

General Assembly

Raised Bill No. 5440

February Session, 2020

LCO No. 2270



Referred to Committee on HUMAN SERVICES

Introduced by: (HS)

AN ACT CONCERNING SERVICE ANIMALS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. Section 5-247b of the general statutes is repealed and the
- 2 following is substituted in lieu thereof (*Effective July 1, 2020*):
- For purposes of this section, (1) "disability" has the same meaning as
- 4 provided in 28 CFR 35.108, as amended from time to time, and (2)
- 5 <u>"service animal" has the same meaning as provided in 28 CFR 35.104, as</u>
- 6 amended from time to time, and includes a service animal in training.
- 7 Each appointing authority shall grant to each full-time employee in a
- 8 permanent position in the state [service or full-time employee of a] or
- 9 quasi-public agency who [(1) is blind or physically disabled, and (2)] (A)
- 10 <u>has a disability, and (B)</u> has been employed for at least twelve
- 11 consecutive months, the use of accumulated paid sick leave, not to
- 12 exceed [fifteen] twenty days, to participate in training conducted by [a
- guide dog organization or assistance dog organization] an organization
- 14 <u>that trains service animals</u>, provided such organization is a member of
- 15 a professional association of [guide dog or assistance dog] service
- 16 <u>animal</u> schools, to prepare the employee to handle a [guide dog or

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assistance dog] service animal for the employee's own use. The appointing authority may require up to seven days' advance notice of an employee's intention to use such leave and may require the employee to provide reasonable documentation that such leave is being taken for the purpose permitted under this section.

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Sec. 2. (NEW) (Effective July 1, 2020) For purposes of this section, (1) "disability" has the same meaning as provided in 28 CFR 35.108, as amended from time to time, and (2) "service animal" has the same meaning as provided in 28 CFR 35.104, as amended from time to time, and includes a service animal in training. Each chief elected official or chief executive officer of a municipality shall grant to each full-time employee in a permanent position who (A) has a disability, and (B) has been employed for at least twelve consecutive months, the use of accumulated paid sick leave, not to exceed twenty days, to participate in training conducted by an organization that trains service animals, provided such organization is a member of a professional association of service animal schools, to prepare the employee to handle a service animal for the employee's own use. The chief elected official or chief executive officer may require up to seven days' advance notice of an employee's intention to use such leave and may require the employee to provide reasonable documentation that such leave is being taken for the purpose permitted under this section.

Sec. 3. Subsection (f) of section 13b-119 of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2020*):

(f) A transportation network company driver shall: (1) Comply with all applicable laws regarding nondiscrimination against transportation network company riders or potential transportation network company riders on the basis of age, color, creed, destination, intellectual or physical disability, national origin, race, sex, sexual orientation or gender identity; (2) comply with all applicable laws relating to the accommodation of service animals and accommodate service animals without imposing additional charges for such accommodation; (3)

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comply with the policies adopted by the transportation network company pursuant to subsection (c) of section 13b-118 and subsections (d) and (e) of this section; (4) not impose additional charges for providing prearranged rides to persons with physical disabilities because of such disabilities; and (5) not solicit or accept a request for transportation unless the request is accepted through the transportation network company's digital network. For purposes of this subsection, "service animal" has the same meaning as provided in 28 CFR 35.104, as amended from time to time, and includes a service animal in training.

