

5495--B

2011-2012 Regular Sessions

I N   S E N A T E

May 25, 2011

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Introduced by Sen. MARCELLINO -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- recommitted to the Committee on Investigations and Government Operations in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, the civil rights law, the agriculture and markets law, the transportation law and the public housing law, in relation to service animals, guide dogs, hearing dogs or service dogs; and to repeal certain provisions of the executive law relating thereto

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivisions 32 and 33 of section 292 of the executive law  
2     are REPEALED and subdivision 31, as added by chapter 133 of the laws of  
3     2007, is amended to read as follows:  
4     31. The term "guide dog" [means any dog that is trained to aid a  
5     person who is blind by a recognized guide dog training center or profes-  
6     sional guide dog trainer, and is actually used for such purpose], "HEAR-  
7     ING DOG" OR "SERVICE DOG" SHALL HAVE THE SAME MEANING AS THOSE TERMS ARE  
8     DEFINED IN SECTION FORTY-SEVEN-B OF THE CIVIL RIGHTS LAW.  
9     S 2. Subdivision 14 of section 296 of the executive law, as amended by  
10    chapter 133 of the laws of 2007, is amended to read as follows:  
11    14. It shall be an unlawful discriminatory practice for any person  
12    engaged in any activity covered by this section to discriminate against  
13    a blind person, a hearing impaired person or a person with [a] ANOTHER  
14    disability on the basis of his or her use of a guide dog, hearing dog or  
15    service dog.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 S 3. Subdivisions 3 and 4 of section 47-b of the civil rights law, as  
2 amended by chapter 404 of the laws of 1986, are amended and a new subdi-  
3 vision 7 is added to read as follows:

4 3. [Persons qualified to train dogs] A PERSON ENGAGED IN TRAINING A  
5 DOG to [aid and] guide OR OTHERWISE AID persons with a disability, while  
6 engaged in such training activities, AND A PERSON WITH A DISABILITY FOR  
7 WHOM THE DOG IS BEING TRAINED, shall have the same rights and privileges  
8 set forth for persons with a disability in this article.

9 4. The term "guide dog", OR "hearing dog" [or "service dog"] shall  
10 mean a dog [which] THAT is [properly harnessed] UNDER THE CONTROL OF THE  
11 PERSON USING OR TRAINING IT and has been or is being trained [by a qual-  
12 ified person,] to [aid and] guide OR OTHERWISE TO AID a person with a  
13 disability.

14 7. "SERVICE DOG" MEANS ANY DOG UNDER THE CONTROL OF THE PERSON USING  
15 OR TRAINING IT AND THAT HAS BEEN OR IS BEING INDIVIDUALLY TRAINED TO DO  
16 WORK OR PERFORM TASKS FOR THE BENEFIT OF A PERSON WITH A DISABILITY.

17 S 4. Subdivisions 9, 21, 22 and 26 of section 108 of the agriculture  
18 and markets law, subdivisions 9 and 21 as amended by chapter 404 of the  
19 laws of 1986, subdivision 22 as amended by chapter 39 of the laws of  
20 2002 and subdivision 26 as added by chapter 558 of the laws of 2002, are  
21 amended to read as follows:

22 9. "Guide dog" means any dog that is trained to aid a person who is  
23 blind and is actually used for such purpose, or any dog [owned by a  
24 recognized guide dog training center located within the state] during  
25 the period such dog is being trained or bred for such purpose.

26 21. "Hearing dog" means any dog that is trained to aid a person with a  
27 hearing impairment and is actually used for such purpose, or any dog  
28 [owned by a recognized training center located within the state] during  
29 the period such dog is being trained or bred for such purpose.

30 22. "Service dog" means any dog that has been or is being individually  
31 trained to do work or perform tasks for the benefit of a person with a  
32 disability[, provided that the dog is or will be owned by such person or  
33 that person's parent, guardian or other legal representative].

34 26. "Therapy dog" means any dog that is trained to aid the emotional  
35 and physical health of patients in hospitals, nursing homes, retirement  
36 homes and other settings and is actually used for such purpose, or any  
37 dog [owned by a recognized training center located within the state]  
38 during the period such dog is being trained or bred for such purpose.

39 S 5. Section 147 of the transportation law, as amended by chapter 404  
40 of the laws of 1986, is amended to read as follows:

41 S 147. Dogs accompanying persons with a disability. Subject to such  
42 rules and regulations as the commissioner may prescribe, all common and  
43 contract carriers of passengers by motor vehicle shall permit a guide  
44 dog, hearing dog or service dog [properly harnessed,] AS DEFINED IN  
45 SECTION FORTY-SEVEN-B OF THE CIVIL RIGHTS LAW accompanying a person with  
46 a disability, as defined in subdivision twenty-one of section two  
47 hundred ninety-two of the executive law, to [aid and guide] ACCOMPANY,  
48 TO GUIDE, OR OTHERWISE TO AID such person, to ride on all vehicles oper-  
49 ated for transportation and no charge shall be made for the transporta-  
50 tion of such dog.

51 S 6. Section 223-b of the public housing law, as added by chapter 689  
52 of the laws of 1980, is amended to read as follows:

53 S 223-b. Discrimination against A PERSON WITH A hearing [impaired  
54 persons] IMPAIRMENT who [have] HAS A hearing [dogs] DOG. No [hearing  
55 impaired] person who has a hearing impairment [manifested by a speech  
56 discrimination score of forty percent or less in the better ear with

1 appropriate correction as certified by a licensed audiologist or otorhi-  
2 nologyngologist as defined in section seven hundred eighty-one of the  
3 general business law, or a physician who has examined such person pursu-  
4 ant to the provisions of section seven hundred eighty-four of such law,]  
5 shall be denied occupancy in a dwelling in any project or be subjected  
6 to eviction from any such dwelling on the sole ground that such person  
7 owns a hearing dog AS DEFINED IN SECTION FORTY-SEVEN-B OF THE CIVIL  
8 RIGHTS LAW, provided, however, that if after occupancy a health hazard  
9 results on account of such dog, the public health officer having juris-  
10 diction may take such corrective measures as may be appropriate.  
11 S 7. This act shall take effect immediately.