

**Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 16-1159.01 Thomas Morris x4218

**HOUSE BILL 16-1426**

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**HOUSE SPONSORSHIP**

**Primavera and Willett,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**

Public Health Care & Human Services

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING INTENTIONAL MISREPRESENTATION OF ENTITLEMENT TO**  
102 **AN ASSISTANCE ANIMAL.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

Federal law requires that reasonable accommodations be provided under some circumstances to individuals with a disability. An "assistance animal", sometimes referred to as an "emotional support animal", can assist individuals with a disability with their condition but is not necessarily trained to provide a specific task as "service animals" are. Certain providers of housing must allow an individual with a disability to

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

reside with his or her assistance animal without charging any fees or imposing conditions that would otherwise apply if the animal were merely a pet.

The bill requires the following medical professionals, when approached by a patient seeking an assistance animal, to make a written finding regarding whether the patient has a disability and whether the need for the animal is related to that disability, or that there is insufficient evidence to make a disability determination:

- ! Physicians, physician assistants, and anesthesiologist assistants (**section 1** of the bill);
- ! Nurses (**section 2**); and
- ! Psychologists, social workers, clinical social workers, marriage and family therapists, licensed professional counselors, and addiction counselors (**section 3**).

**Section 4** creates a class 1 petty offense for intentional misrepresentation of entitlement to an assistance animal.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds and declares that:

4 (a) Service animals that are properly trained to assist persons with  
5 disabilities play a vital role in establishing independence for such persons;

6 (b) The term "service animal" has a distinct meaning in the law.  
7 A service animal means a dog or miniature horse trained to do work or  
8 perform tasks for the benefit of an individual with a disability and whose  
9 work or task is directly related to the individual's disability. Under the  
10 law, the provision of emotional support, well-being, comfort, or  
11 companionship does not constitute the work or tasks of a service animal.

12 (c) No vest, other marking, or documentation is required for an  
13 animal to qualify as a service animal, nor are such vests, markings, or  
14 documentation a reliable indication of whether an animal is, by law, a  
15 service animal. People sometimes erroneously think that a therapy animal,  
16 an emotional support animal, or any animal wearing a vest or having any

1 other type of marking is a service animal as defined by law.

2 (d) There are an increasing number of occurrences where people  
3 exploit the confusion related to service animals and attempt to bring an  
4 animal into a place that it would otherwise not be allowed to enter by  
5 passing off a pet, therapy animal, or emotional support animal as a service  
6 animal or a service-animal-in-training, either by oral misrepresentation,  
7 placing a vest or other marking on the animal, or presenting a  
8 "certificate", despite knowing that it is not a service animal;

9 (e) Some companies mislead individuals into believing that they  
10 will be entitled to the rights or privileges for individuals with disabilities  
11 with service animals if only they buy the company's vests or obtain some  
12 type of certificate. These misrepresentations, in some cases, are unlawful  
13 deceptive trade practices and compound the confusion around service  
14 animals.

15 (f) Commendably, federal and state laws require places of public  
16 accommodation, including restaurants, theaters, stores, hospitals, and  
17 more, to allow any animal that is presented as a service animal or a  
18 service-animal-in-training into the place of public accommodation. These  
19 same places of public accommodation face a dilemma when someone  
20 enters the premises and intentionally misrepresents his or her animal as  
21 a service animal or service-animal-in-training.

22 (g) To respect the privacy of individuals with disabilities,  
23 regulations sensibly allow businesses and other places of public  
24 accommodation to ask only two questions of a person who is being  
25 assisted by an animal in such a place:

26 (I) Is the dog [or miniature horse] a service animal required  
27 because of a disability?

1 (II) What work or task has the dog [or miniature horse] been  
2 trained to perform?

3 (h) False answers to these two questions harm not only the place  
4 of public accommodation and its patrons, but also individuals with  
5 disabilities who legitimately rely on service animals. If an animal is not  
6 properly trained, the place of public accommodation and its clientele may  
7 suffer damages, health issues, injury, or other problems. When people try  
8 to falsely represent a non-service animal as a service animal or a  
9 service-animal-in-training, business owners and other places of public  
10 accommodation become increasingly distrustful that an animal being  
11 represented to them as a service animal or service-animal-in-training is,  
12 in fact, a service animal or service-animal-in-training. Misrepresentation  
13 of service animals delegitimizes the program and makes it harder for  
14 persons with disabilities to gain unquestioned acceptance of their  
15 legitimate, properly trained, and essential service animals.