Sec. 4. Section 14-300 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2020*):

- (a) For purposes of this section and section 14-300i, "service animal" has the same meaning as provided in 28 CFR 35.104, as amended from time to time, and includes a service animal in training. The traffic authority shall have power to designate, by appropriate official traffic control devices, as defined in section 14-297, or markers, or by lines upon the surface of the highway, such crosswalks and intersections as, in its opinion, constitute a danger to pedestrians crossing the highway including, but not limited to, specially marked crosswalks in the vicinity of schools, which crosswalks shall have distinctive markings, in accordance with the regulations of the Office of the State Traffic Administration, to denote use of such crosswalks by school children; and may maintain suitable signs located at intervals along highways, particularly where there are no sidewalks, directing pedestrians to walk facing vehicular traffic.
- (b) At any intersection where special pedestrian-control signals bearing the words "Walk" or "Don't Walk" are placed, pedestrians may cross the highway only as indicated by the signal. At any intersection where traffic is controlled by other traffic control signals or by police officers, pedestrians shall not cross the highway against a red or "Stop" signal and shall not cross at any place not a marked or unmarked crosswalk. A pedestrian started or starting across the highway on a "Walk" signal or on any such crosswalk on a green or "Go" signal shall

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have the right-of-way over all vehicles, including those making turns, until such pedestrian has reached the opposite curb or safety zone.

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- (c) Except as provided in subsection (c) of section 14-300c, at any crosswalk marked as provided in subsection (a) of this section or any unmarked crosswalk, provided such crosswalks are not controlled by police officers or traffic control signals, each operator of a vehicle shall grant the right-of-way, and slow or stop such vehicle if necessary to so grant the right-of-way, to any pedestrian crossing the roadway within such crosswalk, provided such pedestrian steps off the curb or into the crosswalk at the entrance to a crosswalk or is within that half of the roadway upon which such operator of a vehicle is traveling, or such pedestrian steps off the curb or into the crosswalk at the entrance to a crosswalk or is crossing the roadway within such crosswalk from that half of the roadway upon which such operator is not traveling. No operator of a vehicle approaching from the rear shall overtake and pass any vehicle, the operator of which has stopped at any crosswalk marked as provided in subsection (a) of this section or any unmarked crosswalk to permit a pedestrian to cross the roadway. The operator of any vehicle crossing a sidewalk shall yield the right-of-way to each pedestrian and all other traffic upon such sidewalk.
- (d) The operator of a motor vehicle who approaches or comes into the immediate vicinity of a pedestrian who is blind, as defined in subsection (a) of section 1-1f, carrying a white cane or a white cane tipped with red, or a pedestrian being guided by a [guide dog] service animal, shall reduce speed or stop, if necessary, to yield the right-of-way to such pedestrian. No person, except one who is blind, shall carry or use on any street or highway, or in any other public place, a cane or walking stick which is white in color or white, tipped with red.
- (e) Any crosswalk designated by a traffic authority on or after October 1, 2010, pursuant to subsection (a) of this section shall be required by such authority to have markings, signage, or any control signals deemed necessary by such authority to provide sufficient time for the safe crossing of pedestrians.

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116 (f) The operator of any motor vehicle who violates this section shall 117 be fined not more than five hundred dollars.

- 118 (g) In any civil action arising under subsection (c) or (d) of this section 119 or sections 14-300b to 14-300d, inclusive, the doctrine of negligence per 120 se shall not apply.
- Sec. 5. Section 22-345 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2020*):

123 For purposes of this section and sections 22-357, 22-358 and 22-364b, 124 as amended by this act, (1) "disability" has the same meaning as 125 provided in 28 CFR 35.108, as amended from time to time, and (2) 126 "service animal" has the same meaning as provided in 28 CFR 35.104, as amended from time to time, and includes a service animal in training. 127 128 Any [blind, deaf or mobility impaired] person with a disability who is 129 the owner or keeper of a dog [which has been trained and educated to guide and assist such person in traveling upon the public streets or 130 highways or otherwise] that has been trained as a service animal shall 131 132 receive a license and tag for such dog from the town clerk of the town 133 where such dog is owned or kept. Such license and tag shall be issued 134 in accordance with the provisions of section 22-340, and no fee shall be 135 required of the owner or keeper of any such dog. When any such dog 136 has not been previously licensed by the town clerk to whom application 137 is being made, and it is not obvious that the dog is a service animal, such 138 town clerk [shall not license such dog or issue to the owner a license and 139 tag unless written evidence is exhibited to such clerk that the dog is 140 trained and educated and intended in fact to perform such guide service 141 for such applicant may inquire, in accordance with the Americans With 142 Disabilities Act, as amended from time to time, of such owner or keeper 143 whether the dog is a service animal required because of a disability and 144 what work or task the dog has been trained to perform. Any person who 145 has a dog placed with such person temporarily, including for breeding 146 purposes, by a nonprofit organization established for the purpose of 147 training or educating [guide dogs to so assist blind, deaf or mobility 148 impaired persons] the dog as a service animal shall receive a license and

