



House of Representatives

General Assembly

File No. 190

February Session, 2024

Substitute House Bill No. 5288

House of Representatives, April 2, 2024

The Committee on Veterans' and Military Affairs reported through REP. NOLAN of the 39th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT ALIGNING STATE LAW WITH FEDERAL LAW 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 Section 5-247b of the general statutes is repealed and the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, 2024*):

3 (a) As used in this section, "disability" and "service animal" have the
4 same meanings as provided in section 22-345, as amended by this act.

5 (b) Each appointing authority shall grant to each full-time employee
6 in a permanent position in [the state service or full-time employee of] a
7 state or quasi-public agency who (1) [is blind or physically disabled] has
8 a disability, and (2) has been employed for at least twelve consecutive
9 months, the use of accumulated paid sick leave, not to exceed [fifteen]
10 twenty days, to participate in training conducted by [a guide dog
11 organization or assistance dog organization] an organization that trains
12 service animals, provided such organization is a member of a

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

20 Sec. 2. (NEW) (*Effective July 1, 2024*) (a) As used in this section,
21 "disability" and "service animal" have the same meanings as provided
22 in section 22-345 of the general statutes, as amended by this act.

23 (b) Each chief elected official or chief executive officer of a
24 municipality shall grant to each full-time employee in a permanent
25 position who (1) has a disability, and (2) has been employed for at least
26 twelve consecutive months, the use of accumulated paid sick leave, not
27 to exceed twenty days, to participate in training conducted by an
28 organization that trains service animals, provided such organization is
29 a member of a professional association of service animal schools, to
30 prepare the employee to handle a service animal for the employee's own
31 use. The chief elected official or chief executive officer may require up
32 to seven days' advance notice of an employee's intention to use such
33 leave and may require the employee to provide reasonable
34 documentation that such leave is being taken for the purpose permitted
35 under this section.

36 Sec. 3. Subsection (f) of section 13b-119 of the general statutes is
37 repealed and the following is substituted in lieu thereof (*Effective July 1,*
38 *2024*):

39 (f) A transportation network company driver shall: (1) Comply with
40 all applicable laws regarding nondiscrimination against transportation
41 network company riders or potential transportation network company
42 riders on the basis of age, color, creed, destination, intellectual or
43 physical disability, national origin, race, sex, sexual orientation or
44 gender identity; (2) comply with all applicable laws relating to the
45 accommodation of service animals and accommodate service animals

46 without imposing additional charges for such accommodation; (3)
47 comply with the policies adopted by the transportation network
48 company pursuant to subsection (c) of section 13b-118 and subsections
49 (d) and (e) of this section; (4) not impose additional charges for
50 providing prearranged rides to persons with physical disabilities
51 because of such disabilities; and (5) not solicit or accept a request for
52 transportation unless the request is accepted through the transportation
53 network company's digital network. For the purposes of this subsection,
54 "service animal" has the same meaning as provided in section 22-345, as
55 amended by this act.

56 Sec. 4. Subsection (d) of section 14-300 of the 2024 supplement to the
57 general statutes is repealed and the following is substituted in lieu
58 thereof (*Effective July 1, 2024*):

59 (d) The operator of a motor vehicle who approaches or comes into the
60 immediate vicinity of a pedestrian who is blind, as defined in subsection
61 (a) of section 1-1f, carrying a white cane or a white cane tipped with red,
62 or a pedestrian being guided by a [guide dog] service animal, shall
63 reduce speed or stop, if necessary, to yield the right-of-way to such
64 pedestrian. No person, except one who is blind, shall carry or use on any
65 street or highway, or in any other public place, a cane or walking stick
66 which is white in color or white, tipped with red. For the purposes of
67 this subsection, "service animal" has the same meaning as provided in
68 section 22-345, as amended by this act.

