



House of Representatives

General Assembly

File No. 81

February Session, 2022

Substitute House Bill No. 5232

House of Representatives, March 22, 2022

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 Section 5-247b of the general statutes is repealed and the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 from passage*):

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 state or a quasi-public agency who [(1) is blind or
11 physically disabled, and (2)] (A) has a disability, and (B) has been
12 employed for at least twelve consecutive months, the use of
13 accumulated paid sick leave, not to exceed [fifteen] twenty days, to
14 participate in training conducted by [a guide dog organization or

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

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

43 Sec. 3. Subsection (f) of section 13b-119 of the general statutes is
44 repealed and the following is substituted in lieu thereof (*Effective from*
45 *passage*):

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

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

63 Sec. 4. Section 14-300 of the 2022 supplement to the general statutes
64 is repealed and the following is substituted in lieu thereof (*Effective from*
65 *passage*):

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

80 (b) At any intersection where special pedestrian-control signals

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

90 (c) Except as provided in subsection (c) of section 14-300c, at any
91 crosswalk marked as provided in subsection (a) of this section or any
92 unmarked crosswalk, provided such crosswalks are not controlled by
93 police officers or traffic control signals, each operator of a vehicle shall
94 grant the right-of-way, and slow or stop such vehicle if necessary to so
95 grant the right-of-way, to any pedestrian crossing the roadway within
96 such crosswalk. For the purposes of this subsection, a pedestrian is
97 "crossing the roadway within such crosswalk" when the pedestrian (1)
98 is within any portion of the crosswalk, (2) steps to the curb at the
99 entrance to the crosswalk and indicates his or her intent to cross the
100 roadway by raising his or her hand and arm toward oncoming traffic,
101 or (3) indicates his or her intent to cross the roadway by moving any
102 part of his or her body or an extension thereof, including, but not limited
103 to, a wheelchair, cane, walking stick, crutch, bicycle, electric bicycle,
104 stroller, carriage, cart or leashed or harnessed dog, into the crosswalk at
105 the entrance to the crosswalk. No operator of a vehicle approaching
106 from the rear shall overtake and pass any vehicle, the operator of which
107 has stopped at any crosswalk marked as provided in subsection (a) of
108 this section or any unmarked crosswalk to permit a pedestrian to cross
109 the roadway. The operator of any vehicle crossing a sidewalk shall yield
110 the right-of-way to each pedestrian and all other traffic upon such
111 sidewalk.

112 (d) The operator of a motor vehicle who approaches or comes into the
113 immediate vicinity of a pedestrian who is blind, as defined in subsection
114 (a) of section 1-1f, carrying a white cane or a white cane tipped with red,

115 or a pedestrian being guided by a [guide dog] service animal, shall
116 reduce speed or stop, if necessary, to yield the right-of-way to such
117 pedestrian. No person, except one who is blind, shall carry or use on any
118 street or highway, or in any other public place, a cane or walking stick
119 which is white in color or white, tipped with red.

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

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

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

130 Sec. 5. Section 22-345 of the general statutes is repealed and the
131 following is substituted in lieu thereof (*Effective from passage*):

132 As used in this section and sections 22-357, as amended by this act,
133 22-358, as amended by this act, and 22-364b, as amended by this act, (1)
134 "disability" means any one or more of the following, as defined in
135 section 46a-51: (A) An "intellectual disability", (B) "physically disabled",
136 (C) a "mental disability", or (D) a "learning disability"; and (2) "service
137 animal" has the same meaning as provided in 28 CFR 35.104, as
138 amended from time to time, and includes a service animal in training.
139 Any [blind, deaf or mobility impaired] person with a disability who is
140 the owner or keeper of a dog [which has been trained and educated to
141 guide and assist such person in traveling upon the public streets or
142 highways or otherwise] that has been trained as a service animal shall
143 receive a license and tag for such dog from the town clerk of the town
144 where such dog is owned or kept. Such license and tag shall be issued
145 in accordance with the provisions of section 22-340, and no fee shall be
146 required of the owner or keeper of any such dog. When any such dog

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

168 Sec. 6. Subdivision (3) of subsection (a) of section 22-357 of the general
169 statutes is repealed and the following is substituted in lieu thereof
170 (*Effective from passage*):

171 (3) "The amount of such damage", with respect to a companion
172 animal, includes expenses of veterinary care, the fair monetary value of
173 the companion animal, including all training expenses for a [guide dog]
174 service animal owned by a [blind person or an assistance dog owned by
175 a deaf or mobility impaired] person with a disability and burial
176 expenses for the companion animal.

