

Missouri

SUMMARY

The following statutes comprise Missouri's pertinent service animal laws. These statutes provide misdemeanor penalties for discriminating against a disabled individual accompanied by a service animal. These laws also provide graduated criminal penalties for interfering with, injuring, or killing a service animal. It is also a misdemeanor offense to misrepresent an untrained dog as a service animal.

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Title XII. Public Health and Welfare. Chapter 209. Aid to the Blind--Rights of Persons with Visual, Hearing or Physical Disabilities. Blind Pensions.

209.150. Rights of persons with disabilities--service dogs, no extra charge for--liability for actual damages

1. Every person with a disability, as defined in section 213.010, shall have the same rights afforded to a person with no such disability to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places.
2. Every person with a disability, as defined in section 213.010, is entitled to full and equal accommodations, advantages, facilities, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, taxis, streetcars, boats or any other public conveyances or modes of transportation, hotels, lodging places, places of public accommodation, amusement or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.
3. Every person with a disability, as defined in section 213.010, shall have the right to be accompanied by a service dog or dogs, as defined in section 209.200, which is especially trained for the purpose, in any of the places listed in subsection 2 of this section without being required to pay an extra charge for the service dog or dogs, as defined in section 209.200; provided that such person shall be liable for any damage done to the premises or facilities by such dog.
4. As used in sections 209.150 to 209.190, the term "service dog" shall have the same definition as in section 209.200.

Credits

(L.1941, p. 344, § 1. Amended by L.1965, p. 95, § 2; L.1977, S.B. No. 12, p. 402, § A; L.1980, H.B. No. 1133, p. 328, § 1; L.1988, H.B. No. 1196, § A; L.1996, S.B. No. 582, § A; L.2013, S.B. No. 33, § A, eff. Aug. 28, 2013; L.2020, S.B. No. 644, § A, eff. Aug. 28, 2020; L.2020, S.B. No. 656, § A, eff. Aug. 28, 2020.)

209.152. Trainers of guide dogs, hearing assistance dog, or service dogs, right to be accompanied

Not to exceed the provisions of the Americans With Disabilities Act, any trainer, from a recognized training center, of a guide dog, hearing assistance dog or service dog, or any member of a service dog team, as defined in section 209.200, shall have the right to be accompanied by such dog in or upon any of the premises listed in section 209.150 while engaged in the training of the dog without being required to pay an extra charge for such dog. Such trainer or service dog team member shall be liable for any damage done to the premise of facilities by such dog.

Credits

(L.1999, S.B. No. 12, § A. Amended by L.2013, S.B. No. 33, § A, eff. Aug. 28, 2013.)

209.160. Discrimination or interference with persons having visual, hearing or physical disabilities a misdemeanor

Any person or persons, firm or corporation, or the agent of any person or persons, firm or corporation who denies or interferes with admittance to or enjoyment of the public facilities enumerated in section 209.150 or otherwise interferes with the rights of a totally or partially blind or deaf person, or a physically disabled person under section 209.150 shall be guilty of a class B misdemeanor.

CREDIT(S)

(L.1941, p. 344, § 2. Amended by L.1977, S.B. No. 12, p. 402, § A; L.1980, H.B. No. 1133, p. 328, § 1; L.1988, H.B. No. 1196, § A.)

209.162. Unlawful employment practices--person with disability, discrimination against--interfering with use of aid or appliance

It is an unlawful employment practice for any employer to discriminate against any person with a visual, aural or physical disability by interfering, directly or indirectly, with the use of an aid or appliance, including a guide dog, hearing dog or service dog by such person. Any person aggrieved by a violation of this section may make a verified complaint to the Missouri commission on human rights pursuant to the provisions of section 213.075, RSMo.

CREDIT(S)

(L.1996, S.B. No. 582, § A.)

Title XII. Public Health and Welfare. Chapter 209. Aid to the Blind--Rights of Persons with Visual, Hearing or Physical Disabilities. Service Dogs.

209.190. Housing accommodations, defined--discrimination against persons with visual, hearing or physical disabilities, prohibited--dogs, guide, hearing or service to have full access--liability for actual damages

1. Blind or visually handicapped persons, deaf or partially deaf persons, or physically disabled persons shall be entitled to full and equal access, as other members of the general public, to all housing accommodations offered for rent, lease, or compensation in this state, subject to the conditions and limitations established by law and applicable alike to all persons.