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- tag for such dog from the town clerk of the town where such dog is kept.
- 150 Such license and tag shall be issued in accordance with the provisions
- of section 22-340, and no fee shall be required for such license and tag,
- 152 provided such person presents written evidence that such dog was
- placed with such person by such organization. [As used in this section
- and section 46a-44, "deaf person" means a person who cannot readily
- understand spoken language through hearing alone and who may also
- 156 have a speech defect which renders such person's speech unintelligible
- to most people with normal hearing.]
- 158 Sec. 6. Subdivision (3) of subsection (a) of section 22-357 of the general
- 159 statutes is repealed and the following is substituted in lieu thereof
- 160 (Effective July 1, 2020):
- 161 (3) "The amount of such damage", with respect to a companion
- animal, includes expenses of veterinary care, the fair monetary value of
- the companion animal, including all training expenses for a [guide dog]
- 164 <u>service animal</u> owned by a [blind person or an assistance dog owned by
- a deaf or mobility impaired person person with a disability and burial
- 166 expenses for the companion animal.
- Sec. 7. Subsection (c) of section 22-358 of the 2020 supplement to the
- 168 general statutes is repealed and the following is substituted in lieu
- thereof (*Effective July 1, 2020*):
- 170 (c) The commissioner, the Chief Animal Control Officer, any animal
- 171 control officer, any municipal animal control officer or any regional
- animal control officer may make any order concerning the restraint or
- disposal of any biting dog, cat or other animal as the commissioner or
- such officer deems necessary. Notice of any such order shall be given to
- the person bitten by such dog, cat or other animal within twenty-four
- hours. The owner of such animal shall pay all fees as set forth in section
- 177 22-333. Any owner or keeper of such dog, cat or other animal who fails
- to comply with such order shall be guilty of a class D misdemeanor. If
- an owner or keeper fails to comply with a restraining order made
- 180 pursuant to this subsection, the Chief Animal Control Officer, any

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animal control officer, any municipal animal control officer or any regional animal control officer may seize the dog, cat or other animal to ensure such compliance and the owner or keeper shall be responsible for any expenses resulting from such seizure. Any person aggrieved by an order of any municipal animal control officer, the Chief Animal Control Officer, any animal control officer or any regional animal control officer may request a hearing before the commissioner within fourteen days of the issuance of such order. Any order issued pursuant to this section that requires the restraint of an animal shall be effective upon its issuance and shall remain in effect during any appeal of such order to the commissioner. After such hearing, the commissioner may affirm, modify or revoke such order as the commissioner deems proper. Any dog owned by a police agency of the state or any of its political subdivisions is exempt from the provisions of this subsection when such dog is under the direct supervision, care and control of an assigned police officer, is currently vaccinated and is subject to routine veterinary care. Any [guide dog] service animal owned or in the custody and control of a [blind person or a person with a mobility impairment] person with a disability is exempt from the provisions of this subsection when such [guide dog] animal is under the direct supervision, care and control of such person, is currently vaccinated and is subject to routine veterinary care.