16 (2) Therefore, the general assembly finds that the state of  
17 Colorado needs to enact a crime of intentional misrepresentation of a  
18 service animal for a person with a disability.

19 **SECTION 2.** In Colorado Revised Statutes, **add** 12-36-142 as  
20 follows:

21 **12-36-142. Licensee duties relating to assistance animals -**  
22 **definitions.** (1) A LICENSEE WHO IS APPROACHED BY A PATIENT SEEKING  
23 AN ASSISTANCE ANIMAL AS A REASONABLE ACCOMMODATION IN HOUSING  
24 SHALL EITHER:

25 (a) MAKE A WRITTEN FINDING REGARDING WHETHER THE PATIENT  
26 HAS A DISABILITY AND, IF A DISABILITY IS FOUND, A SEPARATE WRITTEN  
27 FINDING REGARDING WHETHER THE NEED FOR THE ANIMAL IS RELATED TO

1 THAT DISABILITY; OR

2 (b) MAKE A WRITTEN FINDING THAT THERE IS INSUFFICIENT  
3 INFORMATION AVAILABLE TO MAKE A FINDING REGARDING DISABILITY OR  
4 THE DISABILITY-RELATED NEED FOR THE ANIMAL.

5 (2) THIS SECTION DOES NOT:

6 (a) CHANGE ANY LAWS OR PROCEDURES RELATED TO A SERVICE  
7 ANIMAL;

8 (b) AFFECT IN ANY WAY THE RIGHT OF PET OWNERSHIP IN PUBLIC  
9 HOUSING ESTABLISHED IN 42 U.S.C. SEC. 1437Z-3, AS AMENDED; OR

10 (c) LIMIT THE MEANS BY WHICH A PERSON WITH A DISABILITY MAY  
11 DEMONSTRATE, PURSUANT TO STATE OR FEDERAL LAW, THAT THE PERSON  
12 HAS A DISABILITY OR THAT THE PERSON HAS A DISABILITY-RELATED NEED  
13 FOR AN ASSISTANCE ANIMAL.

14 (3) A LICENSEE SHALL NOT MAKE A DETERMINATION RELATED TO  
15 SUBSECTION (1) OF THIS SECTION UNLESS THE LICENSEE:

16 (a) HAS MET WITH THE PATIENT IN PERSON OR BY TELEMEDICINE;

17 (b) IS SUFFICIENTLY FAMILIAR WITH THE PATIENT AND THE  
18 DISABILITY; AND

19 (c) IS LEGALLY AND PROFESSIONALLY QUALIFIED TO MAKE THE  
20 DETERMINATION.

21 (4) FOR PURPOSES OF THIS SECTION:

22 (a) "ASSISTANCE ANIMAL" MEANS AN ANIMAL, OTHER THAN A  
23 SERVICE ANIMAL, THAT QUALIFIES AS A REASONABLE ACCOMMODATION  
24 UNDER THE FEDERAL "FAIR HOUSING ACT", 42 U.S.C. SEC. 3601 ET SEQ.,  
25 AS AMENDED, OR SECTION 504 OF THE FEDERAL "REHABILITATION ACT OF  
26 1973", 29 U.S.C. SEC. 794, AS AMENDED.

27 (b) "DISABILITY" HAS THE SAME MEANING AS SET FORTH IN THE

1 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.  
2 12101 ET SEQ., AND ITS RELATED AMENDMENTS AND IMPLEMENTING  
3 REGULATIONS.

4 (c) "SERVICE ANIMAL" HAS THE SAME MEANING AS SET FORTH IN  
5 THE IMPLEMENTING REGULATIONS OF TITLE II AND TITLE III OF THE  
6 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.  
7 12101 ET SEQ.

8 **SECTION 3.** In Colorado Revised Statutes, **add** 12-38-132.5 as  
9 follows:

10 **12-38-132.5. Licensee duties relating to assistance animals -**  
11 **definitions.** (1) A LICENSEE WHO IS APPROACHED BY A PATIENT SEEKING  
12 AN ASSISTANCE ANIMAL AS A REASONABLE ACCOMMODATION IN HOUSING  
13 SHALL EITHER:

14 (a) MAKE A WRITTEN FINDING REGARDING WHETHER THE PATIENT  
15 HAS A DISABILITY AND, IF A DISABILITY IS FOUND, A SEPARATE WRITTEN  
16 FINDING REGARDING WHETHER THE NEED FOR THE ANIMAL IS RELATED TO  
17 THAT DISABILITY; OR

18 (b) MAKE A WRITTEN FINDING THAT THERE IS INSUFFICIENT  
19 INFORMATION AVAILABLE TO MAKE A FINDING REGARDING DISABILITY OR  
20 THE DISABILITY-RELATED NEED FOR THE ANIMAL.

