



2026 South Dakota Legislature

Senate Bill 82

Introduced by: **Senator Howard**

1 **An Act to prohibit the misrepresentation of an animal as a service animal and to**
2 **provide a penalty therefor.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1. That a NEW SECTION be added to chapter 22-35:**

5 An individual may not, directly or indirectly through statements or conduct,
6 intentionally misrepresent an animal in that individual's possession as a service animal in
7 any place of public accommodation to obtain any rights or privileges available to an
8 individual who qualifies for a service animal under state or federal law, knowing that the
9 individual is not entitled to those rights or privileges.

10 A violation of this section is a Class 2 misdemeanor.

11 For purposes of this section, "service animal" means a dog that is trained to do
12 work or perform tasks for the benefit of an individual with a disability, as set forth in 28
13 C.F.R. § 36.104 (January 1, 2026), provided the work or tasks performed by the dog are
14 directly related to the individual's disability. The crime deterrent effects of a dog's
15 presence and the provision of emotional support, well-being, comfort, or companionship
16 do not constitute work or tasks.