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## **OLR Bill Analysis**

### **sHB 5232**

#### ***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 and quasi-public 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: Upon passage

## **§§ 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 positions 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 the 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 been licensed before 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 licensed before 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 do. (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 it. 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 the 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 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 these places to refuse entry to a person with a disability who is with 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(20)).

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 20 Nay 0 (03/08/2022)