



House of Representatives

General Assembly

File No. 119

January Session, 2021

Substitute House Bill No. 6318

House of Representatives, March 24, 2021

The Committee on Human Services reported through REP. ABERCROMBIE of the 83rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING SERVICE ANIMALS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 5-247b of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2021*):

3 As used in this section, (1) "disability" means any one or more of the
4 following, as defined in section 46a-51: (A) An "intellectual disability",
5 (B) "physically disabled", (C) a "mental disability", or (D) a "learning
6 disability"; and (2) "service animal" has the same meaning as provided
7 in 28 CFR 35.104, as amended from time to time, and includes a service
8 animal in training. Each appointing authority shall grant to each full-
9 time employee in a permanent position in the state [service or full-time
10 employee of a] or quasi-public agency who [(1) is blind or physically
11 disabled, and (2)] (A) has a disability, and (B) has been employed for at
12 least twelve consecutive months, the use of accumulated paid sick leave,
13 not to exceed [fifteen] twenty days, to participate in training conducted
14 by [a guide dog organization or assistance dog organization] an

15 organization that trains service animals, provided such organization is
16 a member of a professional association of [guide dog or assistance dog]
17 service animal schools, to prepare the employee to handle a [guide dog
18 or assistance dog] service animal for the employee's own use. The
19 appointing authority may require up to seven days' advance notice of
20 an employee's intention to use such leave and may require the employee
21 to provide reasonable documentation that such leave is being taken for
22 the purpose permitted under this section.

23 Sec. 2. (NEW) (*Effective July 1, 2021*) As used in this section, (1)
24 "disability" means any one or more of the following, as defined in
25 section 46a-51 of the general statutes: (A) An "intellectual disability", (B)
26 "physically disabled", (C) a "mental disability", or (D) a "learning
27 disability"; and (2) "service animal" has the same meaning as provided
28 in 28 CFR 35.104, as amended from time to time, and includes a service
29 animal in training. Each chief elected official or chief executive officer of
30 a municipality shall grant to each full-time employee in a permanent
31 position who (A) has a disability, and (B) has been employed for at least
32 twelve consecutive months, the use of accumulated paid sick leave, not
33 to exceed twenty days, to participate in training conducted by an
34 organization that trains service animals, provided such organization is
35 a member of a professional association of service animal schools, to
36 prepare the employee to handle a service animal for the employee's own
37 use. The chief elected official or chief executive officer may require up
38 to seven days' advance notice of an employee's intention to use such
39 leave and may require the employee to provide reasonable
40 documentation that such leave is being taken for the purpose permitted
41 under this section.

42 Sec. 3. Subsection (f) of section 13b-119 of the general statutes is
43 repealed and the following is substituted in lieu thereof (*Effective July 1,*
44 *2021*):

45 (f) A transportation network company driver shall: (1) Comply with
46 all applicable laws regarding nondiscrimination against transportation
47 network company riders or potential transportation network company

48 riders on the basis of age, color, creed, destination, intellectual or
49 physical disability, national origin, race, sex, sexual orientation or
50 gender identity; (2) comply with all applicable laws relating to the
51 accommodation of service animals and accommodate service animals
52 without imposing additional charges for such accommodation; (3)
53 comply with the policies adopted by the transportation network
54 company pursuant to subsection (c) of section 13b-118 and subsections
55 (d) and (e) of this section; (4) not impose additional charges for
56 providing prearranged rides to persons with physical disabilities
57 because of such disabilities; and (5) not solicit or accept a request for
58 transportation unless the request is accepted through the transportation
59 network company's digital network. For purposes of this subsection,
60 "service animal" has the same meaning as provided in 28 CFR 35.104, as
61 amended from time to time, and includes a service animal in training.

62 Sec. 4. Section 14-300 of the general statutes is repealed and the
63 following is substituted in lieu thereof (*Effective July 1, 2021*):

64 (a) As used in this section and section 14-300i, "service animal" has
65 the same meaning as provided in 28 CFR 35.104, as amended from time
66 to time, and includes a service animal in training. The traffic authority
67 shall have power to designate, by appropriate official traffic control
68 devices, as defined in section 14-297, or markers, or by lines upon the
69 surface of the highway, such crosswalks and intersections as, in its
70 opinion, constitute a danger to pedestrians crossing the highway
71 including, but not limited to, specially marked crosswalks in the vicinity
72 of schools, which crosswalks shall have distinctive markings, in
73 accordance with the regulations of the Office of the State Traffic
74 Administration, to denote use of such crosswalks by school children;
75 and may maintain suitable signs located at intervals along highways,
76 particularly where there are no sidewalks, directing pedestrians to walk
77 facing vehicular traffic.