21 (2) THIS SECTION DOES NOT:

22 (a) CHANGE ANY LAWS OR PROCEDURES RELATED TO A SERVICE  
23 ANIMAL;

24 (b) AFFECT IN ANY WAY THE RIGHT OF PET OWNERSHIP IN PUBLIC  
25 HOUSING ESTABLISHED IN 42 U.S.C. SEC. 1437Z-3, AS AMENDED; OR

26 (c) LIMIT THE MEANS BY WHICH A PERSON WITH A DISABILITY MAY  
27 DEMONSTRATE, PURSUANT TO STATE OR FEDERAL LAW, THAT THE PERSON

1 HAS A DISABILITY OR THAT THE PERSON HAS A DISABILITY-RELATED NEED  
2 FOR AN ASSISTANCE ANIMAL.

3 (3) A LICENSEE SHALL NOT MAKE A DETERMINATION RELATED TO  
4 SUBSECTION (1) OF THIS SECTION UNLESS THE LICENSEE:

5 (a) HAS MET WITH THE PATIENT IN PERSON;

6 (b) IS SUFFICIENTLY FAMILIAR WITH THE PATIENT AND THE  
7 DISABILITY; AND

8 (c) IS LEGALLY AND PROFESSIONALLY QUALIFIED TO MAKE THE  
9 DETERMINATION.

10 (4) FOR PURPOSES OF THIS SECTION:

11 (a) "ASSISTANCE ANIMAL" MEANS AN ANIMAL, OTHER THAN A  
12 SERVICE ANIMAL, THAT QUALIFIES AS A REASONABLE ACCOMMODATION  
13 UNDER THE FEDERAL "FAIR HOUSING ACT", 42 U.S.C. SEC. 3601 ET SEQ.,  
14 AS AMENDED, OR SECTION 504 OF THE FEDERAL "REHABILITATION ACT OF  
15 1973", 29 U.S.C. SEC. 794, AS AMENDED.

16 (b) "DISABILITY" HAS THE SAME MEANING AS SET FORTH IN THE  
17 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.  
18 12101 ET SEQ., AND ITS RELATED AMENDMENTS AND IMPLEMENTING  
19 REGULATIONS.

20 (c) "SERVICE ANIMAL" HAS THE SAME MEANING AS SET FORTH IN  
21 THE IMPLEMENTING REGULATIONS OF TITLE II AND TITLE III OF THE  
22 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.  
23 12101 ET SEQ.

24 **SECTION 4.** In Colorado Revised Statutes, **add** 12-43-226.5 as  
25 follows:

26 **12-43-226.5. Licensee duties relating to assistance animals -**  
27 **definitions.** (1) A LICENSEE WHO IS APPROACHED BY A PATIENT SEEKING

1 AN ASSISTANCE ANIMAL AS A REASONABLE ACCOMMODATION IN HOUSING  
2 SHALL EITHER:

3 (a) MAKE A WRITTEN FINDING REGARDING WHETHER THE PATIENT  
4 HAS A DISABILITY AND, IF A DISABILITY IS FOUND, A SEPARATE WRITTEN  
5 FINDING REGARDING WHETHER THE NEED FOR THE ANIMAL IS RELATED TO  
6 THAT DISABILITY; OR

7 (b) MAKE A WRITTEN FINDING THAT THERE IS INSUFFICIENT  
8 INFORMATION AVAILABLE TO MAKE A FINDING REGARDING DISABILITY OR  
9 THE DISABILITY-RELATED NEED FOR THE ANIMAL.

10 (2) THIS SECTION DOES NOT:

11 (a) CHANGE ANY LAWS OR PROCEDURES RELATED TO A SERVICE  
12 ANIMAL;

13 (b) AFFECT IN ANY WAY THE RIGHT OF PET OWNERSHIP IN PUBLIC  
14 HOUSING ESTABLISHED IN 42 U.S.C. SEC. 1437Z-3, AS AMENDED; OR

15 (c) LIMIT THE MEANS BY WHICH A PERSON WITH A DISABILITY MAY  
16 DEMONSTRATE, PURSUANT TO STATE OR FEDERAL LAW, THAT THE PERSON  
17 HAS A DISABILITY OR THAT THE PERSON HAS A DISABILITY-RELATED NEED  
18 FOR AN ASSISTANCE ANIMAL.

