

1314

2015-2016 Regular Sessions

I N   S E N A T E

January 9, 2015

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

AN ACT to amend the executive law and the civil rights 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 31 of section 292 of the executive law is  
2     REPEALED.  
3     S 2. Subdivision 14 of section 296 of the executive law, as amended by  
4     chapter 536 of the laws of 2014, is amended to read as follows:  
5     14. [It] IN ADDITION TO REASONABLE MODIFICATIONS IN POLICIES, PRAC-  
6     TICES, OR PROCEDURES, INCLUDING THOSE DEFINED IN SUBPARAGRAPH (IV) OF  
7     PARAGRAPH (D) OF SUBDIVISION TWO OF THIS SECTION OR REASONABLE ACCOMMO-  
8     DATIONS FOR PERSONS WITH DISABILITIES AS OTHERWISE PROVIDED IN THIS  
9     SECTION, INCLUDING THE USE OF AN ANIMAL AS A REASONABLE ACCOMMODATION,  
10    IT shall be an unlawful discriminatory practice for any person engaged  
11    in any activity covered by this section TO DENY ACCESS OR OTHERWISE to  
12    discriminate against a blind person, a hearing impaired person or a  
13    person with another disability [on the basis of his or her use of a  
14    guide dog, hearing dog or service dog] BECAUSE HE OR SHE IS ACCOMPANIED  
15    BY A DOG THAT HAS BEEN TRAINED TO WORK OR PERFORM SPECIFIC TASKS FOR THE  
16    BENEFIT OF SUCH PERSON BY A PROFESSIONAL GUIDE DOG, HEARING DOG OR  
17    SERVICE DOG TRAINING CENTER OR PROFESSIONAL GUIDE DOG, HEARING DOG OR  
18    SERVICE DOG TRAINER, OR TO DISCRIMINATE AGAINST SUCH PROFESSIONAL GUIDE  
19    DOG, HEARING DOG OR SERVICE DOG TRAINER ENGAGED IN SUCH TRAINING OF A  
20    DOG FOR USE BY A PERSON WITH A DISABILITY, WHETHER OR NOT ACCOMPANIED BY  
21    THE PERSON FOR WHOM THE DOG IS BEING TRAINED.  
22    S 3. Paragraph (d) of subdivision 2 of section 296 of the executive  
23    law, as added by chapter 394 of the laws of 2007, is amended by adding a  
24    new subparagraph (iv) to read as follows:

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

LBD07412-01-5

1 (IV) "REASONABLE MODIFICATIONS IN POLICIES, PRACTICES, PROCEDURES"  
2 INCLUDES MODIFICATION TO PERMIT THE USE OF A SERVICE ANIMAL BY A PERSON  
3 WITH A DISABILITY, CONSISTENT WITH FEDERAL REGULATIONS IMPLEMENTING THE  
4 AMERICANS WITH DISABILITIES ACT, TITLE III, AT 28 CFR 36.302(C).

5 S 4. Subdivisions 1, 4 and 7 of section 47-b of the civil rights law,  
6 subdivision 1 as amended by chapter 404 of the laws of 1986 and subdivi-  
7 sion 4 as amended and subdivision 7 as added by chapter 536 of the laws  
8 of 2014, are amended to read as follows:

9 1. Persons with a disability accompanied by guide dogs, hearing dogs  
10 or service dogs shall be guaranteed the right to have such dogs in their  
11 immediate custody while exercising any of the rights and privileges set  
12 forth in this article, PROVIDED THAT IN INSTANCES OF EMPLOYMENT PURSUANT  
13 TO SECTION FORTY-SEVEN-A OF THIS ARTICLE, SUCH DOG HAS BEEN TRAINED BY A  
14 QUALIFIED PERSON. Blind persons shall, further, have the right to carry  
15 a cane in their immediate custody while exercising any of the rights and  
16 privileges set forth in this section.

17 4. The term "guide dog", or "hearing dog" shall mean a dog that is  
18 under the control, CONSISTENT WITH FEDERAL REGULATIONS IMPLEMENTING THE  
19 AMERICANS WITH DISABILITIES ACT, TITLE III, AT 28 CFR 36.302(C), of the  
20 person using or training it and has been or is being trained to guide or  
21 otherwise to aid a person with a disability.

22 7. "Service dog" means any dog under the control, CONSISTENT WITH  
23 FEDERAL REGULATIONS IMPLEMENTING THE AMERICANS WITH DISABILITIES ACT,  
24 TITLE III, AT 28 CFR 36.301(C), of the person using or training it, and  
25 that has been or is being individually trained to do work or perform  
26 tasks for the benefit of a person with a disability.

27 S 5. This act shall take effect immediately and shall be deemed to  
28 have been in full force and effect on the same date chapter 536 of the  
29 laws of 2014 took effect.