2. "Housing accommodations", as used in this section means any real property, or portion thereof, which is used or occupied or is intended, arranged, or designed to be used or occupied, as the home,

residence or sleeping place of one or more human beings, but shall not include any accommodations, included within subsection 1 of this section, or any single family residence the occupants of which rent, lease, or furnish for compensation not more than one room therein.

3. Nothing in this section shall require any person renting, leasing, or providing for compensation real property to modify his property in any way or provide a higher degree of care for a blind or visually handicapped person, deaf or partially deaf person, or physically disabled person than for a person who is not blind or visually handicapped, deaf or partially deaf, or physically disabled.

4. Every totally or partially blind person who has or obtains a guide dog, every deaf or partially deaf person who has or obtains a hearing dog, and every physically disabled person who has or obtains a service dog shall be entitled to full and equal access to all housing accommodations provided for in this section, and he shall not be required to pay extra compensation for such dog but shall be liable for any damage done to the premises by such a dog.

CREDIT(S)

(L.1977, S.B. No. 12, p. 403, § A. Amended by L.1982, S.B. No. 840, § 1; L.1988, H.B. No. 1196, § A.)

209.200. Definitions

As used in sections 209.150 to 209.204, not to exceed the provisions of the Americans With Disabilities Act, the following terms shall mean:

- (1) "Disability", as defined in section 213.010 including diabetes;
- (2) "Service dog", a dog that is being or has been individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Service dog includes but is not limited to:
 - (a) "Guide dog", a dog that is being or has been specially trained to assist a particular blind or visually impaired person;
 - (b) "Hearing dog", a dog that is being or has been specially trained to assist a particular deaf or hearing-impaired person;
 - (c) "Medical alert or response dog", a dog that is being or has been trained to alert a person with a disability that a particular medical event is about to occur or to respond to a medical event that has occurred;
 - (d) "Mental health service dog" or "psychiatric service dog", a dog individually trained for its owner who is diagnosed with a psychiatric disability, medical condition, or developmental disability recognized in the most recently published Diagnostic and Statistical Manual of Mental Disorders (DSM) to perform tasks that mitigate or assist with difficulties directly related to the owner's psychiatric disability, medical condition, or developmental disability;
 - (e) "Mobility dog", a dog that is being or has been specially trained to assist a person with a disability caused by physical impairments;
 - (f) "Professional therapy dog", a dog which is selected, trained, and tested to provide specific physical therapeutic functions, under the direction and control of a qualified handler who works with the dog as

a team as a part of the handler's occupation or profession. Such dogs, with their handlers, perform such functions in institutional settings, community-based group settings, or when providing services to specific persons who have disabilities. Professional therapy dogs do not include dogs, certified or not, which are used by volunteers in visitation therapy;

(g) "Search and rescue dog", a dog that is being or has been trained to search for or prevent a person with a mental disability, including but not limited to verbal and nonverbal autism, from becoming lost;

(3) "Service dog team", a team consisting of a trained service dog, a disabled person or child, and a person who is an adult and who has been trained to handle the service dog.

Credits

(L.2005, H.B. No. 116, § A, eff. July 12, 2005. Amended by L.2013, S.B. No. 33, § A, eff. Aug. 28, 2013; L.2020, S.B. No. 644, § A, eff. Aug. 28, 2020; L.2020, S.B. No. 656, § A, eff. Aug. 28, 2020.)