78 (b) At any intersection where special pedestrian-control signals
79 bearing the words "Walk" or "Don't Walk" are placed, pedestrians may
80 cross the highway only as indicated by the signal. At any intersection

81 where traffic is controlled by other traffic control signals or by police
82 officers, pedestrians shall not cross the highway against a red or "Stop"
83 signal and shall not cross at any place not a marked or unmarked
84 crosswalk. A pedestrian started or starting across the highway on a
85 "Walk" signal or on any such crosswalk on a green or "Go" signal shall
86 have the right-of-way over all vehicles, including those making turns,
87 until such pedestrian has reached the opposite curb or safety zone.

88 (c) Except as provided in subsection (c) of section 14-300c, at any
89 crosswalk marked as provided in subsection (a) of this section or any
90 unmarked crosswalk, provided such crosswalks are not controlled by
91 police officers or traffic control signals, each operator of a vehicle shall
92 grant the right-of-way, and slow or stop such vehicle if necessary to so
93 grant the right-of-way, to any pedestrian crossing the roadway within
94 such crosswalk, provided such pedestrian steps off the curb or into the
95 crosswalk at the entrance to a crosswalk or is within that half of the
96 roadway upon which such operator of a vehicle is traveling, or such
97 pedestrian steps off the curb or into the crosswalk at the entrance to a
98 crosswalk or is crossing the roadway within such crosswalk from that
99 half of the roadway upon which such operator is not traveling. No
100 operator of a vehicle approaching from the rear shall overtake and pass
101 any vehicle, the operator of which has stopped at any crosswalk marked
102 as provided in subsection (a) of this section or any unmarked crosswalk
103 to permit a pedestrian to cross the roadway. The operator of any vehicle
104 crossing a sidewalk shall yield the right-of-way to each pedestrian and
105 all other traffic upon such sidewalk.

106 (d) The operator of a motor vehicle who approaches or comes into the
107 immediate vicinity of a pedestrian who is blind, as defined in subsection
108 (a) of section 1-1f, carrying a white cane or a white cane tipped with red,
109 or a pedestrian being guided by a [guide dog] service animal, shall
110 reduce speed or stop, if necessary, to yield the right-of-way to such
111 pedestrian. No person, except one who is blind, shall carry or use on any
112 street or highway, or in any other public place, a cane or walking stick
113 which is white in color or white, tipped with red.

114 (e) Any crosswalk designated by a traffic authority on or after
115 October 1, 2010, pursuant to subsection (a) of this section shall be
116 required by such authority to have markings, signage, or any control
117 signals deemed necessary by such authority to provide sufficient time
118 for the safe crossing of pedestrians.

119 (f) The operator of any motor vehicle who violates this section shall
120 be fined not more than five hundred dollars.

121 (g) In any civil action arising under subsection (c) or (d) of this section
122 or sections 14-300b to 14-300d, inclusive, the doctrine of negligence per
123 se shall not apply.

124 Sec. 5. Section 22-345 of the general statutes is repealed and the
125 following is substituted in lieu thereof (*Effective July 1, 2021*):

126 As used in this section and sections 22-357, 22-358 and 22-364b, as
127 amended by this act, (1) "disability" means any one or more of the
128 following, as defined in section 46a-51: (A) An "intellectual disability",
129 (B) "physically disabled", (C) a "mental disability", or (D) a "learning
130 disability"; and (2) "service animal" has the same meaning as provided
131 in 28 CFR 35.104, as amended from time to time, and includes a service
132 animal in training. Any [blind, deaf or mobility impaired] person with
133 a disability who is the owner or keeper of a dog [which has been trained
134 and educated to guide and assist such person in traveling upon the
135 public streets or highways or otherwise] that has been trained as a
136 service animal shall receive a license and tag for such dog from the town
137 clerk of the town where such dog is owned or kept. Such license and tag
138 shall be issued in accordance with the provisions of section 22-340, and
139 no fee shall be required of the owner or keeper of any such dog. When
140 any such dog has not been previously licensed by the town clerk to
141 whom application is being made, and it is not obvious that the dog is a
142 service animal, such town clerk [shall not license such dog or issue to
143 the owner a license and tag unless written evidence is exhibited to such
144 clerk that the dog is trained and educated and intended in fact to
145 perform such guide service for such applicant] may inquire of such
146 owner or keeper whether the dog is a service animal required because

147 of a disability and what work or task the dog has been trained to
148 perform. Any person who has a dog placed with such person
149 temporarily, including for breeding purposes, by a nonprofit
150 organization established for the purpose of training or educating [guide
151 dogs to so assist blind, deaf or mobility impaired persons] the dog as a
152 service animal shall receive a license and tag for such dog from the town
153 clerk of the town where such dog is kept. Such license and tag shall be
154 issued in accordance with the provisions of section 22-340, and no fee
155 shall be required for such license and tag, provided such person
156 presents written evidence that such dog was placed with such person
157 by such organization. [As used in this section and section 46a-44, "deaf
158 person" means a person who cannot readily understand spoken
159 language through hearing alone and who may also have a speech defect
160 which renders such person's speech unintelligible to most people with
161 normal hearing.]

