

6386--A

Cal. No. 17

I N S E N A T E

January 8, 2016

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- reported favorably from said committee, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the social services law, in relation to authorizing service animals or therapy dogs to accompany victims of domestic violence at residential programs; and to amend a chapter of the laws of 2015 amending the social services law, relating to authorizing service animals or therapy dogs to accompany victims of domestic violence at residential programs, as proposed in legislative bills numbers S.5372 and A.6626, in relation to the effectiveness thereof

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

1 Section 1. Section 459-b of the social services law, as amended by a
 2 chapter of the laws of 2015 amending the social services law, relating
 3 to authorizing service animals or therapy dogs to accompany victims of
 4 domestic violence at residential programs, as proposed in legislative
 5 bills numbers S.5372 and A.6626, is amended to read as follows:
 6 S 459-b. Residential services for victims of domestic violence. In
 7 accordance with section one hundred thirty-one-u of this chapter and the
 8 regulations of the office of children and family services, a social
 9 services district shall offer and provide necessary and available emer-
 10 gency shelter and services for up to ninety days at a residential
 11 program for victims of domestic violence to a victim of domestic
 12 violence who was residing in the social services district at the time of
 13 the alleged domestic violence whether or not such victim is eligible for
 14 public assistance. Two forty-five day extensions of necessary and avail-
 15 able emergency shelter may be granted beyond the maximum length of stay
 16 at a residential program for victims of domestic violence for residents
 17 who continue to be in need of emergency services and temporary shelter.
 18 If the victim of domestic violence has a service animal AS SUCH TERM IS
 19 DEFINED IN SECTION ONE HUNDRED TWENTY-THREE-B OF THE AGRICULTURE AND

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

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1 MARKETS LAW, or therapy dog as such [terms are] TERM IS defined in
2 section [123-b and section 108] ONE HUNDRED EIGHT of the agriculture and
3 markets law, respectively, such service animal or therapy dog shall be
4 allowed to accompany the victim at the residential program authorized
5 pursuant to this section, SO LONG AS SUCH ACCOMPANIMENT WOULD NOT CREATE
6 AN UNDUE BURDEN AS DEFINED BY SECTION TWO HUNDRED NINETY-SIX OF THE
7 EXECUTIVE LAW.

8 WHERE SUCH ACCOMPANIMENT WOULD CONSTITUTE AN UNDUE BURDEN, THE RESI-
9 DENTIAL PROGRAM SHALL MAKE REASONABLE EFFORTS TO FACILITATE PLACEMENT OF
10 SUCH ANIMAL AT AN OFF-SITE ANIMAL CARE FACILITY OR IF REASONABLE EFFORTS
11 FAIL, PROVIDE REFERRAL TO ONE OR MORE OFF-SITE ANIMAL CARE FACILITIES.
12 SUCH OFF-SITE ANIMAL CARE MAY INCLUDE, BUT NOT BE LIMITED TO, BOARDING
13 AT A VETERINARY HOSPITAL OR UNDER THE AUSPICES OF A DULY INCORPORATED
14 HUMANE SOCIETY, OR DULY INCORPORATED ANIMAL PROTECTION ASSOCIATION
15 APPROVED FOR SUCH PURPOSE BY THE DEPARTMENT OF AGRICULTURE AND MARKETS.

16 NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT ANY RIGHTS OR
17 OBLIGATIONS PROVIDED PURSUANT TO FEDERAL OR STATE LAW, INCLUDING BUT NOT
18 LIMITED TO PROVIDING REASONABLE ACCOMMODATIONS FOR INDIVIDUALS WITH
19 DISABILITIES.

20 S 2. Section 2 of a chapter of the laws of 2015 amending the social
21 services law, relating to authorizing service animals or therapy dogs to
22 accompany victims of domestic violence in residential programs, as
23 proposed in legislative bills numbers S.5372 and A.6626, is amended to
24 read as follows:

25 S 2. The office of children and family services is authorized to
26 promulgate any and all rules and regulations and take any other measures
27 necessary to implement this act ON OR BEFORE ITS EFFECTIVE DATE.

28 S 3. Section 3 of a chapter of the laws of 2015 amending the social
29 services law, relating to authorizing service animals or therapy dogs to
30 accompany victims of domestic violence in residential programs, as
31 proposed in legislative bills numbers S.5372 and A.6626, is amended to
32 read as follows:

33 S 3. This act shall take effect [immediately] ONE YEAR AFTER THE DATE
34 ON WHICH IT SHALL HAVE BECOME A LAW.

35 S 4. This act shall take effect immediately; provided, however, that
36 sections one and two of this act shall take effect on the same date and
37 in the same manner as a chapter of the laws of 2015 amending the social
38 services law, relating to authorizing service animals or therapy dogs to
39 accompany victims of domestic violence in residential programs, as
40 proposed in legislative bills numbers S.5372 and A.6626, takes effect.