209.202. Crime of causing substantial injury to or the death of a service dog, penalty--failure to control an animal that causes substantial injury to or the death of a service dog, penalty--harassment of a service dog, penalty--damages

1. Any person who knowingly, intentionally, or recklessly causes substantial physical injury to or the death of a service dog is guilty of a class A misdemeanor. The provisions of this subsection shall not apply to the destruction of a service dog for humane purposes.
2. Any person who knowingly or intentionally fails to exercise sufficient control over an animal such person owns, keeps, harbors, or exercises control over to prevent the animal from causing the substantial physical injury to or death of a service dog, or the subsequent inability to function as a service dog as a result of the animal's attacking, chasing, or harassing the service dog is guilty of a class A misdemeanor.
3. Any person who harasses or chases a dog known to such person to be a service dog is guilty of a class B misdemeanor.
4. Any person who owns, keeps, harbors, or exercises control over an animal and who knowingly or intentionally fails to exercise sufficient control over the animal to prevent such animal from chasing or harassing a service dog while such dog is carrying out the dog's function as a service dog, to the extent that the animal temporarily interferes with the service dog's ability to carry out the dog's function is guilty of a class B misdemeanor.
5. An owner of a service dog or a person with a disability who uses a service dog may file a cause of action to recover civil damages against any person who:
 - (1) Violates the provisions of subsection 1 or 2 of this section; or
 - (2) Steals a service dog resulting in the loss of the services of the service dog.
6. Any civil damages awarded under subsection 5 of this section shall be based on the following:
 - (1) The replacement value of an equally trained service dog, without any differentiation for the age or experience of the service dog;

(2) The cost and expenses incurred by the owner of a service dog or the person with a disability who used the service dog, including:

(a) The cost of temporary replacement services, whether provided by another service dog or by a person;

(b) The reasonable costs incurred in efforts to recover a stolen service dog; and

(c) Court costs and attorney's fees incurred in bringing a civil action under subsection 5 of this section.

7. An owner of a service dog or a person with a disability who uses a service dog may file a cause of action to recover civil damages against a person who:

(1) Violates the provisions of subsections 1 to 4 of this section resulting in injury from which the service dog recovers to an extent that the dog is able to function as a service dog for the person with a disability; or

(2) Steals a service dog and the service dog is recovered resulting in the service dog being able to function as a service dog for the person with a disability.

8. Any civil damages awarded under subsection 7 of this section shall be based on the following:

(1) Veterinary medical expenses;

(2) Retraining expenses;

(3) The cost of temporary replacement services, whether provided by another service dog or by a person;

(4) Reasonable costs incurred in the recovery of the service dog; and

(5) Court costs and attorney's fees incurred in bringing the civil action under subsection 7 of this section.

9. The provisions of this section shall not apply if a person with a disability, an owner, or a person having custody or supervision of a service dog commits criminal or civil trespass.

10. Nothing in this section shall be construed to preclude any other remedies available at law.

CREDIT(S)

(L.2005, H.B. No. 116, § A, eff. July 12, 2005.)

209.204. Impersonating a person with a disability for the purpose of receiving certain accommodations, penalty, civil liability--misrepresentation of dog as service dog, penalty, civil liability--misrepresentation of animal as assistance animal, penalty, civil liability--placard, brochure

1. Any person who knowingly impersonates a person with a disability for the purpose of receiving the accommodations regarding service dogs under the Americans with Disabilities Act, 42 U.S.C. Section 12101, et seq., is guilty of a class C misdemeanor and shall also be civilly liable for the amount of any actual damages resulting from such impersonation. Any second or subsequent violation of this section is a class B misdemeanor. For purposes of this section, "impersonates a person with a disability" means a representation by word or action as a person with a disability.

2. No person shall knowingly misrepresent a dog as a service dog for the purpose of receiving the accommodations regarding service dogs under the Americans with Disabilities Act, 42 U.S.C. Section 12101, et seq. For purposes of this section, “misrepresent a dog as a service dog” means a representation by word or action that a dog has been trained as a service dog, as defined in section 209.200. Misrepresentation of a service dog¹ includes, but is not¹ limited to:

- (1) Knowingly creating documents that falsely represent that a dog is a service dog;
- (2) Knowingly providing to another person documents falsely stating that a dog is a service dog;
- (3) Knowingly fitting a dog, if the dog is not a service dog, with a harness, collar, vest, or sign of the type commonly used by a person with a disability to indicate a dog is a service dog; or
- (4) Knowingly representing that a dog is a service dog if the dog has not completed training to perform disability-related tasks or do disability-related work for a person with a disability.

A person who violates this subsection is guilty of a class C misdemeanor and shall also be civilly liable for any actual damages resulting from such misrepresentation. Any second or subsequent violation of this subsection is a class B misdemeanor.