69 Sec. 5. Section 14-300i of the general statutes is repealed and the
70 following is substituted in lieu thereof (*Effective July 1, 2024*):

71 (a) As used in [subsection (b) of] this section, (1) "vulnerable user"
72 means: (A) A pedestrian; (B) a highway worker; (C) a person riding or
73 driving an animal; (D) a person riding a bicycle, an electric bicycle or an
74 electric foot scooter; (E) a person using a skateboard, roller skates or in-
75 line skates; (F) a person operating or riding on an agricultural tractor;
76 (G) a person using a wheelchair or motorized chair; (H) a person who is
77 blind and such person's service animal; and (I) a person operating (i) a
78 commercial motor vehicle equipped with a garbage compactor, a

79 detachable container or a curbside recycling body, (ii) a tank vehicle, (iii)
80 a vehicle authorized by the United States government to carry mail, or
81 (iv) a vehicle authorized by an express delivery carrier service, (2)
82 "public way" includes any state or other public highway, road, street,
83 avenue, alley, driveway, parkway or place, under the control of the state
84 or any political subdivision of the state, dedicated, appropriated or
85 opened to public travel or other use, (3) "substantial bodily harm" means
86 bodily injury that involves a temporary but substantial disfigurement,
87 causes a temporary but substantial loss or impairment of the function of
88 any bodily part or organ, or causes a fracture of any bodily part, [and]
89 (4) "serious physical injury" has the same meaning as provided in
90 section 53a-3, and (5) "service animal" has the same meaning as
91 provided in section 22-345, as amended by this act.

92 (b) Any person operating a motor vehicle on a public way who fails
93 to exercise reasonable care and causes substantial bodily harm to, or the
94 serious physical injury or death, of a vulnerable user of a public way,
95 provided such vulnerable user has shown reasonable care in such user's
96 use of the public way, shall be fined not more than one thousand dollars.

97 Sec. 6. Section 22-345 of the general statutes is repealed and the
98 following is substituted in lieu thereof (*Effective July 1, 2024*):

99 Any person with a disability who is the owner or keeper of a dog
100 [which] that has been trained as a service animal, is in training to
101 become a service animal for such person, is in training to become a
102 service animal or is enrolled in a program described in section 17a-22ee
103 shall receive a license and tag for such dog from the town clerk of the
104 town where such dog is owned or kept. Such license and tag shall be
105 issued in accordance with the provisions of section 22-340, and no fee
106 shall be required of the owner or keeper of any such dog. When any
107 such dog has not been previously licensed [,] by the town clerk to whom
108 application is being made, and it is not obvious that the dog is a service
109 animal, such town clerk may inquire of such owner or keeper whether
110 the dog is a service animal required because of a disability and what
111 work or task the dog has been trained to perform. Any person who has

112 a dog placed with such person temporarily, including for breeding
113 purposes, by a nonprofit organization established for the purpose of
114 training or educating the dog as a service animal shall receive a license
115 and tag for such dog from the town clerk of the town where such dog is
116 kept. Such license and tag shall be issued in accordance with the
117 provisions of section 22-340, and no fee shall be required for such license
118 and tag, provided such person presents confirmation that such dog was
119 placed with such person by such organization. As used in this section,
120 (1) "disability" means any one or more of the following, as defined in
121 section 46a-51: (A) An intellectual disability, (B) physically disabled, (C)
122 a mental disability, or (D) a learning disability; and (2) "service animal"
123 has the same meaning as provided in 28 CFR 35.104, as amended from
124 time to time, and includes a service animal in training.

125 Sec. 7. Subsection (c) of section 22-354a of the general statutes is
126 repealed and the following is substituted in lieu thereof (*Effective July 1,*
127 *2024*):

128 (c) The provisions of this section shall not be construed to apply to
129 any lease or rental of any of the following animals provided such animal
130 is used in accordance with any applicable provision of federal or state
131 law or any municipal ordinance: (1) Any purebred dog that is rented for
132 the purpose of breeding, pursuant to a written lease, when such lease is
133 recorded with a national purebred dog registry and such lease is for a
134 specific period of time and contains an end date for such lease, (2) any
135 animal used in a spectator event, show, exhibition, motion picture,
136 audiovisual media, including, but not limited to, any animal exhibition,
137 any racing event, any field trial, polo or any rodeo, or (3) any working
138 animal that is trained or utilized to perform tasks, including, but not
139 limited to, [guide dogs] service animals, security dogs, law enforcement
140 dogs and any assistance animal. For the purposes of this subsection,
141 "service animal" has the same meaning as provided in section 22-345, as
142 amended by this act.

