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I N   A S S E M B L Y

January 13, 2016

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Introduced by M. of A. DenDEKKER -- read once and referred to the  
Committee on Governmental Operations

AN ACT to amend the executive law and the agriculture and markets law,  
in relation to therapy dogs and cats for persons with disabilities

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

1     Section 1. Subdivision 21 of section 292 of the executive law, as  
2 amended by chapter 269 of the laws of 1997, is amended to read as  
3 follows:

4     21. The term "disability" means (a) a physical, mental or medical  
5 impairment resulting from anatomical, physiological, genetic or neuro-  
6 logical conditions which prevents the exercise of a normal bodily func-  
7 tion, SUBSTANTIALLY LIMITS ONE OR MORE OF SUCH PERSON'S MAJOR LIFE  
8 ACTIVITIES, or is demonstrable by medically accepted clinical or labora-  
9 tory diagnostic techniques or (b) a record of such an impairment or (c)  
10 a condition regarded by others as such an impairment, provided, however,  
11 that in all provisions of this article dealing with employment, the term  
12 shall be limited to disabilities which, upon the provision of reasonable  
13 accommodations, do not prevent the complainant from performing in a  
14 reasonable manner the activities involved in the job or occupation  
15 sought or held. FOR PURPOSES OF THIS SECTION, MAJOR LIFE ACTIVITIES  
16 INCLUDE, BUT ARE NOT LIMITED TO, CARING FOR ONESELF, PERFORMING MANUAL  
17 TASKS, SEEING, HEARING, EATING, SLEEPING, WALKING, STANDING, LIFTING,  
18 BENDING, SPEAKING, BREATHING, LEARNING, READING, CONCENTRATING, THINK-  
19 ING, COMMUNICATING, AND WORKING. MAJOR LIFE ACTIVITIES ALSO INCLUDE THE  
20 OPERATION OF A MAJOR BODILY FUNCTION, INCLUDING BUT NOT LIMITED TO,  
21 FUNCTIONS OF THE IMMUNE SYSTEM, NORMAL CELL GROWTH, DIGESTIVE, BOWEL,  
22 BLADDER, NEUROLOGICAL, BRAIN, RESPIRATORY, CIRCULATORY, ENDOCRINE, AND  
23 REPRODUCTIVE FUNCTIONS.

24     S 2. Subdivision 14 of section 296 of the executive law, as amended by  
25 chapter 141 of the laws of 2015, is amended to read as follows:

26     14. In addition to reasonable modifications in policies, practices, or  
27 procedures, including those defined in subparagraph (iv) of paragraph  
28 (d) of subdivision two of this section or reasonable accommodations for

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

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1 persons with disabilities as otherwise provided in this section, includ-  
2 ing the use of an animal as a reasonable accommodation, it shall be an  
3 unlawful discriminatory practice for any person engaged in any activity  
4 covered by this section to deny access or otherwise to discriminate  
5 against a blind person, a hearing impaired person or a person with  
6 another disability because he or she is accompanied by a dog that has  
7 been trained to work or perform specific tasks for the benefit of such  
8 person by a professional guide dog, hearing dog or service dog training  
9 center or professional guide dog, hearing dog or service dog trainer, or  
10 to discriminate against such professional guide dog, hearing dog or  
11 service dog trainer engaged in such training of a dog for use by a  
12 person with a disability, whether or not accompanied by the person for  
13 whom the dog is being trained. THIS SECTION SHALL APPLY REGARDLESS OF  
14 BREED, OR ANY OTHER TYPE OF THERAPY DOG OR CAT.

15 S 3. Subdivision 26 of section 108 of the agriculture and markets law,  
16 as amended by chapter 536 of the laws of 2014, is amended to read as  
17 follows:

18 26. "Therapy dog OR CAT" means any dog OR CAT that is trained to aid  
19 the emotional and physical health of patients in hospitals, nursing  
20 homes, retirement homes, PERSONAL RESIDENCES, and other settings and is  
21 actually used for such purpose, or any dog OR CAT during the period such  
22 dog OR CAT is being trained or bred for such purpose.

23 S 4. Subdivision 1 of section 356 of the executive law is amended to  
24 read as follows:

25 1. A state veterans' service agency established by the division pursu-  
26 ant to this article shall have power and it shall be its duty to inform  
27 military and naval authorities of the United States and assist members  
28 of the armed forces and veterans, who are residents of this state, and  
29 their families, in relation to (1) matters pertaining to educational  
30 training and retraining services and facilities, (2) health, medical and  
31 rehabilitation services and facilities, (3) provisions of federal, state  
32 and local laws and regulations affording special rights and privileges  
33 to members of the armed forces and war veterans and their families, (4)  
34 employment and re-employment services, [and] (5) HOUSING SERVICES  
35 INCLUDING BUT NOT LIMITED TO INSTANCES OF DISCRIMINATION, AND (6) other  
36 matters of similar, related or appropriate nature. The state veterans'  
37 service agency also shall perform such other duties as may be assigned  
38 by the state director.

39 S 5. This act shall take effect immediately.