

State Notes

TOPICS OF LEGISLATIVE INTEREST

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Emotional Support Animals: Reasonable Accommodations and Misrepresentation **By Dana Adams, Legislative Analyst**

Introduction

Since World War I, animals have been used to help individuals with various types of disabilities. Guide dogs for the blind are the most obvious and easily distinguishable examples; however, dogs can be trained to alert a diabetic individual of his or her dangerously low blood sugar or to sense an epileptic seizure before it begins. Individuals with a mental or emotional disability also benefit from the comfort that an animal's companionship provides, which has been shown to alleviate some symptoms of conditions such as anxiety, depression, post-traumatic stress disorder (PTSD), or other mood disorders.¹ These animals, referred to as emotional support animals, provide comfort and companionship to individuals with conditions, but are not considered pets since their role in caring for individuals with disabilities is very real.

Because emotional support animals are not pets and do not qualify as service animals, it can be hard to distinguish between an emotional support animal and a pet. Emotional support animals are not afforded the same access to places of public accommodation that service animals are and are not as easily recognizable, which can lead to confusion regarding the accommodations that must be made for an emotional support animal under the law. Some of this confusion between emotional support animals, service animals, and pets reportedly has allowed for individuals to misrepresent a pet as an emotional support animal.² This misrepresentation can occur in order to benefit from protections afforded to service dogs and assistance animals (including emotional support animals). This is true specifically in the case of housing, the topic on which this article focuses. Housing providers claim there is a trend of individuals requesting accommodations, which must be provided to individuals with disabilities under the Federal Fair Housing Act (FHA), for "fake" emotional support animals. Reportedly, a combination of confusion, unclear guidance, fraudulent letters from some healthcare providers and internet websites, and lack of deterrents for misrepresentation perpetuates this trend.

In response to these concerns, the US Department of Housing and Urban Development (HUD) issued updated guidance to housing providers and tenants to address questions relating to reasonable accommodations and misrepresentation. In this guidance, HUD reported that as of January 2020, FHA complaints relating to the denial of a reasonable accommodation request for an assistance animal are significantly increasing. Additionally, some states, including Michigan, have introduced or enacted legislation to prescribe procedures for housing providers regarding reasonable accommodations and penalties for misrepresenting a pet as an emotional support animal. This article provides an overview of the difference between the various types of animals, a brief discussion of the pertinent laws regarding reasonable accommodations for emotional support animals within the housing sector, and a summary of how some states are attempting to address the issue of misrepresentation of emotional support animals in housing.

What is an Emotional Support Animal?

The proliferation of emotional support animals coincides with a greater general recognition of mental health and wellness. Because emotional support animals are a relatively novel

application of animal-assisted care, it is important to define the term. Generally, an emotional support animal is a companion animal that provides therapeutic benefits to an individual with a mental or psychiatric disability and is not a pet.³ An emotional support animal is not limited by species and is not required to have any specific training or to perform a task for its handler. Additionally, emotional support animals are not service animals. An individual may obtain or designate an animal to be an emotional support animal once having received a diagnosis from a health care provider or mental health professional had deemed that an emotional support animal would benefit that individual in relation to his or her diagnosis. A "service animal", as defined by Titles II and III of the Americans with Disabilities Act (ADA), is a dog (or a miniature horse under certain circumstances) that is individually trained to do work or perform a task for the benefit of an individual with a disability, including physical, sensory, psychiatric, intellectual, or other mental disability.⁴ The ADA requires that the work or task performed by a service animal be directly related to the individual's disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals, and the provision of emotional support, wellbeing, comfort, or companionship does not constitute work or tasks of a service animal.⁵ Because an emotional support animal does not qualify as a service animal under the ADA, it is not afforded the same level of access that the ADA provides to service animals, meaning that places of public accommodation are not required to accommodate an emotional support animal. The similarities of an emotional support animal with a service animal, leads to a need to demonstrate whether an emotional support animal qualifies for the reasonable accommodations offered under the FHA or how a housing provider might understand the relationship between an emotional support animal and reasonable accommodations.

