

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
94th General Assembly  
Regular Session, 2023

# A Bill

HOUSE BILL 1420

By: Representatives M. Brown, Achor, Bentley, Duffield, Ennett, Gramlich, Hudson, J. Mayberry,  
McCullough, McGrew, J. Moore, Pearce, Pilkington, Rye, Unger

By: Senator Irvin

## For An Act To Be Entitled

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

## Subtitle

REGARDING EMOTIONAL SUPPORT ANIMALS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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

### Subchapter 10 – Emotional Support Animals

#### 20-14-1001. Definitions.

##### As used in this subchapter:

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

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

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

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

(A) Provides emotional, cognitive, or other similar



support to an individual with a disability; and

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Provided on:

(A) The receipt for the emotional support dog;

(B) The product described in subsection (b) of this

section; or

(C) A separate piece of paper.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20-14-1004. Violations - Civil Penalty.

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

(A) 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 service animal; or

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

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

(A) Attorney General;

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

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

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

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

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

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

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

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