177 Sec. 7. Subsection (c) of section 22-358 of the general statutes is
178 repealed and the following is substituted in lieu thereof (*Effective from*
179 *passage*):

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

213 Sec. 8. Section 22-364b of the general statutes is repealed and the
214 following is substituted in lieu thereof (*Effective from passage*):

215 The owner or keeper of a dog shall restrain and control such dog on
216 a leash when such dog is not on the property of its owner or keeper and
217 is in proximity to a [blind, deaf or mobility impaired] person with a
218 disability accompanied by [his guide dog] his or her service animal,
219 provided the [guide dog] service animal is in the direct custody of such
220 [blind, deaf or mobility impaired person, is wearing a harness or an
221 orange-colored leash and collar which makes it readily-identifiable as a
222 guide dog] person, is wearing a harness or a vest readily identifying the
223 animal as a service animal and is licensed in accordance with section 22-
224 345, as amended by this act. Any person who violates the provisions of
225 this section shall have committed an infraction. If an owner or keeper of
226 a dog violates the provisions of this section and, as a result of such
227 violation, such dog attacks and injures the [guide dog] service animal,
228 such owner or keeper shall be liable, as provided in section 22-357, as
229 amended by this act, for any damage done to such [guide dog] service
230 animal, and such liability shall include liability for any costs incurred by
231 such [blind, deaf or mobility-impaired] person for the veterinary care,
232 rehabilitation or replacement of the injured [guide dog] service animal
233 and for reasonable attorney's fees.

234 Sec. 9. Section 46a-44 of the general statutes is repealed and the
235 following is substituted in lieu thereof (*Effective from passage*):

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

249 authorizes volunteers to raise animals to become service animals.

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

265 [(b)] (c) Any [blind, deaf or mobility impaired] person with a
266 disability or any person training [a dog as a guide dog for a blind person
267 or an assistance dog to assist a deaf or mobility impaired person] an
268 animal as a service animal for a person with a disability shall be entitled
269 to visit any place of public accommodation, resort or amusement or a
270 dwelling as a guest of a lawful occupant thereof, accompanied by such
271 person's [guide dog or assistance dog] service animal, and such person
272 may keep such [dog] service animal with him or her at all times in such
273 public accommodation, resort, amusement or dwelling at no extra
274 charge, provided such [dog] service animal shall be in the direct custody
275 and control of such person. [and shall be wearing a harness or an
276 orange-colored leash and collar.] No such [blind, deaf or mobility
277 impaired] person with a disability or person training [a dog as a guide
278 dog or an assistance dog] an animal as a service animal shall be charged
279 any fee not applicable alike to all guests, provided the owner of such
280 [dog] service animal shall be liable for any damage done to the premises
281 or facilities by such [dog] service animal. For the purposes of this
282 subsection, (1) a "place of public accommodation, resort or amusement"

283 means any establishment which caters or offers its services or facilities
284 or goods to the general public, including, but not limited to, any
285 commercial building lot, on which it is intended that a commercial
286 property or building will be constructed or offered for sale or rent, and
287 (2) "dwelling" means any building, structure, mobile manufactured
288 home park or portion thereof which is occupied as, or designed or
289 intended for occupancy as, a residence by one or more families, and any
290 vacant land which is offered for sale or lease for the construction or
291 location thereon of any such building, structure, mobile manufactured
292 home park or portion thereof, provided the provisions of this subsection
293 shall not apply to (A) the rental of a room or rooms in a single-family
294 dwelling unit, if the owner actually maintains and occupies part of such
295 living quarters as the owner's residence, or (B) a unit in a dwelling
296 containing living quarters occupied or intended to be occupied by no
297 more than two families living independently of each other, if the owner
298 actually maintains and occupies the other such living quarters as the
299 owner's residence.

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

314 [(d) For the purposes of this section, "guide dog" or "assistance dog"
315 includes a dog being trained as a guide dog or assistance dog and
316 "person training a dog as a guide dog for a blind person or an assistance

317 dog to assist a deaf or mobility impaired person" means a person who
318 is employed by and authorized to engage in designated training
319 activities by a guide dog organization or assistance dog organization
320 that complies with the criteria for membership in a professional
321 association of guide dog or assistance dog schools and who carries
322 photographic identification indicating such employment and
323 authorization, or a person who volunteers for a guide dog organization
324 or assistance dog organization that authorizes such volunteers to raise
325 dogs to become guide dogs or assistance dogs and causes the
326 identification of such dog with (1) identification tags, (2) ear tattoos, (3)
327 identifying bandanas on puppies, (4) identifying coats on adult dogs, or
328 (5) leashes and collars.]