However, while not qualifying as a service animal, emotional support animals do qualify as "assistance animals" under the FHA. Both service animals and emotional support animals fall under the umbrella term "assistance animal" for the purposes of the FHA. An assistance animal is "any 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".⁶ Additionally, assistance animals are not required to be specifically trained and are not pets.⁷ An animal that does not qualify as either a service animal under the ADA, or an assistance animal under the FHA, is a pet for the purposes of the FHA.⁸

The exclusion under the ADA and inclusion under the FHA provide context for what constitutes an emotional support animal, as the term itself is not specifically defined under Federal law. In general, states may legislate narrower guidelines than those prescribed by the Federal government. Few states, however, provide an explicit definition for an emotional support animal,⁹ which could provide a clearer indication to some housing providers on whether an animal is a legitimate support animal. Michigan currently does not provide a distinct definition and State statute currently tracks with the ADA's definition of a service animal.

Emotional Support Animals and Reasonable Accommodation Requirements

The Fair Housing Act

The FHA prohibits discrimination against protected classes in housing, which includes individuals with physical, mental, or emotional disabilities. The Act applies to apartments, condominiums, cooperatives, single family homes, nursing homes, assisted living facilities, group homes, domestic violence shelters, emergency shelters, homeless shelters, and

dormitories, among other types of housing, with limited exceptions.¹⁰ The FHA requires housing providers to make "reasonable accommodations" in rules, policies, practices, or services when those accommodations may be necessary to afford a disabled individual equal opportunity to use and enjoy a dwelling.¹¹ Under the FHA, individuals may request a reasonable accommodation from a housing provider.

The Department of Housing and Urban Development requires an accommodation to be both reasonable and necessary. A "reasonable" accommodation does not impose an undue financial and administrative burden on the housing provider or constitute a fundamental alteration of the housing program.¹² An accommodation is considered "necessary" when there is an identifiable relationship between the requested accommodation and the individual's disability.¹³ A reasonable accommodation includes accommodating the presence of an assistance animal, which, as described in the previous section, includes emotional support animals.¹⁴ Because an assistance animal is a reasonable accommodation for a disability, the animal and its handler are exempt from any "no-pet" policies or pet fees that may apply to the property.

Generally, housing providers are prohibited from refusing to make reasonable accommodations and the FHA requires a provider to allow an accommodation involving an emotional support animal if the request is made by the individual with the disability and is supported by reliable disability-related information. A housing provider may ask only whether the individual making the request has a disability, and whether the individual have a disability related need for the animal in question.¹⁵ If the disability is apparent or known, the housing provider may not inquire further; however, if the disability and disability-related need for the animal is not readily apparent, the housing provider may request information demonstrating the nexus between the individual's disability and the need for the animal. In certain instances, a request for an accommodation may be denied if granting it would impose an undue financial and administrative burden on the housing provider, would fundamentally alter the essential nature of the housing provider's operations, the specific animal in question would pose a direct threat to the health and safety of others despite any other reasonable accommodations that could eliminate or reduce the threat, or the request would result in significant physical damage to the property of others despite any other reasonable accommodations that could eliminate or reduce the physical damage.¹⁶ Generally, emotional support animals must adhere to the basic conduct required under the applicable laws for an assistance animal, such as the FHA, as well as any applicable state laws.

Housing Subject to Other Acts

While most housing is covered by the FHA and Titles II and III of the ADA (public areas in housing), where applicable, other types of housing also may be subject to Section 504 of the Rehabilitation Act of 1973. Section 504 applies to FHA housing if the housing provider has received Federal financial assistance, which can include funding received through the FHA.¹⁷ Housing providers that are subject to the FHA or Section 504 and the ADA simultaneously, such as housing associated with a university, must meet the reasonable accommodation standards of both the ADA and the FHA, including those for an assistance animal under the FHA (inclusive of emotional support animals), despite the fact that the ADA excludes emotional support animals.¹⁸

Misrepresentation: Accommodation or Pet?

Guide dogs for the blind are likely the most recognizable service animals and perhaps the first that come to mind when thinking of a service or assistance animal. However, not all disabilities are readily apparent, and neither are the roles an animal may have in helping a person cope with these disabilities. Similarly, an emotional support animal may appear to be a pet, as emotional support animals are not required to wear identifying vests, badges, or leads to distinguish them as assistance animals. In combination, the general misperceptions and unknowns about emotional support animals and nonvisible disabilities reportedly have allowed some individuals, acting in bad faith, to misrepresent their pets as an emotional support animal to benefit from the rights and protections provided under the FHA.¹⁹

