
OLR Bill Analysis

HB 5288

AN ACT ALIGNING STATE LAW WITH FEDERAL LAW CONCERNING SERVICE ANIMALS.

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. municipal requirements for providing leave to attend service animal training (§ 2),
3. transportation network company drivers (e.g., Uber, Lyft) accommodating service animals (§ 3),
4. motor vehicle operators’ requirement to yield the right-of-way to blind pedestrians with service animals (§§ 4 & 5),
5. payment contracts and lease agreements regarding dog ownership (§ 7),
6. damage done by animals to property or other animals (§§ 8-10),
7. places of public accommodation (§§ 11 & 12),
8. prohibition on using as evidence in a negligence action a blind person’s use of a service animal (§ 13), and

9. victim services for crimes involving personal injury (§ 14).

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 (1) harmful animals (§§ 8-10) and (2) places of public accommodation, resort, or amusement (§§ 11 & 12).

Finally, 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 (§ 15).

The bill also makes other minor and conforming changes, including repealing the state's definition of mobility-impaired persons (§ 16).

EFFECTIVE DATE: July 1, 2024

§§ 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 dogs or assistance dogs to qualifying 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 done by an organization that (1) trains service animals, rather than a guide dog or assistance dog

association, and (2) 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; and 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 paid 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 have (1) been employed for at least 12 consecutive months and (2) 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 this leave and may require the employee to provide reasonable documentation that the leave is taken for this purpose.

§ 7 — DOG OWNERSHIP CONTRACTS AND AGREEMENTS

Under existing law, any contract or agreement that gives ownership of a dog or cat to the owner after either a series of regular payments or at the end of a lease are generally void. The law exempts certain categories of animals from this provision, including any working animal that is trained or used to do tasks, including guide dogs, security dogs, law enforcement dogs, and any assistance animal. The bill replaces the exemption for guide dogs with an exemption for service animals.

§§ 8-10 — 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 the 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 instead includes all training expenses for a service animal owned by a person with a disability (§ 8).

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 (see below). 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 (1) under direct supervision, care, and control of the person; (2) currently vaccinated; and (3) receiving routine veterinary care (§ 9).

§§ 11 &12 — 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 them 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) in the owner's custody and control, rather than guide dogs and assistance dogs (see BACKGROUND), as well as service animals in training. The bill eliminates requirements that (1) animals wear a harness or an orange-colored leash and (2) 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. Under state law, this applies to any establishment that caters or offers its services, facilities, or goods to the general public, including any commercial property or building lot where a commercial building will be constructed or offered for sale or rent.

The bill expands this provision to apply to people with intellectual, physical, mental, or learning disabilities and their service animals or individuals training service animals. 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.

The bill allows staff of 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 do. 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.

§ 15 — 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 a person 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 person's disability and include the following:

1. assisting people who are blind or have low vision with navigation,
2. alerting people 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 someone during a seizure,
6. alerting people to the presence of allergens,
7. retrieving medicine or other items,
8. providing physical support and assistance with balance and stability to people 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 someone 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 someone 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 someone 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

Veterans' and Military Affairs Committee

Joint Favorable

Yea 20 Nay 0 (03/14/2024)