

5495

2011-2012 Regular Sessions

I N S E N A T E

May 25, 2011

Introduced by Sen. MARCELLINO -- read twice and ordered printed, and
when printed to be committed to the Committee on Investigations and
Government Operations

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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 33 of section 292 of the executive law is
2 REPEALED and subdivisions 31 and 32, as added by chapter 133 of the laws
3 of 2007, are 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]
7 "SERVICE ANIMAL" MEANS ANY ANIMAL, INCLUDING, BUT NOT LIMITED TO, ANY
8 GUIDE, HEARING, OR SERVICE DOG, INDIVIDUALLY TRAINED TO DO WORK OR TO
9 PERFORM TASKS FOR THE BENEFIT OF AN INDIVIDUAL WITH A DISABILITY.
10 32. The term "GUIDE DOG", "hearing dog" [means any dog that is trained
11 to aid a person with a hearing impairment by a recognized hearing dog
12 training center or professional hearing dog trainer, and is actually
13 used for such purpose] OR "SERVICE DOG" SHALL HAVE THE SAME MEANING AS
14 THOSE TERMS ARE DEFINED IN SUBDIVISION FOUR OF SECTION FORTY-SEVEN-B OF
15 THE CIVIL RIGHTS LAW.
16 S 2. Subdivision 14 of section 296 of the executive law, as amended by
17 chapter 133 of the laws of 2007, is amended to read as follows:
18 14. It shall be an unlawful discriminatory practice for any person
19 engaged in any activity covered by this section to discriminate against
20 a blind person, a hearing impaired person or a person with [a] ANOTHER
21 disability on the basis of his or her use of a guide dog, hearing dog or
22 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 to read as
3 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", "hearing dog" or "service dog" shall mean a
10 dog [which] THAT is [properly harnessed] UNDER THE CONTROL OF THE PERSON
11 USING OR TRAINING IT and has been or is being trained [by a qualified
12 person,] to [aid and] guide OR OTHERWISE TO AID a person with a disabili-
13 ty.

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

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

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

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

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

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

38 S 147. Dogs accompanying persons with a disability. Subject to such
39 rules and regulations as the commissioner may prescribe, all common and
40 contract carriers of passengers by motor vehicle shall permit a guide
41 dog, hearing dog or service dog [properly harnessed, accompanying] UNDER
42 THE CONTROL OF a person with a disability, as defined in subdivision
43 twenty-one of section two hundred ninety-two of the executive law, to
44 [aid and guide] ACCOMPANY, TO GUIDE, OR OTHERWISE TO AID such person, to
45 ride on all vehicles operated for transportation and no charge shall be
46 made for the transportation of such dog.

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

49 S 223-b. Discrimination against A PERSON WITH A hearing [impaired
50 persons] IMPAIRMENT who [have] HAS A hearing [dogs] DOG. No [hearing
51 impaired] person who has a hearing impairment [manifested by a speech
52 discrimination score of forty percent or less in the better ear with
53 appropriate correction as certified by a licensed audiologist or otorhi-
54 nologyngologist as defined in section seven hundred eighty-one of the
55 general business law, or a physician who has examined such person pursu-
56 ant to the provisions of section seven hundred eighty-four of such law,]

1 shall be denied occupancy in a dwelling in any project or be subjected
2 to eviction from any such dwelling on the sole ground that such person
3 owns a hearing dog, provided, however, that if after occupancy a health
4 hazard results on account of such dog, the public health officer having
5 jurisdiction may take such corrective measures as may be appropriate.
6 S 7. This act shall take effect immediately.