Special vests, leashes, and badges can be purchased from online retailers, such as Amazon, Inc.²⁰ Other online websites claim that, for a fee, an owner can register an animal as an emotional support animal with an online registry and receive an identification card that purports the animal's status.²¹ However, these registries are not affiliated with a government agency or have government oversight. Additionally, because some of these items *look* official, they could mislead some to believe that the animal associated with those items may be a service or assistance animal. Critics of "fake" emotional support animals note that misrepresentation is damaging to those with a real need for a support animal as it can contribute to an air of suspicion surrounding an individual's need for it.²²

Housing providers pointed to letters that can be purchased on the internet from a healthcare provider as one of the contributing factors to a proliferation of illegitimate emotional support animals in housing.²³ Generally, an individual with a disability may be prescribed or recommended an emotional support animal through a healthcare provider or a mental health professional to assist in coping with the individual's condition. The healthcare provider often supplies a letter to the individual that documents his or her need for animal which may be provided to a housing provider as documentation that demonstrates the nexus between the individual's disability and his or her need for an accommodation. Housing providers have indicated that it can be difficult to discern between a credible letter from a health care provider and a letter that has been bought on the internet.²⁴ Housing providers are permitted to ask only certain questions under the ADA and the FHA, and some claim that current regulations do not provide enough clarification or recourse for housing providers in deciding whether an animal requires a reasonable accommodation as an emotional support animal.²⁵

Proposed Solutions

Many institutions, such as HUD and the US Department of Justice (DOJ), state governments, and housing providers recognize that there is a legitimate need for emotional support animals, and that there may also be a need to monitor the proliferation of fraudulent support animals. In January 2020, HUD issued a guidance updating a previous 2013 publication to clarify best practices for housing providers to address requests for reasonable accommodations. The most recent guidance addresses novel concerns, for example, internet websites that sell documentation for emotional support animals, by differentiating between types of "documentation from the internet". According to HUD, documentation from internet websites providing letters of need or certificates for an emotional support animal if the individual answers certain questions or participates in a short interview and pays a fee, is not, by itself, sufficient

enough to establish a need for an emotional support animal, but many legitimate licensed healthcare providers deliver services remotely and could provide sufficient documentation over the internet.²⁶ Additionally, some states also have sought to clarify procedures for housing providers when receiving a request for a reasonable accommodation for an animal and to deter misrepresentation. Other states have extended penalties for the misrepresentation of a service animal to include the misrepresentation of an assistance animal, including an emotional support animal.

Federal Guidance

In 2013, the US Department of Housing and Urban Development released guidance addressing service and assistance animals in housing and HUD-funded programs. The purpose of the guidance was to explain the obligations of housing providers in light of the DOJ's 2010 amendments to the ADA's definition of "service animal" to exclude emotional support animals.²⁷ In 2010, the DOJ narrowly redefined a "service animal" to mean a dog that is trained to do work or perform tasks, a definition for which emotional support animals do not meet. The 2013 Department of Housing and Urban Development's guidance specified that the ADA's exclusion of emotional support animals does not limit a housing provider's obligation to make reasonable accommodations for assistance animals, including emotional support animals.²⁸

However, HUD has recognized that the increasing use of emotional support animals and the appearance of third-party vendors supplying documentation in attempt to satisfy the FHA's documentation requirement, are subjects that HUD had not addressed in detail in the past. In 2018, Paul Compton, General Counsel of HUD, acknowledged that the 2013 guidance did not go far enough to clarify best practices for housing providers in instances when the request to accommodate an emotional support animal, or an assistance animal, is made for nonvisible disabilities, such as mental illnesses.²⁹ According to HUD, as of January 28, 2020, FHA complaints relating to denial of reasonable accommodations and disability access comprise nearly 60% of all FHA complaints, and that those involving requests for reasonable accommodations for assistance animals are increasing significantly.³⁰ Additionally, most HUD charges of discrimination against a housing provider involve the denial of a reasonable accommodation to a person who has a disability that the provider could not readily observe.³¹ The Department of Housing and Urban Development issued a new guidance in January 2020, to expand upon the 2013 guidance. The new guidance serves to assist housing providers in determining whether a request for reasonable accommodation for an assistance animal is to address a need caused by a disability or whether the request is from an individual without a disability who is seeking to keep or obtain a pet by misrepresenting it as an emotional support animal.³² The guidance recommends a set of best practices for complying with the FHA when a housing provider is considering such a reasonable accommodation request, and it primarily achieves this through several detailed yes-or-no questions that are intended to guide a housing provider through the request process. Additionally, the guidance provides a similar type of assistance to individuals who may be considering making a request for a reasonable accommodation, such as what documentation is acceptable when proving that there is a need for an emotional support animal. Overall, the construction of the 2020 guidance, in addition to new information, provides more specificity on the subject beyond what the 2013 guidance provided.

