive Supports/Restrictive Intervention Rules to continue to comply with a child's [Individualized Education Program](#) (IEP) or [Individual Child Care Program Plan](#) under subdivision 3, if one exists.