

# STATE OF NEW YORK

6905

2017-2018 Regular Sessions

## IN SENATE

October 6, 2017

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

AN ACT to amend the civil rights law, in relation to misrepresenting a  
companion animal as a service dog

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

1 Section 1. The civil rights law is amended by adding a new section  
2 47-a-1 to read as follows:

3 § 47-a-1. Misrepresentation of a companion animal as a service dog. 1.  
4 No person shall misrepresent a companion animal, as defined in subdivi-  
5 sion five of section three hundred fifty of the agriculture and markets  
6 law, as a service dog. A person has misrepresented such animal when:

7 (a) Such person expressly or impliedly represents a dog in his or her  
8 possession as his or her service dog for the purpose of obtaining any  
9 rights or privileges afforded disabled persons accompanied by service  
10 dogs, but unavailable to people accompanied by companion animals and  
11 such person knew or should have known that such dog does not meet the  
12 definition of a service dog; or

13 (b) Such person takes a companion animal into a public facility as  
14 defined in subdivision two of section forty-seven of this article where  
15 a companion animal would not be permitted, and such companion animal is  
16 wearing a cape, vest, special leash or other form of identification that  
17 states or implies such companion animal is a service dog entitled to be  
18 present, even if such person makes no affirmative statements.

19 2. The department of labor in cooperation with the attorney general's  
20 office shall prepare and make available to businesses upon request;

21 (a) A decal suitable for posting in a front window or door which shall  
22 include;

23 (i) A statement that service dogs are welcome; and

24 (ii) A statement that misrepresentation of a service dog is a  
25 violation of New York law;

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

LBD13584-01-7

1     (b) A brochure detailing permissible questions a business owner or  
2     employee may ask to determine whether a dog is a service dog, proper  
3     answers to such questions and guidelines defining unacceptable behavior  
4     under the Americans with Disabilities Act of 1990.

5     3. Any police officer or animal control officer may investigate and  
6     enforce this section by asking the person accompanied by the dog in  
7     question whether such dog is a service dog required due to a disability  
8     and what work or task has such dog been trained to perform. Refusal by  
9     such person to answer such questions shall create a presumption that  
10    such dog is not a service dog and such officer may issue a citation and  
11    require such person to remove such dog from the public facility.

12    4. A person who violates this section shall be guilty of a violation  
13    punishable by thirty hours of community service for an organization that  
14    serves individuals with disabilities or for another entity or organiza-  
15    tion at the discretion of the court, to be completed in not more than  
16    six months and/or pay a fine no more than five hundred dollars.

17    § 2. This act shall take effect immediately.