19 (3) A LICENSEE SHALL NOT MAKE A DETERMINATION RELATED TO  
20 SUBSECTION (1) OF THIS SECTION UNLESS THE LICENSEE:

21 (a) HAS MET WITH THE PATIENT IN PERSON;

22 (b) IS SUFFICIENTLY FAMILIAR WITH THE PATIENT AND THE  
23 DISABILITY; AND

24 (c) IS LEGALLY AND PROFESSIONALLY QUALIFIED TO MAKE THE  
25 DETERMINATION.

26 (4) FOR PURPOSES OF THIS SECTION:

27 (a) "ASSISTANCE ANIMAL" MEANS AN ANIMAL, OTHER THAN A



1 SERVICE ANIMAL, THAT QUALIFIES AS A REASONABLE ACCOMMODATION  
2 UNDER THE FEDERAL "FAIR HOUSING ACT", 42 U.S.C. SEC. 3601 ET SEQ.,  
3 AS AMENDED, OR SECTION 504 OF THE FEDERAL "REHABILITATION ACT OF  
4 1973", 29 U.S.C. SEC. 794, AS AMENDED.

5 (b) "DISABILITY" HAS THE SAME MEANING AS SET FORTH IN THE  
6 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.  
7 12101 ET SEQ., AND ITS RELATED AMENDMENTS AND IMPLEMENTING  
8 REGULATIONS.

9 (c) "SERVICE ANIMAL" HAS THE SAME MEANING AS SET FORTH IN  
10 THE IMPLEMENTING REGULATIONS OF TITLE II AND TITLE III OF THE  
11 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.  
12 12101 ET SEQ.

13 **SECTION 5.** In Colorado Revised Statutes, **add 18-13-107.3 and**  
14 **18-13-107.7** as follows:

15 **18-13-107.3. Intentional misrepresentation of entitlement to**  
16 **an assistance animal - penalty - definitions.** (1) A PERSON COMMITS  
17 INTENTIONAL MISREPRESENTATION OF ENTITLEMENT TO AN ASSISTANCE  
18 ANIMAL IF:

19 (a) THE PERSON INTENTIONALLY MISREPRESENTS ENTITLEMENT TO  
20 AN ANIMAL IN HIS OR HER POSSESSION AS AN ASSISTANCE ANIMAL FOR THE  
21 PURPOSE OF OBTAINING ANY OF THE RIGHTS OR PRIVILEGES SET FORTH IN  
22 STATE OR FEDERAL LAW FOR AN INDIVIDUAL WITH A DISABILITY AS A  
23 REASONABLE ACCOMMODATION IN HOUSING; AND

24 (b) THE PERSON KNOWS THAT:

25 (I) THE ANIMAL IS NOT AN ASSISTANCE ANIMAL WITH REGARD TO  
26 THAT PERSON; OR

27 (II) THE PERSON DOES NOT HAVE A DISABILITY.

1           (2) A PERSON WHO VIOLATES SUBSECTION (1) OF THIS SECTION,  
2 UPON CONVICTION, SHALL BE PUNISHED AS FOLLOWS:

3           (a) FOR A FIRST OFFENSE, THE PERSON COMMITS A CLASS 2 PETTY  
4 OFFENSE WITH A CORRESPONDING FINE OF FIFTY DOLLARS UNLESS THE  
5 VIOLATION ENDANGERED ONE OR MORE THIRD PARTIES, IN WHICH CASE  
6 THE PERSON IS GUILTY OF A MISDEMEANOR WITH A CORRESPONDING FINE  
7 OF NOT LESS THAN THREE HUNDRED FIFTY DOLLARS BUT NOT MORE THAN  
8 ONE THOUSAND DOLLARS;

9           (b) FOR A SECOND OFFENSE, THE PERSON IS GUILTY OF A  
10 MISDEMEANOR WITH A FINE OF NOT LESS THAN SIX HUNDRED DOLLARS BUT  
11 NOT MORE THAN ONE THOUSAND DOLLARS; AND

12           (c) FOR A THIRD OR SUBSEQUENT OFFENSE, THE PERSON IS GUILTY  
13 OF A CLASS 3 MISDEMEANOR WITH A FINE OF NOT LESS THAN ONE  
14 THOUSAND DOLLARS BUT NOT MORE THAN FIVE THOUSAND DOLLARS, IN  
15 ADDITION TO NOT MORE THAN TEN HOURS OF COMMUNITY ASSISTANCE.

