



SUPPORT HB 4164 (CORTEZ)

PROTECTION OF SERVICE ANIMAL TEAMS

THE PROBLEM:

Texas law makes it illegal to falsely represent an untrained pet as a service animal. However, current statutes do not effectively discourage people from misrepresenting their pet dog as a service animal. In addition, current law (Human Resources Code Section 121.006(a)) contains language suggesting that the use of a “harness or leash commonly used by persons with disabilities who use trained animals” is a prerequisite for this criminal offense.

- The presence of pets in public places continues to rise. With an increase in the number of pets in public, there are many more incidents of distracting and dangerous interactions impacting trained service animals and their handlers with disabilities.
- The presence of misrepresented pets in public places adds to the confusion around the roles and rights of people who rely on service animals for independence. This results in discrimination and access denials for people with disabilities utilizing legitimate service animals.
- Pets that have been falsely presented as service animals pose significant risks to the independence and quality of life for people with disabilities, including veterans and children. Fraudulent service animals pose a distraction and a physical threat to task-trained service animals and keep people with disabilities from feeling safe enough to go to public spaces for fear of encountering uncontrolled dogs.

THE SOLUTION:

- House Bill 4164 amends Section 121.006 of the Human Resources Code to clarify the law and strengthen the language establishing the criminal offense of intentional or knowing representation of an animal as a service animal when the animal is not specially trained to help a person with a disability.
- Increasing the fine for asserting that a pet is a service animal from a \$300 maximum to \$1,000 maximum.
- Continuing the penalty provision requiring the offender to perform 30 hours of community service for entities serving persons with disabilities.

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