162 Sec. 6. Subdivision (3) of subsection (a) of section 22-357 of the general
163 statutes is repealed and the following is substituted in lieu thereof
164 (*Effective July 1, 2021*):

165 (3) "The amount of such damage", with respect to a companion
166 animal, includes expenses of veterinary care, the fair monetary value of
167 the companion animal, including all training expenses for a [guide dog]
168 service animal owned by a [blind person or an assistance dog owned by
169 a deaf or mobility impaired person] person with a disability and burial
170 expenses for the companion animal.

171 Sec. 7. Subsection (c) of section 22-358 of the general statutes is
172 repealed and the following is substituted in lieu thereof (*Effective July 1,*
173 *2021*):

174 (c) The commissioner, the Chief Animal Control Officer, any animal
175 control officer, any municipal animal control officer or any regional
176 animal control officer may make any order concerning the restraint or
177 disposal of any biting dog, cat or other animal as the commissioner or
178 such officer deems necessary. Notice of any such order shall be given to
179 the person bitten by such dog, cat or other animal within twenty-four

180 hours. The owner of such animal shall pay all fees as set forth in section
181 22-333. Any owner or keeper of such dog, cat or other animal who fails
182 to comply with such order shall be guilty of a class D misdemeanor. If
183 an owner or keeper fails to comply with a restraining order made
184 pursuant to this subsection, the Chief Animal Control Officer, any
185 animal control officer, any municipal animal control officer or any
186 regional animal control officer may seize the dog, cat or other animal to
187 ensure such compliance and the owner or keeper shall be responsible
188 for any expenses resulting from such seizure. Any person aggrieved by
189 an order of any municipal animal control officer, the Chief Animal
190 Control Officer, any animal control officer or any regional animal
191 control officer may request a hearing before the commissioner within
192 fourteen days of the issuance of such order. Any order issued pursuant
193 to this section that requires the restraint of an animal shall be effective
194 upon its issuance and shall remain in effect during any appeal of such
195 order to the commissioner. After such hearing, the commissioner may
196 affirm, modify or revoke such order as the commissioner deems proper.
197 Any dog owned by a police agency of the state or any of its political
198 subdivisions is exempt from the provisions of this subsection when such
199 dog is under the direct supervision, care and control of an assigned
200 police officer, is currently vaccinated and is subject to routine veterinary
201 care. Any [guide dog] service animal owned or in the custody and
202 control of a [blind person or a person with a mobility impairment]
203 person with a disability is exempt from the provisions of this subsection
204 when such [guide dog] service animal is under the direct supervision,
205 care and control of such person, is currently vaccinated and is subject to
206 routine veterinary care.

207 Sec. 8. Section 22-364b of the general statutes is repealed and the
208 following is substituted in lieu thereof (*Effective July 1, 2021*):

209 The owner or keeper of a dog shall restrain and control such dog on
210 a leash when such dog is not on the property of its owner or keeper and
211 is in proximity to a [blind, deaf or mobility impaired] person with a
212 disability accompanied by his [guide dog] or her service animal,
213 provided the [guide dog] service animal is in the direct custody of such

214 [blind, deaf or mobility impaired person, is wearing a harness or an
215 orange-colored leash and collar which makes it readily-identifiable as a
216 guide dog] person, is wearing a harness or a vest readily identifying the
217 animal as a service animal and is licensed in accordance with section 22-
218 345, as amended by this act. Any person who violates the provisions of
219 this section shall have committed an infraction. If an owner or keeper of
220 a dog violates the provisions of this section and, as a result of such
221 violation, such dog attacks and injures the [guide dog] service animal,
222 such owner or keeper shall be liable, as provided in section 22-357, as
223 amended by this act, for any damage done to such [guide dog] service
224 animal, and such liability shall include liability for any costs incurred by
225 such [blind, deaf or mobility-impaired] person with a disability for the
226 veterinary care, rehabilitation or replacement of the injured [guide dog]
227 service animal and for reasonable attorney's fees.

