Chapter 110

(Senate Bill 82)

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

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

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

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

A violation of this section is a Class 2 misdemeanor.

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

Signed March 9, 2026