Third-party vendors or other Internet websites have been cited as largely contributing to the issue of misrepresentation. Some websites, for a fee, will provide certificates, registrations, or licensing documents to an individual who answers certain questions or participates in a short interview.³³ Many of these sites purport that these documents will satisfy the documentation requirements for demonstrating that an animal is an emotional support animal. Housing providers have claimed that individuals with pets and no need for a reasonable accommodation have used these services in an attempt to skirt "no-pet" policies or pet fees.³⁴ The Department of Housing and Urban Development acknowledges that these services exist and may complicate the process for distinguishing between a legitimate assistance or emotional support animal and a pet.³⁵ The Department does not consider these types of documents from the internet to be sufficient, by themselves, to establish whether an individual has a nonobservable disability or a disability-related need for an emotional support animal,³⁶ but a note from a licensed healthcare provider with an established relationship with that individual is sufficient.³⁷

State Legislation and Regulation

Some states, like Michigan, have introduced legislation and some states, like Illinois have enacted legislation to address emotional support animals and misrepresentation, while states such as Wyoming include the misrepresentation of emotional support animals within statutes protecting service animals from misrepresentation.

In Michigan, during the 2019-2020 legislative session, House Bill (HB) 4910 and Senate Bill (SB) 610 were introduced in the Michigan House of Representatives and the Senate, respectively.³⁸ These bills each would enact the "Misrepresentation of Emotional Support Animals Act". The bills are substantially similar in that they would prohibit an individual from falsely representing that they have a disability that would require an emotional support animal and would prohibit a healthcare provider from falsely representing an individual as having a disability that would require an emotional support animal. Both bills would prescribe penalties for individuals or healthcare providers who violated the proposed Act. Each bill would prescribe a method by which a housing provider could request documentation from an individual requesting a reasonable accommodation for an assistance or emotional support animal if the individual's disability was not readily apparent and also would prescribe conditions a healthcare provider would have to meet when prescribing an emotional support animal.

Provider Conditions. House Bill 4910 would require health care providers (and licensed mental healthcare providers) who prescribe an emotional support animal to be licensed in Michigan or another state, and if the provider were located in another state, then the individual receiving the prescription would have to have been treated by that provider for at least 180 days. Senate Bill 610 would require a healthcare provider who prescribed an emotional support animal to be licensed in Michigan or licensed in the state that the individual requesting a reasonable accommodation resided or had resided in during the previous 180 days. Both bills would require that the provider maintain a physical location where patients were treated; however, SB 610 also would require the individual making the request to have been treated at that location for the previous 180 days.

House Bill 4910 would prohibit a provider from receiving a fee or any other form of compensation solely in exchange for determining an individual's need for an emotional support animal. Documentation issued by a provider who had been compensated by any source solely for providing the documentation would be invalid.

Documentation. Both bills would require a healthcare provider to provide documentation demonstrating the nexus between the individual's disability and the need for an emotional support animal. This type of documentation could be requested by a housing provider when the disability was nonvisible, or not readily apparent, as authorized by the FHA. Under HB 4910, a housing provider could require an individual to sign a valid authorization consistent with the privacy provisions of the Health Insurance Portability and Accountability Act so that the housing provider could request certain documentation from that individual's healthcare provider.

After receiving the authorization, the healthcare provider would have to provide, in a notarized letter or questionnaire, information that established that the healthcare provider and the individual had a "bone fide physician-patient relationship".³⁹ Under SB 610, upon request from a housing provider, a health care provider, in the form of a notarized questionnaire or letter, would have to indicate that he or she had treated the individual for the past six months, that the individual had a disability and its effects, and would have to state the relationship that the emotional support animal had to the disability.

Both bills specify that an emotional support animal registration of any kind, including an identification card, patch, certificate, or a similar registration that is obtained for a service animal under the Identification and Patch for Service Animal Act would not count as documentation.