16           (3) (a) A DEFENDANT MAY PETITION THE DISTRICT COURT OF THE  
17 DISTRICT IN WHICH ANY CONVICTION RECORDS PERTAINING TO THE  
18 DEFENDANT'S FIRST CONVICTION FOR INTENTIONAL MISREPRESENTATION  
19 OF ENTITLEMENT TO AN ASSISTANCE ANIMAL, AS DESCRIBED IN  
20 SUBSECTION (1) OF THIS SECTION, ARE LOCATED FOR THE SEALING OF THE  
21 CONVICTION RECORDS, EXCEPT FOR BASIC IDENTIFYING INFORMATION.

22           (b) IF A PETITION IS FILED PURSUANT TO PARAGRAPH (a) OF THIS  
23 SUBSECTION (3) FOR THE SEALING OF A RECORD OF CONVICTION FOR  
24 INTENTIONAL MISREPRESENTATION OF ENTITLEMENT TO AN ASSISTANCE  
25 ANIMAL, THE COURT SHALL ORDER THE RECORD SEALED IF THE FOLLOWING  
26 CRITERIA ARE MET:

27           (I) THE PETITION IS FILED;

1 (II) THE FILING FEE IS PAID OR THE DEFENDANT HAS FILED A  
2 MOTION TO FILE WITHOUT PAYMENT WITH A SUPPORTING FINANCIAL  
3 AFFIDAVIT AND THE COURT HAS GRANTED THE MOTION;

4 (III) THE DEFENDANT'S FIRST CONVICTION FOR INTENTIONAL  
5 MISREPRESENTATION OF ENTITLEMENT TO AN ASSISTANCE ANIMAL WAS AT  
6 LEAST THREE YEARS PRIOR TO THE DATE OF THE FILING OF THE PETITION;  
7 AND

8 (IV) THE DEFENDANT HAS NOT HAD A SUBSEQUENT CONVICTION  
9 FOR INTENTIONAL MISREPRESENTATION OF ENTITLEMENT TO AN  
10 ASSISTANCE ANIMAL.

11 (c) AN ORDER ENTERED PURSUANT TO THIS SUBSECTION (3) MUST  
12 BE DIRECTED TO EACH CUSTODIAN WHO MAY HAVE CUSTODY OF ANY PART  
13 OF THE CONVICTION RECORDS THAT ARE THE SUBJECT OF THE ORDER.  
14 WHENEVER A COURT ENTERS AN ORDER SEALING CONVICTION RECORDS  
15 PURSUANT TO THIS SUBSECTION (3), THE DEFENDANT SHALL PROVIDE THE  
16 COLORADO BUREAU OF INVESTIGATION AND EACH CUSTODIAN OF THE  
17 CONVICTION RECORDS WITH A COPY OF THE ORDER AND SHALL PAY TO THE  
18 BUREAU ANY COSTS RELATED TO THE SEALING OF HIS OR HER CRIMINAL  
19 CONVICTION RECORDS THAT ARE IN THE CUSTODY OF THE BUREAU UNLESS  
20 THE COURT HAS GRANTED THE MOTION SPECIFIED IN SUBPARAGRAPH (II)  
21 OF PARAGRAPH (b) OF THIS SUBSECTION (3). THEREAFTER, THE  
22 DEFENDANT MAY REQUEST AND THE COURT MAY GRANT AN ORDER  
23 SEALING THE CIVIL CASE IN WHICH THE CONVICTION RECORDS WERE  
24 SEALED.

25 (4) A WRITTEN FINDING MADE PURSUANT TO SECTION 12-36-142  
26 (1) (a), 12-38-132.5 (1) (a), OR 12-43-226.5 (1) (a), C.R.S., IS AN  
27 AFFIRMATIVE DEFENSE TO THE OFFENSE ESTABLISHED BY THIS SECTION.

1 THE LACK OF SUCH A FINDING IS NOT PROOF OF THE OFFENSE ESTABLISHED  
2 BY THIS SECTION, AND NOTHING IN THIS SECTION OR IN SECTIONS  
3 12-36-142, 12-38-132.5, OR 12-43-226.5, C.R.S., LIMITS THE MEANS BY  
4 WHICH A PERSON WITH A DISABILITY MAY DEMONSTRATE, PURSUANT TO  
5 STATE OR FEDERAL LAW, THAT THE PERSON HAS A DISABILITY OR THAT  
6 THE PERSON HAS A DISABILITY-RELATED NEED FOR AN ASSISTANCE  
7 ANIMAL.

