STATE OF NEW YORK

2705

2019-2020 Regular Sessions

IN SENATE

January 29, 2019

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government 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:

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

21. The term "disability" means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function**, substantially limits one or more of such person's major life activities,** or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term shall be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held. **For purposes of this section, major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. Major life activities also include the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.**

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

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§ 2. Subdivision 14 of section 296 of the executive law, as amended by chapter 221 of the laws of 2018, is amended to read as follows:

14. 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 person who is deaf or hard of hearing or a person with another disability 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. **This section shall apply regardless of breed, or any other type of therapy dog or cat.**

§ 3. Subdivision 26 of section 108 of the agriculture and markets law, as amended by chapter 497 of the laws of 2017, is amended to read as follows:

26. "Therapy dog **or cat**" means any dog **or cat** that is trained to aid the emotional and physical health of patients in hospitals, nursing homes, retirement homes**, personal residences,** and other settings and is actually used for such purpose, or any dog **or cat** during the period such dog **or cat** is being trained or bred for such purpose, and does not qualify under federal or state law or regulations as a service dog **or cat**.

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

1. A state veterans' service agency established by the division pursuant to this article shall have power and it shall be its duty to inform military and naval authorities of the United States and assist members of the armed forces and veterans, who are residents of this state, and their families, in relation to (1) matters pertaining to educational training and retraining services and facilities, (2) health, medical and rehabilitation services and facilities, (3) provisions of federal, state and local laws and regulations affording special rights and privileges to members of the armed forces and war veterans and their families, (4) employment and re-employment services, [~~and~~] (5) **housing services including but not limited to instances of discrimination, and (6)** other matters of similar, related or appropriate nature. The state veterans' service agency also shall perform such other duties as may be assigned by the state director.

§ 5. This act shall take effect immediately.