329 Sec. 10. Subsection (a) of section 46a-64 of the general statutes is
330 repealed and the following is substituted in lieu thereof (*Effective from*
331 *passage*):

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

351 leash and collar, may enter such premises or facilities] refuse entry to a
352 person with a disability who is accompanied by a service animal; or (5)
353 to deny any [blind, deaf or mobility impaired] person with a disability
354 or any person training [a dog as a guide dog for a blind person or a dog
355 to assist a deaf or mobility impaired person] an animal as a service
356 animal to assist a person with a disability, accompanied by [his guide
357 dog or assistance dog] his or her service animal, full and equal access to
358 any place of public accommodation, resort or amusement. Any [blind,
359 deaf or mobility impaired] person with a disability or any person
360 training [a dog as a guide dog for a blind person or a dog to assist a deaf
361 or mobility impaired person] an animal as a service animal to assist a
362 person with a disability may keep his [guide dog or assistance dog with
363 him] or her service animal with him or her at all times in such place of
364 public accommodation, resort or amusement at no extra charge,
365 provided [the dog wears a harness or an orange-colored leash and collar
366 and] such service animal is in the direct custody and control of such
367 person. [The blind, deaf or mobility impaired person or person training
368 a dog as a guide dog for a blind person or a dog to assist a deaf or
369 mobility impaired person shall be liable for any damage done to the
370 premises or facilities by his dog. For purposes of this subdivision, "guide
371 dog" or "assistance dog" includes a dog being trained as a guide dog or
372 assistance dog and "person training a dog as a guide dog for a blind
373 person or a dog to assist a deaf or mobility impaired person" means a
374 person who is employed by and authorized to engage in designated
375 training activities by a guide dog organization or assistance dog
376 organization that complies with the criteria for membership in a
377 professional association of guide dog or assistance dog schools and who
378 carries photographic identification indicating such employment and
379 authorization.] When it is not obvious what service an animal provides,
380 staff of a public accommodation, resort or amusement may inquire of
381 the owner or keeper whether such animal is a service animal required
382 because of a disability and what work or task the animal has been
383 trained to perform. Nothing in this subsection shall preclude a business
384 owner's ability to recover for damage caused to a person or property by
385 a service animal.

386 Sec. 11. Section 52-175a of the general statutes is repealed and the
387 following is substituted in lieu thereof (*Effective from passage*):

388 The failure of a blind person to use a [guide dog] service animal or to
389 carry a cane or walking stick which is predominantly white or metallic
390 in color, with or without red tip, shall not be construed as evidence of
391 comparative or contributory negligence in any negligence action. For
392 purposes of this section, "service animal" has the same meaning as
393 provided in 28 CFR 35.104, as amended from time to time, and includes
394 a service animal in training.

395 Sec. 12. Section 54-201 of the general statutes is repealed and the
396 following is substituted in lieu thereof (*Effective from passage*):

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

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

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

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

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

413 (5) "Crime" means any act which is a felony, as defined in section 53a-
414 25, or misdemeanor, as defined in section 53a-26, and includes any crime
415 committed by a juvenile; and

416 (6) "Emotional harm" means a mental or emotional impairment that
 417 requires treatment through services and that is directly attributable to a
 418 threat of (A) physical injury, as defined in subdivision (3) of section 53a-
 419 3, or (B) death to the affected person.

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

433 Sec. 14. Section 46a-42 of the general statutes is repealed. (*Effective*
 434 *from passage*)

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

Sec. 14	<i>from passage</i>	Repealer section
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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:

Agency Affected	Fund-Effect	FY 23 \$	FY 24 \$
Various	Various - Cost	Potential Minimal	Potential Minimal

Note: Various=Various

Municipal Impact:

Municipalities	Effect	FY 23 \$	FY 24 \$
Various Municipalities	Potential Cost	Minimal	Minimal

Explanation

The bill increases the amount of sick time employees may use to take service animal training. There is a potential cost to the state and municipalities if an employee takes the maximum amount of sick time allowed under the bill, and another employee earns overtime covering any shifts. Any cost is expected to be minimal.

The bill makes other changes to laws relating to service animals, which have no fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the amount of sick time taken as a result of the bill.

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)