228 Sec. 9. Section 46a-44 of the general statutes is repealed and the
229 following is substituted in lieu thereof (*Effective July 1, 2021*):

230 (a) As used in this section and section 46a-64, as amended by this act,
231 (1) "disability" means any one or more of the following, as defined in
232 section 46a-51: (A) An "intellectual disability", (B) "physically disabled",
233 (C) a "mental disability", or (D) a "learning disability"; (2) "service
234 animal" has the same meaning as provided in 28 CFR 35.104, as
235 amended from time to time, and includes a service animal in training;
236 and (3) "person training an animal as a service animal" means a person
237 who (A) (i) is employed by an organization that trains service animals,
238 (ii) complies with the criteria for membership in a professional
239 association of schools that train service animals, (iii) is authorized to
240 engage in designated training activities, and (iv) carries photographic
241 identification indicating such employment and authorization, or (B)
242 volunteers for an organization that (i) trains service animals, and (ii)
243 authorizes volunteers to raise animals to become service animals.

244 [(a)] (b) Any [blind, deaf or mobility impaired] person with a
245 disability or any person training [a dog as a guide dog for a blind person
246 or an assistance dog to assist a deaf or mobility impaired person] an

247 animal as a service animal to assist a person with a disability may travel
248 on a train or on any other mode of public transportation, and may enter
249 any other place of public accommodation which caters or offers its
250 services or facilities or goods to the general public, including but not
251 limited to, any public building, inn, restaurant, hotel, motel, tourist
252 cabin, place of amusement, resort or any facility of any such public
253 accommodation, accompanied by such person's [guide dog or assistance
254 dog] service animal, and such person may keep such [dog] service
255 animal with him or her at all times in any such public accommodation
256 or facility thereof at no extra charge, provided such [dog] service animal
257 shall be in the direct custody and control of such person. [and shall be
258 wearing a harness or an orange-colored leash and collar.]

259 [(b)] (c) Any [blind, deaf or mobility impaired] person with a
260 disability or any person training [a dog as a guide dog for a blind person
261 or an assistance dog to assist a deaf or mobility impaired person] an
262 animal as a service animal for a person with a disability shall be entitled
263 to visit any place of public accommodation, resort or amusement or a
264 dwelling as a guest of a lawful occupant thereof, accompanied by such
265 person's [guide dog or assistance dog] service animal, and such person
266 may keep such [dog] service animal with him or her at all times in such
267 public accommodation, resort, amusement or dwelling at no extra
268 charge, provided such [dog] service animal shall be in the direct custody
269 and control of such person. [and shall be wearing a harness or an
270 orange-colored leash and collar.] No such [blind, deaf or mobility
271 impaired] person with a disability or person training [a dog as a guide
272 dog or an assistance dog] an animal as a service animal shall be charged
273 any fee not applicable alike to all guests, provided the owner of such
274 [dog] service animal shall be liable for any damage done to the premises
275 or facilities by such [dog] service animal. For the purposes of this
276 subsection, (1) a "place of public accommodation, resort or amusement"
277 means any establishment which caters or offers its services or facilities
278 or goods to the general public, including, but not limited to, any
279 commercial building lot, on which it is intended that a commercial
280 property or building will be constructed or offered for sale or rent, and
281 (2) "dwelling" means any building, structure, mobile manufactured

282 home park or portion thereof which is occupied as, or designed or
283 intended for occupancy as, a residence by one or more families, and any
284 vacant land which is offered for sale or lease for the construction or
285 location thereon of any such building, structure, mobile manufactured
286 home park or portion thereof, provided the provisions of this subsection
287 shall not apply to (A) the rental of a room or rooms in a single-family
288 dwelling unit, if the owner actually maintains and occupies part of such
289 living quarters as the owner's residence or (B) a unit in a dwelling
290 containing living quarters occupied or intended to be occupied by no
291 more than two families living independently of each other, if the owner
292 actually maintains and occupies the other such living quarters as the
293 owner's residence.

294 [(c)] (d) Any person who intentionally interferes with [a blind, deaf
295 or mobility impaired person's use of a guide dog or an assistance dog]
296 the use of a service animal by a person with a disability, including, but
297 not limited to, any action intended to harass or annoy the [blind, deaf or
298 mobility impaired] person, the person training [a dog as a guide dog or
299 assistance dog or the guide dog or assistance dog] an animal as a service
300 animal, or who denies the rights afforded to a [blind, deaf or mobility
301 impaired] person with a disability or person training [a dog as a guide
302 dog or an assistance dog] an animal as a service animal under subsection
303 [(a)] (b) or [(b)] (c) of this section shall be guilty of a class C
304 misdemeanor, provided such [blind, deaf or mobility impaired] person
305 with a disability or person training [a dog as a guide dog or an assistance
306 dog] an animal as a service animal complies with the applicable
307 provisions of subsection [(a)] (b) or [(b)] (c) of this section.