3. No person shall knowingly misrepresent any animal as an assistance animal for the purpose of receiving the accommodations regarding assistance animals under the Fair Housing Act, 42 U.S.C. Section 3601, et seq., or the Rehabilitation Act, 29 U.S.C. Section 701, et seq. For the purposes of this section an “assistance animal” is an animal that works, provides assistance, or performs tasks, or is being trained to work, provide assistance, or perform tasks, for the benefit of a person with a disability, or that provides emotional support that alleviates one or more identified effects of a person's disability. While dogs are the most common type of assistance animal, other animals may also be assistance animals. Misrepresentation of an assistance animal¹ includes, but is not¹ limited to:

- (1) Knowingly creating documents that falsely represent that an animal is an assistance animal;
- (2) Knowingly providing to another person documents falsely stating that an animal is an assistance animal;
- (3) Knowingly fitting an animal, if the animal is not an assistance animal, with a harness, collar, vest, or sign of the type commonly used by a person with a disability to indicate an animal is an assistance animal; or
- (4) Knowingly and intentionally misrepresenting a material fact to a health care provider for the purpose of obtaining documentation from the health care provider necessary to designate an animal as an assistance animal. All documentation for an assistance animal shall² be from a qualified professional as permitted under the Fair Housing Act, 42 U.S.C. Section 3601, et seq., or the Rehabilitation Act, 29 U.S.C. Section 701, et seq.

A person who violates this subsection is guilty of a class C misdemeanor and shall also be civilly liable for any actual damages resulting from such misrepresentation. Any second or subsequent violation of this subsection is a class B misdemeanor.

4. The governor's council on disability shall prepare and make available online a placard suitable for posting in a front window or door, stating that service dogs are welcome and that misrepresentation of

a service dog is a violation of Missouri law, and a brochure detailing permissible questions, as allowed by the Americans with Disabilities Act, a business owner may ask in order to determine whether a dog is a service dog and guidelines defining unacceptable behavior.

5. The governor's council on disability shall prepare and make available online a brochure for landlords and tenants regarding laws relating to service dogs, assistance animals, and housing under federal and Missouri law.

Credits

(L.2005, H.B. No. 116, § A, eff. July 12, 2005. Amended by L.2020, S.B. No. 644, § A, eff. Aug. 28, 2020; L.2020, S.B. No. 656, § A, eff. Aug. 28, 2020.)

Title XIX. Motor Vehicles, Watercraft and Aviation. Chapter 304. Traffic Regulations.

304.080. Pedestrians, disabled persons with cane or dog--drivers, precautions, liability

The driver of a vehicle approaching a person with a visual, aural or physical disability who is carrying a cane predominantly white or metallic in color, with or without a red tip, or using a guide dog, hearing dog or service dog shall yield to such pedestrian, and any driver who fails to take such precautions shall be liable in damages for any injury caused such pedestrian and any injury caused to the pedestrian's guide dog, hearing dog or service dog; provided that such a pedestrian not carrying such cane or using a guide dog, hearing dog or service dog in any of the places, accommodations or conveyances listed in section 209.150, RSMo, shall have all of the rights and privileges conferred by law upon other persons.

CREDIT(S)

(L.1949, p. 250, § 1. Amended by L.1977, S.B. No. 12, p. 403, § 1; L.1988, H.B. No. 1163, § A; L.1996, S.B. No. 582, § A.)

Vernon's Annotated Missouri Statutes. Title XXV. Incorporation and Regulation of Certain Utilities and Carriers. Chapter 387. Motor Carriers Generally. Transportation Network Companies

387.426. Nondiscrimination policy required--accommodation of service animals--no additional charges for persons with disabilities

1. A TNC shall adopt a policy of nondiscrimination with respect to riders and potential riders and notify TNC drivers of such policy.
2. TNC drivers shall comply with all applicable laws regarding nondiscrimination against riders or potential riders.
3. TNC drivers shall comply with all applicable laws relating to accommodation of service animals.
4. A TNC shall not impose additional charges for providing services to persons with physical disabilities because of those disabilities.

Credits

(L.2017, H.B. No. 130, § A, eff. Aug. 28, 2017.)