



2025 ASSEMBLY BILL 366

July 17, 2025 - Introduced by Representatives TITTL, BEHNKE, B. JACOBSON, KITCHENS, KNODL, MAXEY, MOSES and MURPHY, cosponsored by Senator CABRAL-GUEVARA. Referred to Committee on Housing and Real Estate.

1 **AN ACT** *to amend* 106.50 (2r) (br) 2., 106.50 (2r) (br) 5., 106.50 (2r) (br) 6. and
2 106.52 (1) (fm); *to create* 106.52 (1) (fs) and 106.52 (6) of the statutes;
3 **relating to:** emotional support animals in housing; falsely claiming that an
4 animal is a service animal; and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill makes changes relating to emotional support animals and service animals in the laws addressing discrimination in housing and public places of accommodation or amusement.

Current law defines an emotional support animal as an animal that provides emotional support, well-being, comfort, or companionship to an individual, but that is not trained to perform tasks for an individual with a disability. A service animal is generally defined as a dog or other animal that is individually trained to do work or perform tasks for an individual with a disability.

This bill changes the definition of “service animal” for purposes of the laws addressing discrimination in public places of accommodation or amusement. The bill limits service animals for those purposes to a dog or miniature horse that meets the standards set forth under federal regulations implementing the Americans with Disabilities Act or a dog or miniature horse that is being trained to be a service animal.

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Under current law, it is discrimination to do any of the following with respect to an individual who has a disability and a disability-related need for an emotional support animal: refuse to rent or sell housing to the individual, charge the individual more for housing, evict the individual from housing, or harass the individual. An owner or lessor, an agent of an owner or lessor, or a representative of a condominium association (collectively, "housing representative") may request from an individual who wishes to keep an emotional support animal in housing reliable documentation of the individual's disability-related need for an emotional support animal from a licensed health professional and may deny the individual the ability to keep the emotional support animal in the housing if the individual fails to provide the documentation. The bill allows the housing representative to require that this documentation include a prescription from a licensed health professional for the emotional support animal. An individual who provides false documentation of a prescription for an emotional support animal and a health care provider who provides a prescription for an emotional support animal without having at least a 30-day relationship with the individual before providing the prescription must each forfeit at least \$500.

The bill prohibits a person from intentionally misrepresenting that he or she is in possession of a service animal while at any public place of accommodation or amusement. A person who violates this prohibition is subject to a forfeiture of up to \$200 for a first violation and up to \$500 for a second or subsequent violation.

The bill requires the Department of Workforce Development to prepare and make available to businesses upon request: 1) signage suitable for posting on a front window or door stating "task-trained service animals are welcome" and that misrepresenting an animal as a service animal is a violation of state law; and 2) an informational brochure detailing the rights of businesses relating to service animals in their place of business. In preparing these materials, DWD must consult with members of organizations that represent business owners, restaurant owners, and groups that train and place service animals and guide dogs.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 1 **SECTION 1.** 106.50 (2r) (br) 2. of the statutes is amended to read:
- 2 106.50 **(2r)** (br) 2. If an individual keeps or is seeking to keep an emotional
- 3 support animal in housing, an owner, lessor, lessor's agent, owner's agent, or
- 4 representative of a condominium association may request that the individual
- 5 submit to the owner, lessor, agent, or representative reliable documentation that

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1 the individual has a disability and reliable documentation of the disability-related
2 need for the emotional support animal from a licensed health professional, and may
3 also request documentation of a prescription for the emotional support animal from
4 a licensed health professional.

5 **SECTION 2.** 106.50 (2r) (br) 5. of the statutes is amended to read:

6 106.50 **(2r)** (br) 5. An individual shall forfeit not less than \$500 if he or she,
7 for the purpose of obtaining housing, intentionally misrepresents that he or she has
8 a disability ~~or~~, misrepresents the need for an emotional support animal to assist
9 with his or her disability, or provides false documentation of a prescription for an
10 emotional support animal to assist with his or her disability.

11 **SECTION 3.** 106.50 (2r) (br) 6. of the statutes is amended to read:

12 106.50 **(2r)** (br) 6. A licensed health professional shall forfeit not less than
13 \$500 if he or she, for the purpose of allowing the patient to obtain housing,
14 misrepresents that his or her patient has a disability ~~or~~, misrepresents his or her
15 patient's need for an emotional support animal to assist with his or her patient's
16 disability, or provides a prescription for an emotional support animal to assist with
17 his or her patient's disability without having at least a 30-day patient-provider
18 relationship with the patient.

19 **SECTION 4.** 106.52 (1) (fm) of the statutes is amended to read:

20 106.52 **(1)** (fm) "Service animal" means a ~~guide dog, signal dog, or other~~
21 ~~animal that is individually trained or is being trained to do work or perform tasks~~
22 ~~for the benefit of a person with a disability, including the work or task of guiding a~~
23 ~~person with impaired vision, alerting a person with impaired hearing to intruders~~
24 ~~or sound, providing minimal protection or rescue work, pulling a wheelchair, or~~

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1 ~~fetching-dropped-items~~ dog that meets the definition of “service animal” in 28 CFR
2 35.104 and includes a miniature horse under circumstances that meet the
3 standards set forth in 28 CFR 35.136 (i) and a service animal in training.

4 **SECTION 5.** 106.52 (1) (fs) of the statutes is created to read:

5 106.52 (1) (fs) “Service animal in training” means a dog or miniature horse
6 that is being trained to be a service animal by a service animal trainer.

7 **SECTION 6.** 106.52 (6) of the statutes is created to read:

8 106.52 (6) CLAIMING TO POSSESS A SERVICE ANIMAL. (a) A person who, with
9 knowledge that the representation is false, intentionally represents that he or she is
10 in possession of a service animal while at any public place of accommodation or
11 amusement is subject to the following penalties:

12 1. For a first violation under this paragraph, a forfeiture of not more than
13 \$200. In lieu of a forfeiture, the court may require that the person perform 20 hours
14 of community service work for an organization that serves persons with disabilities.

15 2. For a 2nd or subsequent violation under this paragraph, a forfeiture of not
16 more than \$500. In lieu of a forfeiture, the court may require that the person
17 perform 40 hours of community service work for an organization that serves
18 persons with disabilities.

19 (b) The department shall prepare and make available to businesses upon
20 request all of the following:

21 1. Signage suitable for posting on a front window or door stating “task-trained
22 service animals are welcome” and that misrepresenting an animal as a service
23 animal is a violation of state law.

24 2. An informational brochure detailing the rights of businesses relating to

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1 service animals in their place of business and what is and is not a lawful way to
2 ascertain if a person is violating par. (a).

3 **SECTION 7. Nonstatutory provisions.**

4 (1) BUSINESS SIGNAGE. In preparing the materials described in s. 106.52 (6)
5 (b), the department of workforce development shall consult with a member of a
6 service animal organization accredited by Assistance Dogs International or the
7 International Guide Dog Federation or a successor organization, a member of an
8 organization advocating for the interests of restaurant owners, and a member of an
9 organization advocating for the interests of business owners.

10 (END)