



Senate Fiscal Agency
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House Bill 5751 (Substitute H-1 as discharged)
Sponsor: Representative Sara Cambensy
House Committee: Regulatory Reform
House Committee: Judiciary
Senate Committee: Regulatory Reform (discharged)

CONTENT

The bill would enact the "Emotional Support Animal Act" to do the following:

- Allow a healthcare provider to certify a person with a disability's need for an emotional support animal if the healthcare provider had an established provider-patient relationship with the person with a disability for at least 30 days before the certification and determined that the person with the disability needed the emotional support animal.
- Prohibit a healthcare worker from receiving a fee or any other form of compensation solely in exchange for certifying a person with a disability's need for an emotional support animal.
- Prohibit a healthcare provider from falsely certifying a person with a disability's need for an emotional support animal.
- Require the emotional support animal certification to be issued in the form of a letter or a completed questionnaire and specify that it would be subject to the privacy provisions of the Health Insurance Portability and Accountability Act.
- Require that a person who sold or offered for sale a registration patch of any kind, including an identification card, patch, tag, vest, harness, or certificate that indicated that an animal was an emotional support animal to provide written notice to a buyer that stated the registration did not qualify the animal as a service animal and falsely representing an animal as a service animal was a violation of Public Act 82 of 1981.
- Prescribe a \$1,000 civil fine for a first violation and a \$2,000 civil fine for a second violation of the proposed Act.

Legislative Analyst: Eleni Lionas

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on the State and local units of government. The proposed Act provides for the imposition of civil fines of up to \$2,000. Revenue collected from civil fines is used to support local libraries. Additionally, \$10 of the civil fine would be deposited into the State Justice System Fund. The Fund supports justice-related activities across State government in the Departments of Corrections, Health and Human Services, State Police, and Treasury. The Fund also supports justice-related issues in the Legislative Retirement System and the Judiciary. The amount of revenue to the State or for local libraries is indeterminate and would depend on the actual number of violations.

Also, local prosecutors and the Department of Attorney General could incur increased caseloads to prosecute those who violate the proposed Act's provisions. The costs are indeterminate and would depend on the number of violations. Depending on the increase in

caseloads, additional resources could be required for local units or the Department of Attorney General.

Date Completed: 12-7-22

Fiscal Analyst: Joe Carrasco, Jr.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.