143 Sec. 8. Subsection (a) of section 22-357 of the general statutes is
144 repealed and the following is substituted in lieu thereof (*Effective July 1,*

145 2024):

146 (a) As used in this section:

147 (1) "Law enforcement officer" means: Each officer, employee or other
148 person otherwise paid by or acting as an agent of (A) the Division of
149 State Police within the Department of Emergency Services and Public
150 Protection; (B) the Office of the State Capitol Police; (C) a municipal
151 police department; and (D) the Department of Correction;

152 (2) "Property" includes, but is not limited to, a companion animal, as
153 defined in section 22-351a; [and]

154 (3) "The amount of such damage", with respect to a companion
155 animal, includes expenses of veterinary care, the fair monetary value of
156 the companion animal, including all training expenses for a [guide dog]
157 service animal owned by a [blind person or an assistance dog owned by
158 a deaf or mobility impaired] person with a disability and burial
159 expenses for the companion animal; and

160 (4) "Service animal" has the same meaning as provided in section 22-
161 345, as amended by this act.

162 Sec. 9. Subsection (c) of section 22-358 of the general statutes is
163 repealed and the following is substituted in lieu thereof (*Effective July 1,*
164 *2024*):

165 (c) The commissioner, the Chief Animal Control Officer, any animal
166 control officer, any municipal animal control officer or any regional
167 animal control officer may make any order concerning the restraint or
168 disposal of any biting dog, cat or other animal as the commissioner or
169 such officer deems necessary. Notice of any such order shall be given to
170 the person bitten by such dog, cat or other animal within twenty-four
171 hours. The owner of such animal shall pay all fees as set forth in section
172 22-333. Any owner or keeper of such dog, cat or other animal who fails
173 to comply with such order shall be guilty of a class D misdemeanor. If
174 an owner or keeper fails to comply with a restraining order made
175 pursuant to this subsection, the Chief Animal Control Officer, any

176 animal control officer, any municipal animal control officer or any
177 regional animal control officer may seize the dog, cat or other animal to
178 ensure such compliance and the owner or keeper shall be responsible
179 for any expenses resulting from such seizure. Any person aggrieved by
180 an order of any municipal animal control officer, the Chief Animal
181 Control Officer, any animal control officer or any regional animal
182 control officer may request a hearing before the commissioner within
183 fourteen days of the issuance of such order. Any order issued pursuant
184 to this section that requires the restraint of an animal shall be effective
185 upon its issuance and shall remain in effect during any appeal of such
186 order to the commissioner. After such hearing, the commissioner may
187 affirm, modify or revoke such order as the commissioner deems proper.
188 Any dog owned by a police agency of the state or any of its political
189 subdivisions is exempt from the provisions of this subsection when such
190 dog is under the direct supervision, care and control of an assigned
191 police officer, is currently vaccinated and is subject to routine veterinary
192 care. Any [guide dog] service animal owned or in the custody and
193 control of a [blind person or a person with a mobility impairment]
194 person with a disability is exempt from the provisions of this subsection
195 when such [guide dog] service animal is under the direct supervision,
196 care and control of such person, is currently vaccinated and is subject to
197 routine veterinary care. For the purposes of this subsection, "service
198 animal" has the same meaning as provided in section 22-345, as
199 amended by this act.

200 Sec. 10. Section 22-364b of the 2024 supplement to the general statutes
201 is repealed and the following is substituted in lieu thereof (*Effective July*
202 *1, 2024*):

203 The owner or keeper of a dog shall restrain and control such dog on
204 a leash when such dog is not on the property of its owner or keeper and
205 is in proximity to a person with a disability accompanied by a service
206 animal, provided such service animal is readily identifiable as a service
207 animal, is in the direct custody of such person and is licensed in
208 accordance with section 22-345, as amended by this act. Any person who
209 violates the provisions of this section shall have committed an

210 infraction. If an owner or keeper of a dog violates the provisions of this
211 section and, as a result of such violation, such dog attacks and injures
212 the service animal, such owner or keeper shall be liable, as provided in
213 section 22-357, as amended by this act, for any damage done to such
214 service animal, and such liability shall include liability for any costs
215 incurred by such person with a disability for the veterinary care,
216 rehabilitation or replacement of the injured service animal and for
217 reasonable attorney's fees. As used in this section, "service animal" has
218 the same meaning as provided in section 22-345, as amended by this act.

