

**SUBSTITUTE FOR  
HOUSE BILL NO. 5751**

A bill to regulate the certification of a person with a disability's need for an emotional support animal by a health care provider; to require certain disclosures; and to prohibit certain acts and prescribe civil sanctions.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. This act may be cited as the "emotional support animal  
2 act".

3           Sec. 3. As used in this act:

4           (a) "Emotional support animal" means an animal that qualifies  
5 as a reasonable accommodation that is necessary to afford a person  
6 with a disability equal opportunity to use and enjoy a dwelling or  
7 residential property as described under section 804(f)(3)(B) of the  
8 federal fair housing act, 42 USC 3604, or section 506a(1)(b) of the

1 persons with disabilities civil rights act, 1976 PA 220, MCL  
2 37.1506a.

3 (b) "Health care provider" means any of the following:

4 (i) A physician or physician's assistant licensed under article  
5 15 of the public health code, 1978 PA 368, MCL 333.16101 to  
6 333.18838.

7 (ii) A nurse practitioner licensed as a registered professional  
8 nurse under part 172 of the public health code, 1978 PA 368, MCL  
9 333.17201 to 333.17242, and granted a specialty certification as a  
10 nurse practitioner by the Michigan board of nursing under section  
11 17210 of the public health code, 1978 PA 368, MCL 333.17210.

12 (iii) A clinical nurse specialist licensed as a registered  
13 professional nurse under part 172 of the public health code, 1978  
14 PA 368, MCL 333.17201 to 333.17242, and granted a specialty  
15 certification as a clinical nurse specialist by the Michigan board  
16 of nursing under section 17210 of the public health code, 1978 PA  
17 368, MCL 333.17210.

18 (iv) A mental health professional as that term is defined in  
19 section 100b of the mental health code, 1974 PA 258, MCL 330.1100b.

20 (c) "Person with a disability" means an individual who has a  
21 handicap as that term is defined in section 802(h) of the federal  
22 fair housing act, 42 USC 3602, and 24 CFR 100.201, or an individual  
23 who has a disability as that term is defined in section 103 of the  
24 persons with disabilities civil rights act, 1976 PA 220, MCL  
25 37.1103.

26 (d) "Provider-patient relationship" means a treatment or  
27 counseling relationship in which a health care provider does all of  
28 the following:

29 (i) Reviews the patient's relevant medical records and

1 completes a full assessment of the patient's medical history and  
2 current medical condition, including a relevant medical evaluation  
3 of the patient either in person or via telehealth.

4 (ii) Creates and maintains records of the patient's current  
5 medical condition in accordance with medically accepted standards.

6 (iii) Reasonably expects that he or she will provide the patient  
7 with follow-up medical care to monitor the efficacy of the use of  
8 an emotional support animal as a treatment of the patient's  
9 disability.

10 (e) "Service animal" means that term as defined in section  
11 502c of the Michigan penal code, 1931 PA 328, MCL 750.502c.

12 (f) "Telehealth" means that term as defined in section 16283  
13 of the public health code, 1978 PA 368, MCL 333.16283.

14 Sec. 5. (1) A health care provider may certify a person with a  
15 disability's need for an emotional support animal. To certify a  
16 person with a disability's need for an emotional support animal, a  
17 health care provider shall meet both of the following requirements:

18 (a) The health care provider has an established provider-  
19 patient relationship with the person with a disability for at least  
20 30 days before the health care provider certifies the person with a  
21 disability's need for an emotional support animal.

22 (b) The health care provider determines that the person with a  
23 disability has a need for an emotional support animal.

24 (2) A health care provider shall not receive a fee or any  
25 other form of compensation solely in exchange for certifying a  
26 person with a disability's need for an emotional support animal  
27 under subsection (1). A certification issued by a health care  
28 provider who receives compensation solely for providing the  
29 certification is invalid.

1 (3) A health care provider shall not falsely certify a person  
2 with a disability's need for an emotional support animal under  
3 subsection (1).

4 (4) The certification issued under subsection (1) must be in  
5 the form of a letter or a completed questionnaire and is subject to  
6 the privacy provisions of the health insurance portability and  
7 accountability act of 1996, Public Law 104-191.

8 Sec. 7. A person that sells or offers for sale a registration  
9 of any kind, including, but not limited to, an identification card,  
10 patch, tag, vest, harness, or certificate in this state indicating  
11 that an animal is an emotional support animal shall provide written  
12 notice to a buyer upon purchase that states both of the following:

13 (a) That the registration does not qualify the animal as a  
14 service animal.

15 (b) That falsely representing an animal as a service animal or  
16 a service animal in training violates 1981 PA 82, MCL 752.61 to  
17 752.64.

18 Sec. 9. (1) A person that knowingly violates this act may be  
19 ordered to pay a civil fine as follows:

20 (a) For a first offense, a civil fine of not more than  
21 \$1,000.00.

22 (b) For a second or subsequent offense, a civil fine of not  
23 more than \$2,000.00.

24 (2) A violation of this act may be prosecuted by the  
25 prosecutor of the county in which the violation occurred or by the  
26 attorney general.