Definition. Lastly, both bills would provide a statutory definition for an emotional support animal. Senate Bill 610 would define "emotional support animal" to mean a common domestic animal that is prescribed to a person with a disability, by a health care provider that has determined that the animal's presence and the animal's provision of emotional support, well-being, comfort, or companionship is necessary to alleviate the disabling effect of a mental emotional, psychological, or psychiatric condition or illness that otherwise would prevent the person with a disability from having the same housing opportunities as a nondisabled person. The term does not include a service animal as defined in Section 502c of the Penal Code.⁴⁰ House Bill 4910 would prescribe a substantially similar definition.

Illinois

Proponents and opponents of the bills discussed above indicated that similar legislation enacted in Illinois could be a positive solution to the issue of misrepresentation.⁴¹ Illinois's "Assistance Animal Integrity Act", effective January 1, 2020, requires an individual seeking a reasonable accommodation for an assistance animal, including an emotional support animal, to provide "reliable" documentation to a housing provider from a healthcare provider, mental health service provider, or a reliable third party, who has a "therapeutic relationship" with the individual making the request who can attest to the individual's need for the emotional support animal in relation to the individual's disability.⁴² Under the Act, a housing provider may request additional documentation describing the professional relationship between the provider and the individual making the request only if the initial documentation does not sufficiently prove the existence of a therapeutic relationship.



The Act, while having proceeded the guidance issued by HUD on the matter, incorporates practices that are substantially similar to those recommended by HUD. Additionally, while similar to the legislation proposed in Michigan in many regards, the Act does not include penalties for misrepresenting a pet as an emotional support animal (however, there are penalties for misrepresenting an animal as a service animal) by the pet owner or a healthcare provider. The Act also does not allow a housing provider to obtain medical information directly from a healthcare provider of an individual who is requesting an accommodation for an emotional support animal.

Wyoming

In many states, including Michigan, misrepresenting an animal as a service animal (usually defined similarly to the ADA's specifications) is a crime. Generally, however, misrepresenting an assistance animal or an emotional support animal is not. In Wyoming, state statute incorporates a definition for an assistance animal that mirrors the FHA's definition, which is inclusive emotional support animals. Under Wyoming Statutes 35-13-203, a person who knowingly and intentionally misrepresents an animal as a service animal *or* an assistance animal is guilty of a misdemeanor and may be subject to a fine.

Conclusion

This article provides an overview of emotional support animals in relation to housing, with a specific focus on the discourse pertaining to misrepresentation of emotional support animals, and the possible solutions that may be available to address not only the issue of misrepresentation, but also the general confusion surrounding emotional support animals in relation to the FHA. The Department of Housing and Urban Development's January 2020 guidance on the subject serves to clarify best practices for housing providers and tenants when requesting or considering a reasonable accommodation for an emotional support animal, including addressing concerns relating to the legitimacy of documentation received through Internet websites. In Michigan, HB 4910 (H-3) and SB 610, introduced during the 2019-2020 legislative session, are possible avenues for prescribing procedures and penalties related to misrepresentation of emotional support animals. In addition, legislation enacted in Illinois and Wyoming are examples of other possible solutions Michigan could consider to address these issues while also ensuring continued access for those individuals who benefit from the use of an emotional support animal.

¹ Barker, Sandra, "The Effects of Animal-Assisted Therapy on Anxiety Ratings of Hospitalized Psychiatric Patients", *Psychiatric Services*, p.797, 1998.

² Stockman, Farah, "Support Animal Everywhere. States are Cracking Down", *The New York Times*, 6-18-2019.

³ "FAQ on Emotional Support Animals", www.animallaw.info. Retrieved on 4-1-2020.

⁴ "Service Animals", www.ada.gov. Civil Rights Division, U.S. Department of Justice, 7-12-2011. Retrieved 4-1-2020.

⁵ *Id.*

⁶ "Assistance Animals", www.hud.gov. U.S. Department of Housing and Urban Development. Retrieved 4-1-2020.

⁷ *Id.*

⁸ "Assessing a Person's Request to Have an Animal as a Reasonable Accommodation Under the Fair Housing Act", US Department of Housing and Urban Development, 1-28-2020. Retrieved 4-6-2020.

⁹ Some states, such as New Mexico, provide a narrower definition of a service animal than the ADA, and provide a specific definition for an emotional support animal. The New Mexico Service Animal Act describes an emotional support animal as "an animal selected to accompany an individual with a disability that does not work or perform tasks for the benefit of an individual with a disability and does not accompany at all times an individual with a disability". The Service Animal Act, like the ADA, maintains that an emotional support animal is not a service animal.

