S T A T E O F N E W Y O R K

1314--A

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I N S E N A T E

January 9, 2015

Introduced by Sen. MARCELLINO -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 31 of section 292 of the executive law is REPEALED.

S 2. Subdivision 14 of section 296 of the executive law, as amended by chapter 536 of the laws of 2014, is amended to read as follows:

14. [It] IN ADDITION TO REASONABLE MODIFICATIONS IN POLICIES, PRACTICES, OR PROCEDURES, INCLUDING THOSE DEFINED IN SUBPARAGRAPH (IV) OF PARAGRAPH (D) OF SUBDIVISION TWO OF THIS SECTION OR REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES AS OTHERWISE PROVIDED IN THIS SECTION, INCLUDING THE USE OF AN ANIMAL AS A REASONABLE ACCOMMODATION, IT shall be an unlawful discriminatory practice for any person engaged in any activity covered by this section TO DENY ACCESS OR OTHERWISE to discriminate against a blind person, a hearing impaired person or a person with another disability [on the basis of his or her use of a guide dog, hearing dog or service dog] BECAUSE HE OR SHE IS ACCOMPANIED BY A DOG THAT HAS BEEN TRAINED TO WORK OR PERFORM SPECIFIC TASKS FOR THE BENEFIT OF SUCH PERSON BY A PROFESSIONAL GUIDE DOG, HEARING DOG OR SERVICE DOG TRAINING CENTER OR PROFESSIONAL GUIDE DOG, HEARING DOG OR SERVICE DOG TRAINER, OR TO DISCRIMINATE AGAINST SUCH PROFESSIONAL GUIDE DOG, HEARING DOG OR SERVICE DOG TRAINER ENGAGED IN SUCH TRAINING OF A DOG FOR USE BY A PERSON WITH A DISABILITY, WHETHER OR NOT ACCOMPANIED BY THE PERSON FOR WHOM THE DOG IS BEING TRAINED.

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

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S 3. Paragraph (d) of subdivision 2 of section 296 of the executive law is amended by adding a new subparagraph (iv) to read as follows:

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

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

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

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

7. "Service dog" means any dog under the control, CONSISTENT WITH FEDERAL REGULATIONS IMPLEMENTING THE AMERICANS WITH DISABILITIES ACT, TITLE III, AT 28 CFR 36.302(C), of the person using or training it, and that has been or is being individually trained to do work or perform tasks for the benefit of a person with a disability.

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