

CHAPTER 145

(HB 411)

AN ACT relating to assistance animals.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 383.085 is amended to read as follows:

(1) As used in this section:

- (a) "Assistance animal" means an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person's disability. This shall include a service animal specifically trained or equipped to perform tasks for a person with a disability, or an emotional support animal that provides support to alleviate one or more identified symptoms or effects of a person's disability; and
- (b) "Therapeutic relationship" means the provision of ~~medical care, program care, or personal care services,~~ in good faith, to the person with a disability by:
1. *A licensed clinical social worker who holds a valid, unrestricted state license under KRS 335.100 and who maintains an active practice within the state*~~[A mental health service provider];~~
 2. *A professional counselor who holds a valid, unrestricted state license under KRS 335.525 and who maintains an active practice within the state;*~~[An individual or entity with a valid, unrestricted state license, certification, or registration to serve persons with disabilities; or]~~
 3. *An advanced practice registered nurse who holds a valid, unrestricted state license under KRS 314.042 and who maintains an active practice within the state;*~~[A caregiver, reliable third party, or a government entity with actual knowledge of the person's disability]~~
 4. *A psychologist who holds a valid, unrestricted state license under KRS 319.050 or 319.053 and who maintains an active practice within the state; or*
 5. *A physician who holds a valid, unrestricted state license under KRS 311.571 and who maintains an active practice within the state.*

An individual who moves from another state may provide documentation from a health services provider who is licensed in that state, so long as the person with a disability has an ongoing therapeutic relationship with the provider. This definition shall not include a health care provider described in this paragraph whose primary service is to provide documentation to a person requesting a reasonable accommodation in exchange for a fee.

- (2) A person with a disability may submit a request for a reasonable accommodation to maintain an assistance animal in a dwelling. Unless the person's disability or disability-related need is readily apparent, the person receiving the request may ask the person making the request to provide reliable documentation of the disability-related need for an assistance animal, including documentation from any person with whom the person making the request has or has had a therapeutic relationship.
- (3) Unless the person making the request has a disability or disability-related need for an assistance animal that is readily apparent, a person receiving a request for a reasonable accommodation to maintain an assistance animal in a dwelling shall evaluate the request and any reliable supporting documentation to verify the disability-related need for the reasonable accommodation regarding an assistance animal. The person receiving the request may independently verify the authenticity of any supporting documentation.
- (4) A person with a disability who is granted a reasonable accommodation to maintain an assistance animal in a dwelling shall comply with the rental agreement or any rules and regulations of the property owner applicable to all residents that do not interfere with an equal opportunity to use and enjoy the dwelling and any common areas of the premises. The person shall not be required to pay a pet fee or deposit or any additional rent to maintain an assistance animal in a dwelling, but shall be responsible for any physical damages to the dwelling if residents who maintain pets are responsible for physical damages to the dwelling caused by pets. Nothing in

this section shall be construed to affect any cause of action against any resident for other damages under the laws of the Commonwealth.

- (5) Notwithstanding any other law to the contrary, a landlord shall not be liable for injuries by a person's assistance animal permitted on the landlord's property as a reasonable accommodation to assist the person with a disability pursuant to the Fair Housing Act, as amended, 42 U.S.C. secs. 3601 et seq., the Americans with Disabilities Act of 1990, 42 U.S.C. secs. 12101 et seq., and Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. sec. 701, or any other federal, state, or local law.
- (6) A person commits the offense of misrepresentation of an assistance animal if the person knowingly:
- (a) Misrepresents as a part of a request for a reasonable accommodation to maintain an assistance animal in a dwelling that the person has a disability or disability-related need for the use of an assistance animal;
 - (b) Makes materially false statements for the purpose of obtaining documentation for the use of an assistance animal in housing;
 - ~~(c) Creates or executes a document that misrepresents an animal as an assistance animal for use in housing;~~
 - ~~(d) Provides a document to another falsely stating that an animal is an assistance animal for use in housing; ~~or~~~~
 - ~~(d)(e) Fits an animal, which is not an assistance animal, with a harness, collar, vest, or sign that the pet is an assistance animal for use in housing;~~
 - (e) ***Engages in fraud, deceit, or dishonesty in providing documentation to a person as a part of a request for the use of an assistance animal in housing; or***
 - (f) ***Provides documentation as a part of a request for an assistance animal in housing to a person for the primary purpose of obtaining a fee.***
- (7) Misrepresentation of an assistance animal is a violation with a fine of up to one thousand dollars (\$1,000).

Signed by Governor March 26, 2019.