STATE OF NEW YORK

5435

2023-2024 Regular Sessions

IN SENATE

March 3, 2023

Introduced by Sen. MATTERA -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to establishing the offense of misrepresenting a companion animal as a service animal for personal benefit

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The penal law is amended by adding a new section 242.20 to read as follows:

§ 242.20 Misrepresenting a companion animal as a service animal for personal benefit.

1. A person shall be guilty of misrepresenting a companion animal as a service animal for personal benefit when he or she:

(a) expressly or impliedly represents that an animal in his or her possession is a service animal for the purpose of obtaining any rights or privileges afforded to a person with a disability requiring the assistance of a service animal and such person knows or should have known that the animal in his or her possession was not a service animal; or

(b) takes an animal, which such person knows or should have known not to be a service animal, into a place of public accommodation where companion animals are not permitted, and the animal accompanying said individual is wearing a cape, vest, special leash, or other form of identification that states or implies that the animal is a service animal entitled to be present, even if such person makes no affirmative statements asserting that the animal is a service animal.

2. "Companion animal" shall have the same meaning as set forth in section three hundred fifty of the agriculture and markets law.

Misrepresenting a companion animal as a service animal for personal benefit is a violation subject to a two hundred fifty dollar fine.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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