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 Assembly, do enact as follows:

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

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

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

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

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

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

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

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

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

LBD13584-01-7

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

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

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

§ 2. This act shall take effect immediately.