308 [(d) For the purposes of this section, "guide dog" or "assistance dog"
309 includes a dog being trained as a guide dog or assistance dog and
310 "person training a dog as a guide dog for a blind person or an assistance
311 dog to assist a deaf or mobility impaired person" means a person who
312 is employed by and authorized to engage in designated training
313 activities by a guide dog organization or assistance dog organization
314 that complies with the criteria for membership in a professional
315 association of guide dog or assistance dog schools and who carries

316 photographic identification indicating such employment and
317 authorization, or a person who volunteers for a guide dog organization
318 or assistance dog organization that authorizes such volunteers to raise
319 dogs to become guide dogs or assistance dogs and causes the
320 identification of such dog with (1) identification tags, (2) ear tattoos, (3)
321 identifying bandanas on puppies, (4) identifying coats on adult dogs, or
322 (5) leashes and collars.]

323 Sec. 10. Subsection (a) of section 46a-64 of the general statutes is
324 repealed and the following is substituted in lieu thereof (*Effective July 1,*
325 *2021*):

326 (a) It shall be a discriminatory practice in violation of this section: (1)
327 To deny any person within the jurisdiction of this state full and equal
328 accommodations in any place of public accommodation, resort or
329 amusement because of race, creed, color, national origin, ancestry, sex,
330 gender identity or expression, marital status, age, lawful source of
331 income, intellectual disability, mental disability, physical disability,
332 including, but not limited to, blindness or deafness, or status as a
333 veteran, of the applicant, subject only to the conditions and limitations
334 established by law and applicable alike to all persons; (2) to
335 discriminate, segregate or separate on account of race, creed, color,
336 national origin, ancestry, sex, gender identity or expression, marital
337 status, age, lawful source of income, intellectual disability, mental
338 disability, learning disability, physical disability, including, but not
339 limited to, blindness or deafness, or status as a veteran; (3) for a place of
340 public accommodation, resort or amusement to restrict or limit the right
341 of a mother to breast-feed her child; (4) for a place of public
342 accommodation, resort or amusement to [fail or refuse to post a notice,
343 in a conspicuous place, that any blind, deaf or mobility impaired person,
344 accompanied by his guide dog wearing a harness or an orange-colored
345 leash and collar, may enter such premises or facilities] refuse entry to a
346 person with a disability who is accompanied by a service animal; or (5)
347 to deny any [blind, deaf or mobility impaired] person with a disability
348 or any person training [a dog as a guide dog for a blind person or a dog
349 to assist a deaf or mobility impaired] an animal as a service animal to

350 assist a person with a disability, accompanied by his [guide dog or
351 assistance dog] or her service animal, full and equal access to any place
352 of public accommodation, resort or amusement. Any [blind, deaf or
353 mobility impaired] person with a disability or any person training [a
354 dog as a guide dog for a blind person or a dog to assist a deaf or mobility
355 impaired person] an animal as a service animal may keep his [guide dog
356 or assistance dog with him] or her service animal at all times in such
357 place of public accommodation, resort or amusement at no extra charge,
358 provided [the dog wears a harness or an orange-colored leash and collar
359 and] such service animal is in the direct custody and control of such
360 person. [The blind, deaf or mobility impaired person or person training
361 a dog as a guide dog for a blind person or a dog to assist a deaf or
362 mobility impaired person shall be liable for any damage done to the
363 premises or facilities by his dog. For purposes of this subdivision, "guide
364 dog" or "assistance dog" includes a dog being trained as a guide dog or
365 assistance dog and "person training a dog as a guide dog for a blind
366 person or a dog to assist a deaf or mobility impaired person" means a
367 person who is employed by and authorized to engage in designated
368 training activities by a guide dog organization or assistance dog
369 organization that complies with the criteria for membership in a
370 professional association of guide dog or assistance dog schools and who
371 carries photographic identification indicating such employment and
372 authorization.] When it is not obvious what service an animal provides,
373 staff of a public accommodation, resort or amusement may inquire of
374 the owner or keeper whether such animal is a service animal required
375 because of a disability and what work or task the animal has been
376 trained to perform. Nothing in this subsection shall preclude a business
377 owner's ability to recover for damage caused to a person or property by
378 a service animal.

379 Sec. 11. Section 52-175a of the general statutes is repealed and the
380 following is substituted in lieu thereof (*Effective July 1, 2021*):

381 The failure of a blind person to use a [guide dog] service animal or to
382 carry a cane or walking stick which is predominantly white or metallic
383 in color, with or without red tip, shall not be construed as evidence of

384 comparative or contributory negligence in any negligence action. For
385 purposes of this section, "service animal" has the same meaning as
386 provided in 28 CFR 35.104, as amended from time to time, and includes
387 a service animal in training.