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Sec. 8. Section 22-364b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1*, 2020):

The owner or keeper of a dog shall restrain and control such dog on a leash when such dog is not on the property of its owner or keeper and is in proximity to a [blind, deaf or mobility impaired] person with a disability accompanied by his [guide dog] or her service animal, provided the [guide dog] service animal is in the direct custody of such [blind, deaf or mobility impaired person, is wearing a harness or an orange-colored leash and collar which makes it readily-identifiable as a guide dog] person, is wearing a harness or a vest readily identifying the animal as a service animal and is licensed in accordance with section 22-345, as amended by this act. Any person who violates the provisions of

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this section shall have committed an infraction. If an owner or keeper of a dog violates the provisions of this section and, as a result of such violation, such dog attacks and injures the [guide dog] service animal, such owner or keeper shall be liable, as provided in section 22-357, as amended by this act, for any damage done to such [guide dog] service animal, and such liability shall include liability for any costs incurred by such [blind, deaf or mobility-impaired] person with a disability for the veterinary care, rehabilitation or replacement of the injured [guide dog] <u>service animal</u> and for reasonable attorney's fees.

Sec. 9. Section 46a-44 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2020*):

- (a) For purposes of this section and section 46a-64, as amended by this act, (1) "disability" has the same meaning as provided in 28 CFR 35.108, as amended from time to time, (2) "service animal" has the same meaning as provided in 28 CFR 35.104, as amended from time to time, and includes a service animal in training, and (3) "person training an animal as a service animal" means a person who (A) (i) is employed by an organization that trains service animals and complies with the criteria for membership in a professional association of schools that train service animals, (ii) is authorized to engage in designated training activities, and (iii) carries photographic identification indicating such employment and authorization, or (B) volunteers for an organization that (i) trains service animals, and (ii) authorizes volunteers to raise animals to become service animals.
- [(a)] (b) Any [blind, deaf or mobility impaired] person with a disability or any person training [a dog as a guide dog for a blind person or an assistance dog to assist a deaf or mobility impaired person] an animal as a service animal to assist a person with a disability may travel on a train or on any other mode of public transportation, and may enter any other place of public accommodation which caters or offers its services or facilities or goods to the general public, including but not limited to, any public building, inn, restaurant, hotel, motel, tourist cabin, place of amusement, resort or any facility of any such public

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accommodation, accompanied by such person's [guide dog or assistance dog] service animal, and such person may keep such [dog] animal with him or her at all times in any such public accommodation or facility thereof at no extra charge, provided such [dog] animal shall be in the direct custody and control of such person. [and shall be wearing a harness or an orange-colored leash and collar.]

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[(b)] (c) Any [blind, deaf or mobility impaired] person with a disability or any person training [a dog as a guide dog for a blind person or an assistance dog to assist a deaf or mobility impaired person] an animal as a service animal for a person with a disability shall be entitled to visit any place of public accommodation, resort or amusement or a dwelling as a guest of a lawful occupant thereof, accompanied by such person's [guide dog or assistance dog] service animal, and such person may keep such [dog] animal with him or her at all times in such public accommodation, resort, amusement or dwelling at no extra charge, provided such [dog] animal shall be in the direct custody and control of such person. [and shall be wearing a harness or an orange-colored leash and collar.] No such [blind, deaf or mobility impaired] person with a disability or person training [a dog as a guide dog or an assistance dog] an animal as a service animal shall be charged any fee not applicable alike to all guests, provided the owner of such [dog] animal shall be liable for any damage done to the premises or facilities by such [dog] animal. For the purposes of this subsection, (1) a "place of public accommodation, resort or amusement" means any establishment which caters or offers its services or facilities or goods to the general public, including, but not limited to, any commercial building lot, on which it is intended that a commercial property or building will be constructed or offered for sale or rent, and (2) "dwelling" means any building, structure, mobile manufactured home park or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, mobile manufactured home park or portion thereof, provided the provisions of this subsection shall not apply to (A) the rental of a

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room or rooms in a single-family dwelling unit, if the owner actually maintains and occupies part of such living quarters as the owner's residence or (B) a unit in a dwelling containing living quarters occupied or intended to be occupied by no more than two families living independently of each other, if the owner actually maintains and occupies the other such living quarters as the owner's residence.

