



PA 24-18—sHB 5288

Veterans' and Military Affairs Committee

Judiciary Committee

AN ACT ALIGNING STATE LAW WITH FEDERAL LAW CONCERNING SERVICE ANIMALS

SUMMARY: This act generally broadens the applicability of existing protections and provisions related to guide dogs or assistance dogs by replacing references to these animals 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. Specifically, it replaces these references in laws on the following:

1. state employee use of paid sick time to attend service animal training (§ 1);
2. motor vehicle operators’ requirement to yield the right-of-way to blind pedestrians with service animals (§§ 4 & 5);
3. payment contracts and lease agreements regarding dog ownership (§ 7);
4. damage done by animals to property or other animals (§§ 8 & 9) (§ 9 has been repealed by PA 24-108, § 43);
5. places of public accommodation (§§ 11 & 12); and
6. the prohibition on using as evidence in a negligence action a blind person’s use of a service animal (§ 13).

Similarly, the act incorporates the federal definition of “service animals” into existing state laws on (1) transportation network company drivers (e.g., Uber and Lyft) accommodating service animals (§ 3), (2) restraining and controlling dogs in proximity to service animals (§ 10), and (3) victim services for crimes involving personal injury (including to a service animal) (§ 14).

The act also applies existing law’s definition of “disability” (i.e., intellectual, physical, mental, and learning disabilities) in several of these laws, specifically those laws on (1) state employee use of paid sick time, (2) damage done by animals, (3) places of public accommodation, and (4) victim services for crimes involving personal injury.

Separately, the act increases the amount of accumulated paid sick leave time a state employee or a quasi-public agency employee may use for service animal training from 15 to 20 days and establishes a similar allowance for municipal employees (§§ 1 & 2).

Finally, the act requires the Commission on Human Rights and Opportunities (CHRO), within available appropriations, to post a link on its website to educational materials on service animals, emotional support animals, and therapy animals (§ 15).

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

EFFECTIVE DATE: July 1, 2024

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

State and Quasi-Public Employees (§ 1)

Prior law allowed 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 act 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 act broadens eligibility for this benefit to employees who have a disability, including physical, intellectual, mental, or learning disabilities as defined in state law.

Under the act, 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 act, the benefit is available to employees who have been employed for at least 12 consecutive months, and employers may require up to seven days' advance notice and reasonable documentation.

Municipal Employees (§ 2)

The act creates a new requirement for municipalities that is similar to the requirement described above for state and quasi-public agency employees. It 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 to 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. Under the act, the municipality's chief elected official or chief executive officer may require up to seven days' advance notice and reasonable documentation.

§ 7 — DOG OWNERSHIP CONTRACTS AND AGREEMENTS

Under state 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 is generally void. The law exempts certain categories of animals from this provision, including any working animal that is trained or used to do tasks, such as guide dogs, security dogs, law enforcement dogs, and any assistance animal. The act replaces the exemption for guide dogs with an exemption for service animals.

§§ 8 & 9 — HARMFUL ANIMALS

By law, if a dog does any damage to a person's body or property, the dog's owner or keeper is generally liable for the amount of the damage. Under prior law,

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when a companion animal was injured by another dog, this amount included 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 act, the animal's fair monetary value instead includes all training expenses for a service animal owned by a person with a disability (§ 8).

Additionally, by law, animal control officers may make orders about the restraint or disposal of any biting dog or other animal. Prior law exempted guide dogs owned by or in the custody or control of a blind person or a person with a mobility impairment if the dog met certain other requirements (see below). The act instead exempts service animals owned by or in the custody or control of a person with a disability. By law, unchanged by the act, the exemption applies when the animal is (1) under the direct supervision, care, and control of the person; (2) currently vaccinated; and (3) receiving routine veterinary care (§ 9) (§ 9 has been repealed by PA 24-108, § 43).

§§ 11 & 12 — PLACES OF PUBLIC ACCOMMODATION

The act broadens the law covering service animals on public transportation and in places of public accommodation. Under prior law, any blind, deaf, or mobility-impaired person or any person training a guide or assistance dog could 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 was in the person's direct custody and wore a harness or orange-colored leash and collar. Prior law also (1) prohibited extra fees for people with guide or assistance dogs unless the fee applied to all guests and (2) made dog owners liable for any damages the dog does to the premises or facilities. Additionally, under prior law, anyone who intentionally interfered with a blind, deaf, or mobility-impaired person's use of a guide dog or assistance dog or who denied their rights or the rights of the person training a guide or assistance dog was guilty of a class C misdemeanor (see [Table on Penalties](#)).

The act 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 to guide dogs and assistance dogs. The provisions also apply to service animals in training, rather than just guide dogs and assistance dogs in training. The act eliminates requirements that these (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.

Prior law similarly made it a discriminatory practice to deny a blind, deaf, or mobility-impaired person accompanied by a guide dog, assistance dog, or dog in training full and equal access to any place of public accommodation, resort, or amusement. Under state law, a "place of public accommodation, resort, or amusement" is any establishment that caters or offers its services, facilities, or goods to the public, including any commercial property or building lot where a commercial building will be constructed or offered for sale or rent.

The act expands this provision to apply to people with intellectual, physical,

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mental, or learning disabilities and their service animals and people training service animals. The act 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 act makes a conforming change by removing 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 premises or facilities.

The act allows the 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 act, provisions about discriminatory practices do not preclude a business owner's ability to recover for damage a service animal causes to a person or property.

§ 15 — CHRO EDUCATIONAL MATERIALS

The act 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.

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,

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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).