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HOUSE BILL NO. 727

INTRODUCED BY S. GALLOWAY, G. NIKOLAKAKOS, B. MITCHELL, L. SHELDON-GALLOWAY, L. BREWSTER, K. SEEKINS-CROWE, F. NAVE, R. MARSHALL, E. BUTTREY, J. READ, G. OBLANDER, T. BROCKMAN, M. YAKAWICH, T. MANZELLA, J. FULLER, G. KMETZ, J. ETCHART, R. MINER, B. PHALEN, T. SMITH, E. BUTCHER, N. HASTINGS

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE OFFENSE OF MISREPRESENTATION OF AN EMOTIONAL SUPPORT ANIMAL; PROVIDING DEFINITIONS; AND PROVIDING A PENALTY."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Misrepresentation of an emotional support animal.** (1) A person commits the offense of misrepresentation of an emotional support animal if the person is a tenant and misrepresents that a pet is an emotional support animal to evade the terms of a rental agreement.

(2) A person convicted of the offense of misrepresentation of a service animal shall be fined \$750.

(3) As used in this section, the following definitions apply:

(a) "Emotional support animal" means a pet prescribed by a mental health professional, as defined in 37-38-102, who is capable of issuing prescriptions.

(b) "Rental agreement" has the meaning provided in 70-24-103.

(c) "Tenant" has the meaning provided in 70-24-103.

(4) This section does not impact the rights of persons with service animals as provided in Title 49, chapter 4, part 2.

**NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 45, chapter 6, and the provisions of Title 45, chapter 6, apply to [section 1].

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