

Senator Daniel Hemmert proposes the following substitute bill:

1 **CONCURRENT RESOLUTION ENCOURAGING MORE STUDY**
2 **INTO EMOTIONAL SUPPORT ANIMALS**

3 2020 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Daniel Hemmert**

6 House Sponsor: Brady Brammer

8 **LONG TITLE**

9 **General Description:**

10 This concurrent resolution urges the U.S. Department of Transportation and the U.S.
11 Department of Housing and Urban Development to amend federal regulations related to
12 emotional support animals.

13 **Highlighted Provisions:**

14 This resolution:

- 15 ▶ defines "service animal" and "emotional support animal";
- 16 ▶ highlights the detrimental impact that abuse of emotional support animal and
17 service animal laws have on individuals with a disability;
- 18 ▶ supports the change to federal regulations recently proposed by the U.S. Department
19 of Transportation regarding emotional support animals;
- 20 ▶ supports guidelines recently developed by the U.S. Department of Housing and
21 Urban Development that clarify federal regulations related to emotional support
22 animals; and
- 23 ▶ urges the President of the United States, Congress, and Utah's congressional
24 delegation to work with the U.S. Department of Transportation and the U.S.
25 Department of Housing and Urban Development to further amend federal



26 regulations relating to emotional support animals.

27 **Special Clauses:**

28 None

29

30 *Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:*

31 WHEREAS, "service animal" means an animal that is individually trained to do work
32 or perform tasks for the benefit of an individual with a disability, including a physical, sensory,
33 psychiatric, intellectual, or mental disability;

34 WHEREAS, "emotional support animal" means an animal that provides emotional
35 support that alleviates one or more identified symptoms or effects of an individual's disability;

36 WHEREAS, a service animal is a medical tool and not a pet;

37 WHEREAS, federal law requires an individual to obtain authorization from a licensed
38 medical professional to have an emotional support animal, which, under federal regulation,
39 may be obtained on the Internet;

40 WHEREAS, the misuse of current emotional support animal and service animal laws
41 has increased over time and has detrimentally impacted the quality of life of individuals with a
42 disability that depend on service animals;

43 WHEREAS, individuals with a disability are an important and contributing part of the
44 population and deserve dignity, respect, and support;

45 WHEREAS, the U.S. Department of Transportation recently proposed changes to the
46 federal regulations for the Air Carrier Access Act, 49 U.S.C. Sec. 41705, under 14 C.F.R. Part
47 382, that clarify the distinction between a service animal and an emotional support animal and
48 provide that aircraft carriers are not required to recognize an emotional support animal as a
49 service animal; and

50 WHEREAS, the U.S. Department of Housing and Urban Development recently
51 provided guidance on federal regulations related to service animals and emotional support
52 animals in the Fair Housing Act, 42 U.S.C. Sec. 3601 et seq., including best practices for
53 housing providers to follow when determining an accommodation request for a service animal;

54 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the
55 Governor concurring therein, support the change proposed by the U.S. Department of
56 Transportation to the federal regulations for the Air Carrier Access Act, 49 U.S.C. Sec. 41705,

57 under 14 C.F.R. Part 382, regarding emotional support animals.

58 BE IT FURTHER RESOLVED that the Legislature of the state of Utah, the Governor
59 concurring therein, support the guidelines developed by the U.S. Department of Housing and
60 Urban Development that clarify the federal regulations related to emotional support animals in
61 the Fair Housing Act, 42 U.S.C. Sec. 3601 et seq.

62 BE IT FURTHER RESOLVED that the Legislature of the state of Utah, the Governor
63 concurring therein, urge the President of the United States, Congress, and Utah's congressional
64 delegation to work with the U.S. Department of Transportation and the U.S. Department of
65 Housing and Urban Development to further amend federal regulations relating to emotional
66 support animals to require that authorization for an emotional support animal may only be
67 obtained through an in-person visit or phone call with a licensed medical professional.

68 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the members of
69 Utah's federal delegation, the Secretary of the U.S. Department of Housing and Urban
70 Development, and the U.S. Secretary of Transportation.