8 (5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
9 REQUIRES:

10 (a) "ASSISTANCE ANIMAL" MEANS AN ANIMAL, OTHER THAN A  
11 SERVICE ANIMAL, THAT QUALIFIES AS A REASONABLE ACCOMMODATION  
12 UNDER THE FEDERAL "FAIR HOUSING ACT", 42 U.S.C. SEC. 3601 ET SEQ.,  
13 AS AMENDED OR SECTION 504 OF THE FEDERAL "REHABILITATION ACT OF  
14 1973", 29 U.S.C. SEC. 794, AS AMENDED.

15 (b) "DISABILITY" HAS THE SAME MEANING AS SET FORTH IN THE  
16 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.  
17 12101 ET SEQ., AND ITS RELATED AMENDMENTS AND IMPLEMENTING  
18 REGULATIONS.

19 (c) "SERVICE ANIMAL" HAS THE SAME MEANING AS SET FORTH IN  
20 THE IMPLEMENTING REGULATIONS OF TITLE II AND TITLE III OF THE  
21 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.  
22 12101 ET SEQ.

23 (d) "STATE AND FEDERAL LAW" INCLUDES SECTION 24-34-803,  
24 C.R.S., THE FEDERAL LAWS SPECIFIED IN PARAGRAPH (a) OF THIS  
25 SUBSECTION (5), AND RULES AND REGULATIONS IMPLEMENTING THOSE  
26 LAWS.

27 **18-13-107.7. Intentional misrepresentation of a service animal**

1 **for a person with a disability - penalty - sealing of conviction records**

2 **- definitions.** (1) A PERSON COMMITS INTENTIONAL MISREPRESENTATION  
3 OF A SERVICE ANIMAL IF:

4 (a) THE PERSON INTENTIONALLY MISREPRESENTS AN ANIMAL IN HIS  
5 OR HER POSSESSION AS HIS OR HER SERVICE ANIMAL OR  
6 SERVICE-ANIMAL-IN-TRAINING FOR THE PURPOSE OF OBTAINING ANY OF  
7 THE RIGHTS OR PRIVILEGES SET FORTH IN SECTION 24-34-803, C.R.S.; AND

8 (b) THE PERSON KNOWS THAT THE ANIMAL IN QUESTION IS NOT A  
9 SERVICE ANIMAL OR SERVICE-ANIMAL-IN-TRAINING.

10 (2) A PERSON WHO VIOLATES SUBSECTION (1) OF THIS SECTION,  
11 UPON CONVICTION, SHALL BE PUNISHED AS FOLLOWS:

12 (a) FOR A FIRST OFFENSE, THE PERSON COMMITS A CLASS 2 PETTY  
13 OFFENSE WITH A CORRESPONDING FINE OF FIFTY DOLLARS UNLESS THE  
14 VIOLATION ENDANGERED ONE OR MORE THIRD PARTIES, IN WHICH CASE  
15 THE PERSON IS GUILTY OF A MISDEMEANOR WITH A CORRESPONDING FINE  
16 OF NOT LESS THAN THREE HUNDRED FIFTY DOLLARS BUT NOT MORE THAN  
17 ONE THOUSAND DOLLARS;

18 (b) FOR A SECOND OFFENSE, THE PERSON IS GUILTY OF A  
19 MISDEMEANOR WITH A CORRESPONDING FINE OF NOT LESS THAN SIX  
20 HUNDRED DOLLARS BUT NOT MORE THAN ONE THOUSAND DOLLARS; AND

21 (c) FOR A THIRD OR SUBSEQUENT OFFENSE, THE PERSON IS GUILTY  
22 OF A MISDEMEANOR WITH A CORRESPONDING FINE OF NOT LESS THAN ONE  
23 THOUSAND DOLLARS BUT NOT MORE THAN FIVE THOUSAND DOLLARS, IN  
24 ADDITION TO NOT MORE THAN TEN HOURS OF COMMUNITY SERVICE.