¹⁰ Owner-occupied buildings with no more than four units, single-family houses sold or rented by the owner without the use of an agent, and housing operated by religious organizations and private clubs that limit occupancy to members are exempt under certain circumstances.

¹¹ Butwin, Jake, "Emotional Support Animals are More Than Just Pets: It Is Time for the Department of Justice to Align its Emotional Support Animal Policies with Other Anti-Discrimination Laws", *Fordham Urban Law Journal*, p. 195, 2019.

¹² *Id.*

¹³ *Id.*

¹⁴ "Reasonable Accommodations and Modifications", www.hud.gov. US Department of Housing and Urban Development. Retrieved 4-1-2020.

¹⁵ "Assistance Animals Under the Fair Housing Act, Section 504 of the Rehabilitation Act, and the Air Carriers Access Act", www.adata.org. Retrieved 4-6-2020.

¹⁶ Note 4.

¹⁷ Note 11.

¹⁸ "Service Animals and Assistance Animals for People with Disabilities in Housing and HUD-Funded Programs", U.S. Department of Housing and Urban Development, 4-25-2013. Retrieved 4-25-2020.

¹⁹ Liverpool, Patricia, "Tightening Service and Emotional Support Animal Regulations", www.theregreview.org. 3-22-2018. Retrieved 8-20-2020.

²⁰ "Assistance Animals: Rights of Access and the Problem of Fraud", www.avma.org. 4-21-2017. Retrieved 4-25-2020.

²¹ *Id.*

²² Note 15.

²³ Pinho, Kirk, "Bills Would Let Landlords Crack Down on Support Animals", www.craigslist.com, 11-24-2019. Retrieved 8-20-2020.

²⁴ House Committee on Regulatory Reform, 10-22-2019.

²⁵ *Id.*

²⁶ Note 6.

²⁷ Note 14.

²⁸ *Id.*

²⁹ Compton, Paul Jr., "New Era of Cooperation and Coordination", www.archives.hid.gov. US Department of Housing and Urban Development, 4-30-2018. Retrieved 5-3-2020.

³⁰ Note 6.

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ House Committee on Regulatory Reform, 10-22-2019.

³⁵ *Id.*

³⁶ Additionally, the 2020 guidance also addressed "unique animals", or animals that are not commonly kept in households for pleasure. This subject was not addressed by the 2013 guidance, and anecdotal news stories have demonstrated that unique animals have been used as emotional support animals and misrepresented as emotional support animals. The Department of Housing and Urban Development determined that the individual requesting reasonable accommodation for a unique animal has the burden of demonstrating the disability related need for that specific animal or that specific type of animal.

³⁷ Note 6.

³⁸ House Bill 4910 (2019) and Senate Bill 610 (2019), available at the Michigan Legislature website: www.legislature.mi.gov.

³⁹ MCL 333.26423. "Bona fide physician-patient relationship" means a treatment or counseling relationship between a physician and a patient in which all of the following are present: a) the physician has reviewed the patient's relevant medical records and completed a full assessment of the patient's medical history and current medical condition, including a relevant, in-person, medical evaluation of the patient; b) The physician has created and maintained records of the patient's condition in accord with medically accepted standards; c) The physician has a reasonable expectation that he or she will provide follow-up care to the patient to monitor the efficacy of the use of medical marihuana as a treatment of the patient's debilitating medical condition; and d) If the patient has given permission, the physician has notified the patient's primary care physician of the patient's debilitating medical condition and certification for the medical use of marihuana to treat that condition.

⁴⁰ Senate Bill 609, introduced in the same session, would amend the definition of a "service animal" provided for within Penal Code to specify that the provision of emotional support or comfort is not work performed by a service animal. This amendment would reflect the DOJ's amendment to the ADA's definition of a service animal to specify the same conditions

⁴¹ House Committee on Regulatory Reform, 10-22-2019.

⁴² 310 Illinois Compiled Statutes 120. "Therapeutic relationship" means the provision of medical care, program care, or personal care services, in good faith, for and with actual knowledge of, an individual's disability and that individual's disability-related need for an assistance animal by: (1) a physician or other medical professional; (2) a mental health service provider; or (3) a non-medical service agency or reliable third party who is in a position to know about the individual's disability. The term does not include an entity that issues a certificate, license, or similar document that purports to confirm, without conducting a meaningful assessment of a person's disability or a person's disability-related need for an assistance animal, that a person: (a) has a disability; or (b) needs an assistance animal.