219 Sec. 11. Section 46a-44 of the general statutes is repealed and the
220 following is substituted in lieu thereof (*Effective July 1, 2024*):

221 (a) As used in this section, (1) "disability" and "service animal" have
222 the same meanings as provided in section 22-345, as amended by this
223 act; and (2) "person training an animal as a service animal" means a
224 person who (A) (i) is employed by an organization that trains service
225 animals, (ii) complies with the criteria for membership in a professional
226 association of schools that train service animals, (iii) is authorized to
227 engage in designated training activities, and (iv) carries photographic
228 identification indicating such employment and authorization, or (B)
229 volunteers for an organization that (i) trains service animals, and (ii)
230 authorizes volunteers to raise animals to become service animals.

231 [(a)] (b) Any [blind, deaf or mobility impaired] person with a
232 disability or any person training [a dog as a guide dog for a blind person
233 or an assistance dog to assist a deaf or mobility impaired person] an
234 animal as a service animal to assist a person with a disability may travel
235 on a train or on any other mode of public transportation, and may enter
236 any other place of public accommodation [which] that caters or offers
237 its services or facilities or goods to the general public, including but not
238 limited to, any public building, inn, restaurant, hotel, motel, tourist
239 cabin, place of amusement, resort or any facility of any such public
240 accommodation, accompanied by such person's [guide dog or assistance
241 dog] service animal, and such person may keep such [dog] service
242 animal with him or her at all times in any such public accommodation

243 or facility thereof at no extra charge, provided such [dog] service animal
244 shall be in the direct custody and control of such person. [and shall be
245 wearing a harness or an orange-colored leash and collar.]

246 [(b)] (c) Any [blind, deaf or mobility impaired] person with a
247 disability or any person training [a dog as a guide dog for a blind person
248 or an assistance dog to assist a deaf or mobility impaired person] an
249 animal as a service animal for a person with a disability shall be entitled
250 to visit any place of public accommodation, resort or amusement or a
251 dwelling as a guest of a lawful occupant thereof, accompanied by such
252 person's [guide dog or assistance dog] service animal, and such person
253 may keep such [dog] service animal with him or her at all times in such
254 public accommodation, resort, amusement or dwelling at no extra
255 charge, provided such [dog] service animal shall be in the direct custody
256 and control of such person. [and shall be wearing a harness or an
257 orange-colored leash and collar.] No such [blind, deaf or mobility
258 impaired] person with a disability or person training [a dog as a guide
259 dog or an assistance dog] an animal as a service animal shall be charged
260 any fee not applicable alike to all guests, provided the owner of such
261 [dog] service animal shall be liable for any damage done to the premises
262 or facilities by such [dog] service animal. For the purposes of this
263 subsection, (1) a "place of public accommodation, resort or amusement"
264 means any establishment which caters or offers its services or facilities
265 or goods to the general public, including, but not limited to, any
266 commercial building lot, on which it is intended that a commercial
267 property or building will be constructed or offered for sale or rent, and
268 (2) "dwelling" means any building, structure, mobile manufactured
269 home park or portion thereof which is occupied as, or designed or
270 intended for occupancy as, a residence by one or more families, and any
271 vacant land which is offered for sale or lease for the construction or
272 location thereon of any such building, structure, mobile manufactured
273 home park or portion thereof, provided the provisions of this subsection
274 shall not apply to (A) the rental of a room or rooms in a single-family
275 dwelling unit, if the owner actually maintains and occupies part of such
276 living quarters as the owner's residence, or (B) a unit in a dwelling
277 containing living quarters occupied or intended to be occupied by no

278 more than two families living independently of each other, if the owner
279 actually maintains and occupies the other such living quarters as the
280 owner's residence.

281 [(c)] (d) Any person who intentionally interferes with [a blind, deaf
282 or mobility impaired person's use of a guide dog or an assistance dog]
283 the use of a service animal by a person with a disability, including, but
284 not limited to, any action intended to harass or annoy the [blind, deaf or
285 mobility impaired] person [,] with a disability or the person training [a
286 dog as a guide dog or assistance dog or the guide dog or assistance dog]
287 an animal as a service animal, or who denies the rights afforded to a
288 [blind, deaf or mobility impaired] person with a disability or person
289 training [a dog as a guide dog or an assistance dog] an animal as a
290 service animal under subsection [(a) or] (b) or (c) of this section shall be
291 guilty of a class C misdemeanor, provided such [blind, deaf or mobility
292 impaired] person with a disability or person training [a dog as a guide
293 dog or an assistance dog] an animal as a service animal complies with
294 the applicable provisions of subsection [(a) or] (b) or (c) of this section.