388 Sec. 12. Section 54-201 of the general statutes is repealed and the
389 following is substituted in lieu thereof (*Effective July 1, 2021*):

390 As used in sections 54-201 to 54-235, inclusive:

391 (1) "Victim" means a person who is injured or killed as provided in
392 section 54-209;

393 (2) "Personal injury" means (A) actual bodily harm or emotional harm
394 and includes pregnancy and any condition thereof, or (B) injury or death
395 to a service animal, as defined in 28 CFR 35.104, as amended from time
396 to time, owned or kept by a person with a disability;

397 (3) "Dependent" means any relative of a deceased victim or a person
398 designated by a deceased victim in accordance with section 1-56r who
399 was wholly or partially dependent upon his income at the time of his
400 death or the child of a deceased victim and shall include the child of
401 such victim born after his death;

402 (4) "Relative" means a person's spouse, parent, grandparent,
403 stepparent, aunt, uncle, niece, nephew, child, including a natural born
404 child, stepchild and adopted child, grandchild, brother, sister, half
405 brother or half sister or a parent of a person's spouse;

406 (5) "Crime" means any act which is a felony, as defined in section 53a-
407 25, or misdemeanor, as defined in section 53a-26, and includes any crime
408 committed by a juvenile; and

409 (6) "Emotional harm" means a mental or emotional impairment that
410 requires treatment through services and that is directly attributable to a
411 threat of (A) physical injury, as defined in subdivision (3) of section 53a-
412 3, or (B) death to the affected person.

413 Sec. 13. (NEW) (*Effective July 1, 2021*) The Commission on Human
 414 Rights and Opportunities, within available appropriations, shall make
 415 available on its Internet web site links to educational materials on (1) the
 416 differences between service animals, emotional support animals and
 417 therapy animals, (2) the rights and responsibilities of an owner of each
 418 such animal under state and federal law, and (3) permissible methods
 419 under state and federal law for an owner of a place of public
 420 accommodation, resort or amusement, as defined in section 46a-63 of
 421 the general statutes, or a landlord to determine whether an animal is a
 422 service animal, emotional support animal or therapy animal. For
 423 purposes of this section, "service animal" has the same meaning as
 424 provided in 28 CFR 35.104, as amended from time to time, and includes
 425 a service animal in training.

426 Sec. 14. Section 46a-42 of the general statutes is repealed. (*Effective July*
 427 *1, 2021*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2021</i>	5-247b
Sec. 2	<i>July 1, 2021</i>	New section
Sec. 3	<i>July 1, 2021</i>	13b-119(f)
Sec. 4	<i>July 1, 2021</i>	14-300
Sec. 5	<i>July 1, 2021</i>	22-345
Sec. 6	<i>July 1, 2021</i>	22-357(a)(3)
Sec. 7	<i>July 1, 2021</i>	22-358(c)
Sec. 8	<i>July 1, 2021</i>	22-364b
Sec. 9	<i>July 1, 2021</i>	46a-44
Sec. 10	<i>July 1, 2021</i>	46a-64(a)
Sec. 11	<i>July 1, 2021</i>	52-175a
Sec. 12	<i>July 1, 2021</i>	54-201
Sec. 13	<i>July 1, 2021</i>	New section
Sec. 14	<i>July 1, 2021</i>	Repealer section

HS Joint Favorable Subst.

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill has no fiscal impact. It broadens the applicability of current protections and provisions related to guide dogs or assistance dogs. These changes are not expected to increase the cost to the state or municipal employers or the cost of enforcing or administering any protections.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 6318*****AN ACT CONCERNING SERVICE ANIMALS.*****SUMMARY**

This bill generally broadens the applicability of current protections and provisions related to guide dogs or assistance dogs by replacing references to guide dogs or assistance dogs with a federal definition for “service animals.” The federal definition generally includes dogs that do work or perform tasks for people with various types of disabilities (see BACKGROUND). The bill also applies certain existing provisions to service dogs in training. The bill makes these changes in laws on the following topics:

1. state employee use of paid sick time to attend service animal training (§ 1);
2. transportation network company drivers (e.g., Uber, Lyft) accommodating service animals (§ 3);
3. motor vehicle operators’ requirement to yield the right-of-way to pedestrians with service animals (§ 4);
4. dog licensure and tags issued by town clerks (§ 5);
5. damage done by animals to property or other animals (§§ 6-8);
6. places of public accommodation (§§ 9, 10 & 14);
7. prohibition on use of a service animal by a blind person as evidence in a negligence action (§ 11); and
8. victim services for crimes involving personal injury (§ 12).