25 (3) (a) A DEFENDANT MAY PETITION THE DISTRICT COURT OF THE  
26 DISTRICT IN WHICH ANY CONVICTION RECORDS PERTAINING TO THE  
27 DEFENDANT'S FIRST CONVICTION FOR INTENTIONAL MISREPRESENTATION

1 OF A SERVICE ANIMAL, AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION,  
2 ARE LOCATED FOR THE SEALING OF THE CONVICTION RECORDS, EXCEPT  
3 FOR BASIC IDENTIFYING INFORMATION.

4 (b) IF A PETITION IS FILED PURSUANT TO PARAGRAPH (a) OF THIS  
5 SUBSECTION (3) FOR THE SEALING OF A RECORD OF CONVICTION FOR  
6 INTENTIONAL MISREPRESENTATION OF A SERVICE ANIMAL, THE COURT  
7 SHALL ORDER THE RECORD SEALED IF THE FOLLOWING CRITERIA ARE MET:

8 (I) THE PETITION IS FILED;

9 (II) THE FILING FEE IS PAID OR THE DEFENDANT HAS FILED A  
10 MOTION TO FILE WITHOUT PAYMENT WITH A SUPPORTING FINANCIAL  
11 AFFIDAVIT AND THE COURT HAS GRANTED THE MOTION;

12 (III) THE DEFENDANT'S FIRST CONVICTION FOR INTENTIONAL  
13 MISREPRESENTATION OF A SERVICE ANIMAL WAS AT LEAST THREE YEARS  
14 PRIOR TO THE DATE OF THE FILING OF THE PETITION; AND

15 (IV) THE DEFENDANT HAS NOT HAD A SUBSEQUENT CONVICTION  
16 FOR INTENTIONAL MISREPRESENTATION OF A SERVICE ANIMAL.

17 (c) AN ORDER ENTERED PURSUANT TO THIS SUBSECTION (3) MUST  
18 BE DIRECTED TO EACH CUSTODIAN WHO MAY HAVE CUSTODY OF ANY PART  
19 OF THE CONVICTION RECORDS THAT ARE THE SUBJECT OF THE ORDER.  
20 WHENEVER A COURT ENTERS AN ORDER SEALING CONVICTION RECORDS  
21 PURSUANT TO THIS SUBSECTION (3), THE DEFENDANT SHALL PROVIDE THE  
22 COLORADO BUREAU OF INVESTIGATION AND EACH CUSTODIAN OF THE  
23 CONVICTION RECORDS WITH A COPY OF THE ORDER AND SHALL PAY TO THE  
24 BUREAU ANY COSTS RELATED TO THE SEALING OF HIS OR HER CRIMINAL  
25 CONVICTION RECORDS THAT ARE IN THE CUSTODY OF THE BUREAU UNLESS  
26 THE COURT HAS GRANTED THE MOTION SPECIFIED IN SUBPARAGRAPH (II)  
27 OF PARAGRAPH (b) OF THIS SUBSECTION (3). THEREAFTER, THE

1 DEFENDANT MAY REQUEST AND THE COURT MAY GRANT AN ORDER  
2 SEALING THE CIVIL CASE IN WHICH THE CONVICTION RECORDS WERE  
3 SEALED.

4 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
5 REQUIRES:

6 (a) "DISABILITY" HAS THE SAME MEANING AS SET FORTH IN THE  
7 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.  
8 12101 ET SEQ., AND ITS RELATED AMENDMENTS AND IMPLEMENTING  
9 REGULATIONS.

10 (b) "QUALIFIED INDIVIDUAL WITH A DISABILITY" HAS THE SAME  
11 MEANING AS SET FORTH IN THE FEDERAL "AMERICANS WITH DISABILITIES  
12 ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AND ITS RELATED  
13 AMENDMENTS AND IMPLEMENTING REGULATIONS.

14 (c) "SERVICE ANIMAL" HAS THE SAME MEANING AS SET FORTH IN  
15 THE IMPLEMENTING REGULATIONS OF TITLE II AND TITLE III OF THE  
16 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.  
17 12101 ET SEQ.

18 (d) "SERVICE-ANIMAL-IN-TRAINING" MEANS A DOG OR MINIATURE  
19 HORSE THAT IS BEING INDIVIDUALLY TRAINED TO DO WORK OR PERFORM  
20 TASKS FOR THE BENEFIT OF A QUALIFIED INDIVIDUAL WITH A DISABILITY.

21 (e) "TRAINER OF A SERVICE ANIMAL" MEANS A PERSON WHO IS  
22 INDIVIDUALLY TRAINING A SERVICE ANIMAL TO DO WORK OR PERFORM  
23 TASKS FOR THE BENEFIT OF A QUALIFIED INDIVIDUAL WITH A DISABILITY.