295 [(d) For the purposes of this section, "guide dog" or "assistance dog"
296 includes a dog being trained as a guide dog or assistance dog and
297 "person training a dog as a guide dog for a blind person or an assistance
298 dog to assist a deaf or mobility impaired person" means a person who
299 is employed by and authorized to engage in designated training
300 activities by a guide dog organization or assistance dog organization
301 that complies with the criteria for membership in a professional
302 association of guide dog or assistance dog schools and who carries
303 photographic identification indicating such employment and
304 authorization, or a person who volunteers for a guide dog organization
305 or assistance dog organization that authorizes such volunteers to raise
306 dogs to become guide dogs or assistance dogs and causes the
307 identification of such dog with (1) identification tags, (2) ear tattoos, (3)
308 identifying bandanas on puppies, (4) identifying coats on adult dogs, or
309 (5) leashes and collars.]

310 Sec. 12. Subsection (a) of section 46a-64 of the general statutes is

311 repealed and the following is substituted in lieu thereof (*Effective July 1,*
312 *2024*):

313 (a) It shall be a discriminatory practice in violation of this section: (1)
314 To deny any person within the jurisdiction of this state full and equal
315 accommodations in any place of public accommodation, resort or
316 amusement because of race, creed, color, national origin, ancestry, sex,
317 gender identity or expression, marital status, age, lawful source of
318 income, intellectual disability, mental disability, physical disability,
319 including, but not limited to, blindness or deafness, status as a veteran
320 or status as a victim of domestic violence, of the applicant, subject only
321 to the conditions and limitations established by law and applicable alike
322 to all persons; (2) to discriminate, segregate or separate on account of
323 race, creed, color, national origin, ancestry, sex, gender identity or
324 expression, marital status, age, lawful source of income, intellectual
325 disability, mental disability, learning disability, physical disability,
326 including, but not limited to, blindness or deafness, status as a veteran
327 or status as a victim of domestic violence; (3) for a place of public
328 accommodation, resort or amusement to restrict or limit the right of a
329 mother to breast-feed her child; (4) for a place of public accommodation,
330 resort or amusement to [fail or refuse to post a notice, in a conspicuous
331 place, that any blind, deaf or mobility impaired person, accompanied by
332 his guide dog wearing a harness or an orange-colored leash and collar,
333 may enter such premises or facilities] refuse entry to a person with a
334 disability who is accompanied by a service animal; or (5) to deny any
335 [blind, deaf or mobility impaired] person with a disability or any person
336 training [a dog as a guide dog for a blind person or a dog to assist a deaf
337 or mobility impaired person] an animal as a service animal to assist a
338 person with a disability, accompanied by [his guide dog or assistance
339 dog] such service animal, full and equal access to any place of public
340 accommodation, resort or amusement. Any [blind, deaf or mobility
341 impaired] person with a disability or any person training [a dog as a
342 guide dog for a blind person or a dog to assist a deaf or mobility
343 impaired person] an animal as a service animal may keep [his guide dog
344 or assistance dog with him] such service animal at all times in such place
345 of public accommodation, resort or amusement at no extra charge,

346 provided [the dog wears a harness or an orange-colored leash and collar
347 and] such service animal is in the direct custody and control of such
348 person. [The blind, deaf or mobility impaired person or person training
349 a dog as a guide dog for a blind person or a dog to assist a deaf or
350 mobility impaired person shall be liable for any damage done to the
351 premises or facilities by his dog. For purposes of this subdivision, "guide
352 dog" or "assistance dog" includes a dog being trained as a guide dog or
353 assistance dog and "person training a dog as a guide dog for a blind
354 person or a dog to assist a deaf or mobility impaired person" means a
355 person who is employed by and authorized to engage in designated
356 training activities by a guide dog organization or assistance dog
357 organization that complies with the criteria for membership in a
358 professional association of guide dog or assistance dog schools and who
359 carries photographic identification indicating such employment and
360 authorization.] When it is not obvious what service an animal provides,
361 staff of a place of public accommodation, resort or amusement may
362 inquire of the owner or keeper whether such animal is a service animal
363 required because of a disability and what work or task the animal has
364 been trained to perform. Nothing in this subsection shall preclude a
365 business owner's ability to recover for damage caused to a person or
366 property by a service animal. For the purposes of this subsection,
367 "service animal" has the same meaning as provided in section 22-345, as
368 amended by this act, and "place of public accommodation, resort or
369 amusement" has the same meaning as provided in section 46a-44, as
370 amended by this act.

