

# HOUSE . . . . . No. 5364

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, October 27, 2022.

The committee on House Ways and Means to whom was referred the Bill relative to a commission to study the intentional misrepresentation of a service animal (House, No. 1563) reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 5364).

For the committee,

AARON MICHLEWITZ.

**HOUSE . . . . . No. 5364**

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**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Second General Court  
(2021-2022)**

An Act relative to a commission to study the intentional misrepresentation of a service animal.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to which is to establish forthwith a special legislative commission on the use of service animals in the commonwealth, therefore it is hereby declared to be an emergency law, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           (a) There shall be a special legislative commission established pursuant to section 2A of  
2 chapter 4 of the General Laws to study and report on the use of service animals in the  
3 commonwealth. The commission shall consist of 15 members: 2 of whom shall be the house and  
4 senate chairs of the joint committee on the judiciary or their designees, who shall serve as co-  
5 chairs; 1 of whom shall be a member of the house of representatives to be appointed by the  
6 speaker of the house; 1 of whom shall be a member of the house of representatives to be  
7 appointed by the house minority leader; 1 of whom shall be a member of the senate to be  
8 appointed by the senate president; 1 of whom shall be a member of the senate to be appointed by  
9 the senate minority leader; 1 of whom shall be the attorney general or their designee; 1 of whom  
10 shall be the director of the Massachusetts office on disability or their designee; 1 of whom shall

11 be the chair of the Massachusetts Commission Against Discrimination or their designee; 1 of  
12 whom shall be appointed by the president of the Massachusetts Chiefs of Police Association  
13 Incorporated; 1 of whom shall be appointed by the chair of the municipal police training  
14 committee established pursuant to section 116 of chapter 6 of the General Laws; 1 of whom shall  
15 be appointed by the executive director of the mental health legal advisors committee established  
16 pursuant to section 34E of chapter 221 of the General Laws; and 3 members who shall be  
17 appointed by the governor, 1 of whom shall be a representative of a professional organization  
18 specializing in the advocacy, education or training of service animals, 1 of whom shall be a  
19 representative of a professional organization specializing in the advocacy, education or training  
20 of other animals, including emotional support, companion or comfort animals and 1 of whom  
21 shall be a member of an association advocating for the interests of restaurant owners or retailers  
22 in the commonwealth.

23 (b) The study shall include, but not be limited to: (i) reviewing current federal, state and  
24 local laws and procedures governing the use of service animals in the commonwealth; (ii)  
25 examining the use and benefit of service animals by individuals with disabilities in the  
26 commonwealth; (iii) investigating the presence, prevalence and impact of fraud,  
27 misrepresentation and other misuse of service animals in the commonwealth; (iv) researching  
28 laws and practices in other jurisdictions with the objective to deter the misuse of service animals;  
29 and (v) identifying training and educational opportunities aimed at increasing understanding of  
30 laws governing the use of service animals among public officials, law enforcement, business  
31 owners and members of the public in the commonwealth. The commission shall report on its  
32 findings, including, but not limited to: (i) recommending changes to laws governing the use of  
33 service animals in the commonwealth, if any, including the definition of “service animal” and

34 whether to introduce legislation prohibiting and civilly penalizing service animal fraud; and (ii)  
35 determining the feasibility of certification, registration or licensing of service animals in the  
36 commonwealth.

37 (c) The commission shall file its report not later than April 1, 2024 with the clerks of the  
38 house of representatives and the senate, who shall forward a copy of the report to the chairs of  
39 the house and senate committees on ways and means and the chairs of the joint committee on the  
40 judiciary.