The bill increases the amount of accumulated paid sick leave time a

state employee or a quasi-public agency employee may use to take service animal training from 15 to 20 days. It establishes a similar requirement for municipal employees.

For both sick leave requirements, the bill applies state definitions of disability, including intellectual, physical, mental, and learning disabilities (see BACKGROUND). The bill also applies these definitions to provisions on dog licensure (§ 5), harmful animals (§§ 6-8), and places of public accommodation (§§ 9 & 10).

The bill requires the Commission on Human Rights and Opportunities (CHRO), within available appropriations, to post a link on its website to educational materials on topics related to service animals, emotional support animals, and therapy animals.

The bill also makes other minor and conforming changes.

EFFECTIVE DATE: July 1, 2021

§§ 1 & 2 — USING SICK TIME FOR SERVICE ANIMAL TRAINING

State and Quasi-Public Employees (§ 1)

Current law allows permanent, full-time state employees and quasi-public agency employees who are blind or physically disabled to use accumulated paid sick leave to take guide dog or assistance dog training. The bill instead allows employees to use the sick time to train service animals, as defined in federal law, rather than guide dogs or assistance dogs, and it increases the amount of time employees may use from 15 to 20 days. The bill broadens eligibility for this benefit to employees who have a disability, including physical, intellectual, mental, or learning disabilities as defined in state law (see BACKGROUND). Under the bill, the training must be conducted by an organization that trains service animals, rather than a guide dog or assistance dog association, and belongs to a professional association of service animal schools. Under existing law, unchanged by the bill, the benefit is available to employees who have been employed for at least 12 consecutive months; employers may request up to seven days advance notice and reasonable documentation.

Municipal Employees (§ 2)

The bill creates a new requirement for municipalities that is similar to the requirement described above for state and quasi-public agency employees. The bill requires municipalities to allow full-time employees in permanent position to use up to 20 days of accumulated sick leave to take a service animal training provided by an organization that trains service animals and belongs to a professional organization of service animal schools. To qualify, an employee must (1) have been employed for at least 12 consecutive months and (2) have a disability, including a physical, intellectual, mental, or learning disability, as defined in state law (see BACKGROUND). Under the bill, the municipality's chief elected official or chief executive officer may require up to seven days' advance notice of an employee's intention to use leave for this purpose and may require the employee to provide reasonable documentation that the leave is taken for this purpose.

§ 5 — DOG LICENSURE AND TAGS

Current law requires town clerks to provide a license and tag for any dog that (1) belongs to or is kept by any blind, deaf, or mobility-impaired person and (2) has been trained and educated to guide and assist such person with traveling on public streets. The bill instead requires town clerks to provide a license and tag for a trained service animal owned or kept by a person with a disability, including an intellectual, physical, mental, or learning disability.

Current law prohibits town clerks from licensing dogs that have not previously been licensed without written evidence that the dog is trained, educated, and intended to perform guide service for the applicant. The bill instead allows the clerk, in cases where the dog has not been previously licensed and it is not obvious that the dog is a service animal, to ask the dog's owner or keeper whether the dog is a service animal required because of a disability and what work or task the dog has been trained to perform. (The bill does not establish factors or characteristics that would make it obvious that a dog is a service animal.)

§§ 6-8 — HARMFUL ANIMALS

By law, if a dog does any damage to a person's property, the dog's owner or keeper is generally liable for the amount of such damage. Under current law, when a companion animal is damaged by another dog, this amount includes the fair monetary value of the companion animal, including all training expenses for a guide dog owned by a blind person or assistance dog owned by a deaf or mobility-impaired person. Under the bill, the animal's fair monetary value includes all training expenses for a service animal owned by a person with a disability.

In certain circumstances, current law requires a dog's owner or keeper to restrain and control the dog on a leash when the dog is near a blind, deaf, or mobility-impaired person accompanied by a guide dog wearing a harness or an orange-colored leash and collar making it readily identifiable as a guide dog. The bill expands this requirement to instead apply to people with disabilities accompanied by a service animal wearing a harness or vest readily identifying the animal and makes conforming changes.

By law, animal control officers may make orders about the restraint or disposal of any biting dog or other animal. Current law exempts from these provisions guide dogs owned or in the custody or control of a blind person or a person with a mobility impairment as long as the dog meets certain other requirements. The bill instead exempts service animals owned or in the custody or control of a person with a disability. By law, unchanged by the bill, the exemption applies when the animal is under direct supervision, care, and control of the person; is currently vaccinated; and receives routine veterinary care.