[(c)] (d) Any person who intentionally interferes with [a blind, deaf or mobility impaired person's use of a guide dog or an assistance dog] the use of a service animal by a person with a disability, including, but not limited to, any action intended to harass or annoy the [blind, deaf or mobility impaired] person, the person training [a dog as a guide dog or assistance dog or the guide dog or assistance dog] an animal as a service animal, or who denies the rights afforded to a [blind, deaf or mobility impaired] person with a disability or person training [a dog as a guide dog or an assistance dog] an animal as a service animal under subsection [(a)] (b) or [(b)] (c) of this section shall be guilty of a class C misdemeanor, provided such [blind, deaf or mobility impaired] person with a disability or person training [a dog as a guide dog or an assistance dog] an animal as a service animal complies with the applicable provisions of subsection [(a)] (b) or [(b)] (c) of this section.

[(d) For the purposes of this section, "guide dog" or "assistance dog" includes a dog being trained as a guide dog or assistance dog and "person training a dog as a guide dog for a blind person or an assistance dog to assist a deaf or mobility impaired person" means a person who is employed by and authorized to engage in designated training activities by a guide dog organization or assistance dog organization that complies with the criteria for membership in a professional association of guide dog or assistance dog schools and who carries photographic identification indicating such employment and authorization, or a person who volunteers for a guide dog organization or assistance dog organization that authorizes such volunteers to raise dogs to become guide dogs or assistance dogs and causes the identification of such dog with (1) identification tags, (2) ear tattoos, (3) identifying bandanas on puppies, (4) identifying coats on adult dogs, or

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316 (5) leashes and collars.]

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- Sec. 10. Subsection (a) of section 46a-64 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1*, 2020):
 - (a) It shall be a discriminatory practice in violation of this section: (1) To deny any person within the jurisdiction of this state full and equal accommodations in any place of public accommodation, resort or amusement because of race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, intellectual disability, mental disability, physical disability, including, but not limited to, blindness or deafness, or status as a veteran, of the applicant, subject only to the conditions and limitations established by law and applicable alike to all persons; (2) to discriminate, segregate or separate on account of race, creed, color, national origin, ancestry, sex, gender identity or expression, marital status, age, lawful source of income, intellectual disability, mental disability, learning disability, physical disability, including, but not limited to, blindness or deafness, or status as a veteran; (3) for a place of public accommodation, resort or amusement to restrict or limit the right of a mother to breast-feed her child; (4) for a place of public accommodation, resort or amusement to [fail or refuse to post a notice, in a conspicuous place, that any blind, deaf or mobility impaired person, accompanied by his guide dog wearing a harness or an orange-colored leash and collar, may enter such premises or facilities refuse entry to a person with a disability who is accompanied by a service animal; or (5) to deny any [blind, deaf or mobility impaired] person with a disability or any person training [a dog as a guide dog for a blind person or a dog to assist a deaf or mobility impaired] an animal as a service animal to assist a person with a disability, accompanied by [his guide dog or assistance dog his or her service animal, full and equal access to any place of public accommodation, resort or amusement. Any [blind, deaf or mobility impaired person or any person training a dog as a guide dog for a blind person or a dog to assist a deaf or mobility impaired person may keep his guide dog or assistance dog with him] person with a

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350 disability may keep his or her service animal at all times in such place 351 of public accommodation, resort or amusement at no extra charge, 352 provided [the dog wears a harness or an orange-colored leash and collar 353 and is such animal is in the direct custody and control of such person. 354 The blind, deaf or mobility impaired person or person training a dog as 355 a guide dog for a blind person or a dog to assist a deaf or mobility 356 impaired person Such person or any person training an animal as a 357 service animal to assist a person with a disability shall be liable for any 358 damage done to the premises or facilities by his [dog] or her service 359 animal. [For purposes of this subdivision, "guide dog" or "assistance 360 dog" includes a dog being trained as a guide dog or assistance dog and 361 "person training a dog as a guide dog for a blind person or a dog to assist 362 a deaf or mobility impaired person" means a person who is employed 363 by and authorized to engage in designated training activities by a guide dog organization or assistance dog organization that complies with the 364 365 criteria for membership in a professional association of guide dog or 366 assistance dog schools and who carries photographic identification 367 indicating such employment and authorization.]