24 **SECTION 6.** In Colorado Revised Statutes, **add 24-34-606** as  
25 follows:

26 **24-34-606. Public education - service and assistance animals**  
27 **- form used in housing.** (1) THE DIVISION IS AUTHORIZED TO EDUCATE

1 THE PUBLIC ABOUT THE DEFINITIONS OF ASSISTANCE AND SERVICE  
2 ANIMALS, AS THOSE TERMS ARE DEFINED IN SECTIONS 18-13-107.3 AND  
3 18-13-107.7, C.R.S., AND THE RIGHTS THAT ACCOMPANY PEOPLE WITH  
4 DISABILITIES WHO USE THOSE ANIMALS. THE DIVISION MAY:

5 (a) USE ITS WEB SITE TO INCLUDE INFORMATION ON HOW A PERSON  
6 WITH A DISABILITY CAN COMPLAIN ABOUT DISCRIMINATION ENCOUNTERED  
7 IN PLACES OF PUBLIC ACCOMMODATION AND INFORMATION ON THE  
8 CRIMINAL PENALTIES FOR MISREPRESENTATION OF A SERVICE OR  
9 ASSISTANCE ANIMAL CONTAINED IN SECTIONS 18-13-107.3 AND  
10 18-13-107.7, C.R.S.;

11 (b) CREATE AND PUBLICIZE PUBLIC SERVICE ANNOUNCEMENTS  
12 ABOUT THE CRIMINAL PENALTIES CONTAINED IN SECTIONS 18-13-107.3  
13 AND 18-13-107.7, C.R.S., AND LINKS TO THE DIVISION'S WEBSITE TO  
14 ALLOW THE PUBLIC TO ACCESS MORE INFORMATION;

15 (c) CREATE AND PUBLICIZE UNIFORM SIGNAGE FOR ALL PLACES OF  
16 PUBLIC ACCOMMODATION TO DISPLAY TO INFORM THE PUBLIC OF THE  
17 RULES SURROUNDING ANIMALS IN PUBLIC AND THE CRIMINAL PENALTIES  
18 FOR MISREPRESENTATION OF A SERVICE ANIMAL CONTAINED IN SECTIONS  
19 18-13-107.3 AND 18-13-107.7, C.R.S.;

20 (d) CREATE AND PUBLICIZE ONE OR MORE FORMS THAT  
21 LANDLORDS, QUALIFIED INDIVIDUALS WITH A DISABILITY, AND HEALTH  
22 CARE PROVIDERS MAY USE IN MAKING A DETERMINATION CONTEMPLATED  
23 BY SECTION 12-36-142, 12-38-132.5, OR 12-43-226.5, C.R.S.; AND

24 (e) ESTABLISH A TRAINING PROGRAM FOR ALL LAW ENFORCEMENT  
25 OFFICERS IN COLORADO TO INFORM THEM ON THE CRIMINAL PENALTIES  
26 CONTAINED IN SECTIONS 18-13-107.3 AND 18-13-107.7, C.R.S., AND HOW  
27 TO PROVIDE EFFECTIVE COMMUNICATION TO PEOPLE WITH DISABILITIES



1 WHEN MAKING INQUIRIES UNDER APPLICABLE LAW.

2 (2) IF A LANDLORD REQUIRES A TENANT TO PROVIDE  
3 DOCUMENTATION IN CONNECTION WITH THE TENANT'S ASSISTANCE  
4 ANIMAL, AS THAT TERM IS DEFINED IN SECTION 18-13-107.3, C.R.S., THE  
5 LANDLORD SHALL PROVIDE THE TENANT WITH THE FORM SPECIFIED IN  
6 PARAGRAPH (d) OF SUBSECTION (1) OF THIS SECTION IF THE DIVISION HAS  
7 POSTED THE FORM ON ITS WEBSITE.

8 **SECTION 7. Act subject to petition - effective date.** This act  
9 takes effect at 12:01 a.m. on the day following the expiration of the  
10 ninety-day period after final adjournment of the general assembly (August  
11 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a  
12 referendum petition is filed pursuant to section 1 (3) of article V of the  
13 state constitution against this act or an item, section, or part of this act  
14 within such period, then the act, item, section, or part will not take effect  
15 unless approved by the people at the general election to be held in  
16 November 2016 and, in such case, will take effect on the date of the  
17 official declaration of the vote thereon by the governor.