§§ 9, 10 & 14 — PLACES OF PUBLIC ACCOMMODATION

The bill broadens the law covering service animals on public transportation and places of public accommodation. Under current law, any blind, deaf, or mobility-impaired person or any person training a dog may travel on public transportation (e.g., trains), enter places of public accommodation (e.g., restaurants), or visit someone's home with their guide or assistance dog or dog in training and keep the dog with

them at no extra charge as long as the dog is in the person's direct custody and wears a harness or orange-colored leash and collar. Current law also prohibits extra fees for people with guide or assistance dogs unless the fee applies to all guests. Dog owners are liable for any damages the dog does to the premises or facilities. Additionally, anyone who intentionally interferes with a blind, deaf, or mobility-impaired person's use of a guide dog or assistance dog or who denies the rights afforded to such a person is guilty of a class C misdemeanor.

The bill applies these provisions to anyone with an intellectual, physical, mental, or learning disability and to service animals as defined in federal law, rather than guide dogs and assistance dogs (see BACKGROUND), as well as service animals in training. The bill eliminates requirements that animals wear a harness or an orange-colored leash and animals in training be identified through tags, tattoos, bandanas, coats, leashes, or collars.

Current law similarly makes it a discriminatory practice to deny a blind, deaf, or mobility-impaired person accompanied by a guide dog or assistance dog or a dog in training full and equal access to any place of public accommodation, resort, or amusement. The bill expands this provision to apply to people with intellectual, physical, mental, or learning disabilities and their service animals or service animals in training. The bill also makes it a discriminatory practice for a place of public accommodation, resort, or amusement to refuse entry to a person with a disability who is accompanied by a service animal.

The bill removes a provision making it a discriminatory practice for a place of public accommodation, resort, or amusement to fail or refuse to post a notice that blind, deaf, or mobility-impaired people with their guide dog wearing a harness or an orange-colored leash and collar may enter the facilities. By law, violations are class D misdemeanors (CGS § 46a-64(c)).

The bill allows a place of public accommodation, resort, or amusement, when it is not obvious what service an animal provides, to ask a service animal's owner or keeper (1) whether the animal is a

service animal required because of a disability and (2) what work or task the animal has been trained to perform. Under the bill, provisions about discriminatory practices do not preclude a business owner's ability to recover for damage caused to a person or property by a service animal.

§ 13 — CHRO EDUCATIONAL MATERIALS

The bill requires CHRO, within available appropriations, to link on its website to educational materials on the following topics:

1. the differences between service animals, emotional support animals, and therapy animals;
2. an owner's rights and responsibilities for each type of animal under state and federal law; and
3. permissible methods under state and federal law for a landlord or an owner of a place of public accommodation, resort, or amusement to determine whether an animal is a service animal, emotional support animal, or therapy animal.

The bill does not include a deadline for CHRO to post this information.

BACKGROUND

Service Animal Definition

Under federal law, "service animal" means any dog that is individually trained to do work or perform tasks to benefit an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. This definition excludes other species of animals. Work or tasks performed by a service animal must be directly related to the individual's disability and include the following:

1. assisting individuals who are blind or have low vision with navigation,
2. alerting individuals who are deaf or hard of hearing to the presence of people or sounds,

3. providing non-violent protection or rescue work,
4. pulling a wheelchair,
5. assisting an individual during a seizure,
6. alerting individuals to the presence of allergens,
7. retrieving medicine or other items,
8. providing physical support and assistance with balance and stability to individuals with mobility disabilities, and
9. helping people with psychiatric and neurological disabilities by preventing or interrupting impulsive destructive behaviors.

Service animal tasks and work do not include (1) crime deterrent effects of the animal's presence and (2) providing emotional support, well-being, comfort, or companionship (28 C.F.R. § 35.104).

Disability Definition

Under state law, an intellectual disability is a significant limitation in intellectual functioning existing concurrently with deficits in adaptive behavior that originated during the developmental period before 18 years of age (CGS § 1-1g).

A physically disabled person is one who has a chronic physical handicap, infirmity, or impairment, whether congenital or resulting from bodily injury, organic processes, or changes from illness, including epilepsy, deafness or being hard of hearing, or reliance on a wheelchair or other remedial appliance or device (CGS § 46a-51(15)).

A mental disability refers to an individual who has a record of, or is regarded as having, one or more mental disorders as defined in the most recent edition of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (CGS § 46a-51(15)).

A learning disability refers to an individual who exhibits a severe discrepancy between educational performance and measured

intellectual ability and who exhibits a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written language, which may manifest itself in a diminished ability to listen, speak, read, write, spell, or do mathematical calculations (CGS § 46a-51(19)).

COMMITTEE ACTION

Human Services Committee

Joint Favorable Substitute

Yea 19 Nay 0 (03/09/2021)