- Sec. 11. Section 52-175a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2020*):
- The failure of a blind person to use a [guide dog] service animal or to carry a cane or walking stick which is predominantly white or metallic in color, with or without red tip, shall not be construed as evidence of comparative or contributory negligence in any negligence action. For purposes of this section, "service animal" has the same meaning as provided in 28 CFR 35.104, as amended from time to time, and includes a service animal in training.
- Sec. 12. Section 54-201 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2020*):
- As used in [sections 54-201] <u>this section and sections 54-202</u> to 54-235, inclusive:
- 381 (1) "Victim" means a person who is injured or killed as provided in

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382 section 54-209;

- 383 (2) "Personal injury" means (A) actual bodily harm or emotional harm 384 and includes pregnancy and any condition thereof, or (B) injury or death 385 to a service animal, as defined in 28 CFR 35.104, as amended from time 386 to time, owned or kept by a person with a disability;
 - (3) "Dependent" means any relative of a deceased victim or a person designated by a deceased victim in accordance with section 1-56r who was wholly or partially dependent upon his income at the time of his death or the child of a deceased victim and shall include the child of such victim born after his death;
 - (4) "Relative" means a person's spouse, parent, grandparent, stepparent, aunt, uncle, niece, nephew, child, including a natural born child, stepchild and adopted child, grandchild, brother, sister, half brother or half sister or a parent of a person's spouse;
- (5) "Crime" means any act which is a felony, as defined in section 53a25, or misdemeanor, as defined in section 53a-26, and includes any crime
 committed by a juvenile; and
 - (6) "Emotional harm" means a mental or emotional impairment that requires treatment through services and that is directly attributable to a threat of (A) physical injury, as defined in subdivision (3) of section 53a-3, or (B) death to the affected person.
 - Sec. 13. (NEW) (Effective July 1, 2020) The Commission on Human Rights and Opportunities, within available appropriations, shall make available on its Internet web site links to educational materials on (1) the differences between service animals, emotional support animals and therapy animals, (2) the rights and responsibilities of an owner of each such animal under state and federal law, and (3) permitted methods under state and federal law for an owner of a place of public accommodation, resort or amusement, as defined in section 46a-63 of the general statutes, or a landlord to determine whether an animal is a service animal, emotional support animal or therapy animal. For

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- 413 purposes of this section, "service animal" has the same meaning as
- 414 provided in 28 CFR 35.104, as amended from time to time, and includes
- 415 a service animal in training.
- Sec. 14. Section 46a-42 of the general statutes is repealed. (*Effective July*
- 417 1, 2020)

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2020	5-247b
Sec. 2	July 1, 2020	New section
Sec. 3	July 1, 2020	13b-119(f)
Sec. 4	July 1, 2020	14-300
Sec. 5	July 1, 2020	22-345
Sec. 6	July 1, 2020	22-357(a)(3)
Sec. 7	July 1, 2020	22-358(c)
Sec. 8	July 1, 2020	22-364b
Sec. 9	July 1, 2020	46a-44
Sec. 10	July 1, 2020	46a-64(a)
Sec. 11	July 1, 2020	52-175a
Sec. 12	July 1, 2020	54-201
Sec. 13	July 1, 2020	New section
Sec. 14	July 1, 2020	Repealer section

Statement of Purpose:

To align state law with federal law concerning service animals and raise public awareness as to the rights and responsibilities of persons with service animals, emotional support animals and therapy animals.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

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