371 Sec. 13. Section 52-175a of the general statutes is repealed and the
372 following is substituted in lieu thereof (*Effective July 1, 2024*):

373 The failure of a blind person to use a [guide dog] service animal or to
374 carry a cane or walking stick which is predominantly white or metallic
375 in color, with or without red tip, shall not be construed as evidence of
376 comparative or contributory negligence in any negligence action. As
377 used in this section, "service animal" has the same meaning as provided
378 in section 22-345, as amended by this act.

379 Sec. 14. Section 54-201 of the general statutes is repealed and the
380 following is substituted in lieu thereof (*Effective July 1, 2024*):

381 As used in sections 54-201 to 54-235, inclusive, as amended by this
382 act:

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

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

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

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

398 (5) "Crime" means any act which is a felony, as defined in section 53a-
399 25, or misdemeanor, as defined in section 53a-26, and includes any crime
400 committed by a juvenile; and

401 (6) "Emotional harm" means a mental or emotional impairment that
402 requires treatment through services and that is directly attributable to a
403 threat of (A) physical injury, as defined in subdivision (3) of section 53a-
404 3, or (B) death to the affected person.

405 Sec. 15. (NEW) (*Effective July 1, 2024*) The Commission on Human
406 Rights and Opportunities shall, within available appropriations, make
407 available on its Internet web site links to educational materials on (1) the
408 differences between service animals, emotional support animals and

409 therapy animals, (2) the rights and responsibilities of an owner of each
 410 such animal under state and federal law, and (3) permissible methods
 411 under state and federal law for an owner of a place of public
 412 accommodation, resort or amusement, as defined in section 46a-63 of
 413 the general statutes, or a landlord, to determine whether an animal is a
 414 service animal, an emotional support animal or a therapy animal. As
 415 used in this section, "service animal" has the same meaning as provided
 416 in section 22-345 of the general statutes, as amended by this act.

417 Sec. 16. Section 46a-42 of the general statutes is repealed. (*Effective July*
 418 *1, 2024*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2024	5-247b
Sec. 2	July 1, 2024	New section
Sec. 3	July 1, 2024	13b-119(f)
Sec. 4	July 1, 2024	14-300(d)
Sec. 5	July 1, 2024	14-300i
Sec. 6	July 1, 2024	22-345
Sec. 7	July 1, 2024	22-354a(c)
Sec. 8	July 1, 2024	22-357(a)
Sec. 9	July 1, 2024	22-358(c)
Sec. 10	July 1, 2024	22-364b
Sec. 11	July 1, 2024	46a-44
Sec. 12	July 1, 2024	46a-64(a)
Sec. 13	July 1, 2024	52-175a
Sec. 14	July 1, 2024	54-201
Sec. 15	July 1, 2024	New section
Sec. 16	July 1, 2024	Repealer section

Statement of Legislative Commissioners:

Sections 1(a) and 2(a) were rewritten for consistency with standard drafting conventions; in Section 3, "For purposes" was changed to "For the purposes" for consistency; Section 4 was rewritten for consistency with standard drafting conventions; in Section 11(a)(1), "28 CFR 35.104, as amended from time to time, and includes a service animal in training" was changed to "section 22-345, as amended by this act" for consistency; Sections 11(a) and 11(d) were rewritten for consistency with standard

drafting conventions; in Section 13, "For purposes of" was changed to "As used in" for consistency; and in Section 15, "For purposes of" was changed to "As used in" for consistency.

VA *Joint Favorable Subst. -LCO*

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 modifies various laws pertaining to guide dogs and service animals and does not result in a fiscal impact to the state or municipalities. It is anticipated that these changes can be accommodated without the need for additional resources.

The Out Years

State Impact: None

Municipal Impact: None

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)