



General Assembly

January Session, 2019

Raised Bill No. 7091

LCO No. 3700



Referred to Committee on HUMAN SERVICES

Introduced by:
(HS)

AN ACT PROHIBITING THE MISREPRESENTATION OF A DOG AS A SERVICE ANIMAL.

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

1 Section 1. (NEW) (*Effective July 1, 2019*) (a) For purposes of this
2 section, (1) "disability" has the same meaning as provided in 28 CFR
3 35.108, (2) "service dog" has the same meaning as "service animal" as
4 provided in 28 CFR 35.104, (3) "service dog in training" means a dog
5 that is being trained to become a service dog, (4) "service dog trainer"
6 has the same meaning as provided for "person training a dog as a
7 service dog" in section 46a-44 of the general statutes, as amended by
8 this act, and (5) "place of public accommodation, resort or amusement"
9 has the same meaning as provided in section 46a-63 of the general
10 statutes.

11 (b) No person shall misrepresent a pet dog as a service dog or
12 service dog in training for the purpose of obtaining any rights or
13 privileges afforded persons with disabilities who are accompanied by
14 service dogs. A person misrepresents a dog as a service dog or service
15 dog in training when such person knows or should know that the dog

16 is not trained as a service dog but takes the dog into a place of public
17 accommodation, resort or amusement or on public transportation
18 where pets are not permitted and (1) falsely states that the dog is a
19 service dog or service dog in training, or (2) outfits the dog with a
20 special cape, vest, leash or other form of identification that states or
21 implies that the dog is a service dog.

22 (c) Any person violating this section shall have committed an
23 infraction and shall be fined not more than ninety dollars.

24 (d) Any police officer or animal control officer may investigate an
25 alleged violation of this section and enforce the provisions of this
26 section by making inquiry in accordance with permissible questions
27 for owners of service dogs as set forth in the Americans with
28 Disabilities Act of 1990, as amended from time to time. Refusal by a
29 person with a dog represented as a service dog to answer the
30 permissible questions shall create a presumption that the dog is not a
31 service dog and the officer may issue a citation and require the person
32 to remove the dog from the place of public accommodation, resort or
33 amusement or from public transportation.

34 (e) The Commissioner of Rehabilitation Services shall prepare and
35 make available to businesses upon request: (1) A decal suitable for
36 posting in a front window or door, stating that service dogs are
37 welcome and that misrepresentation of a service dog is a violation of
38 state law, and (2) a brochure detailing permissible questions under the
39 Americans with Disabilities Act of 1990 that a business owner may ask
40 in order to determine whether a dog is a service dog, proper answers
41 to those questions and guidelines defining unacceptable behavior.

42 Sec. 2. Section 46a-44 of the general statutes is repealed and the
43 following is substituted in lieu thereof (*Effective July 1, 2019*):

44 (a) Any blind, deaf or mobility impaired person or any person
45 training a dog as a [guide] service dog, as defined in section 1 of this
46 act, for a blind person or [an assistance dog to assist] a deaf or mobility
47 impaired person may travel on a train or on any other mode of public

48 transportation, and may enter any other place of public
49 accommodation which caters or offers its services or facilities or goods
50 to the general public, including but not limited to, any public building,
51 inn, restaurant, hotel, motel, tourist cabin, place of amusement, resort
52 or any facility of any such public accommodation, accompanied by
53 such person's [guide] service dog, [or assistance dog,] and such person
54 may keep such dog with him or her at all times in any such public
55 accommodation or facility thereof at no extra charge, provided such
56 dog shall be in the direct custody of such person, shall qualify as a
57 service animal in accordance with the provisions of 28 CFR 35.104 and
58 shall be wearing a harness or an orange-colored leash and collar.

59 (b) Any blind, deaf or mobility impaired person or any person
60 training a dog as a [guide] service dog [for a blind person or an
61 assistance dog to assist a deaf or mobility impaired person] shall be
62 entitled to visit any place of public accommodation, resort or
63 amusement or a dwelling as a guest of a lawful occupant thereof,
64 accompanied by such person's [guide dog or assistance] service dog,
65 and such person may keep such dog with him or her at all times in
66 such public accommodation, resort, amusement or dwelling at no extra
67 charge, provided such dog shall be in the direct custody of such person
68 and shall qualify as a service animal in accordance with the provisions
69 of 28 CFR 35.104 and be wearing a harness or an orange-colored leash
70 and collar. No such blind, deaf or mobility impaired person or person
71 training a dog as a [guide dog or an assistance] service dog shall be
72 charged any fee not applicable alike to all guests, provided the owner
73 of such dog shall be liable for any damage done to the premises or
74 facilities by such dog. For the purposes of this subsection, (1) a "place
75 of public accommodation, resort or amusement" means any
76 establishment which caters or offers its services or facilities or goods to
77 the general public, including, but not limited to, any commercial
78 building lot, on which it is intended that a commercial property or
79 building will be constructed or offered for sale or rent, and (2)
80 "dwelling" means any building, structure, mobile manufactured home
81 park or portion thereof which is occupied as, or designed or intended

82 for occupancy as, a residence by one or more families, and any vacant
83 land which is offered for sale or lease for the construction or location
84 thereon of any such building, structure, mobile manufactured home
85 park or portion thereof, provided the provisions of this subsection
86 shall not apply to (A) the rental of a room or rooms in a single-family
87 dwelling unit, if the owner actually maintains and occupies part of
88 such living quarters as the owner's residence or (B) a unit in a dwelling
89 containing living quarters occupied or intended to be occupied by no
90 more than two families living independently of each other, if the
91 owner actually maintains and occupies the other such living quarters
92 as the owner's residence.

93 (c) Any person who intentionally interferes with a blind, deaf or
94 mobility impaired person's use of a [guide dog or an assistance] service
95 dog, including, but not limited to, any action intended to harass or
96 annoy the blind, deaf or mobility impaired person, the person training
97 a dog as a [guide dog or assistance] service dog or the [guide dog or
98 assistance] service dog, or who denies the rights afforded to a blind,
99 deaf or mobility impaired person or person training a dog as a [guide
100 dog or an assistance] service dog under subsection (a) or (b) of this
101 section shall be guilty of a class C misdemeanor, provided such blind,
102 deaf or mobility impaired person or person training a dog as a [guide
103 dog or an assistance] service dog complies with the applicable
104 provisions of subsection (a) or (b) of this section.

105 (d) For the purposes of this section, ["guide dog" or "assistance dog"]
106 "service dog" includes a dog being trained as a [guide dog or
107 assistance] service dog and "person training a dog as a [guide dog for a
108 blind person or an assistance dog to assist a deaf or mobility impaired
109 person]" service dog" means a person who is employed by and
110 authorized to engage in designated training activities by a [guide dog
111 organization or assistance] service dog organization that complies with
112 the criteria for membership in a professional association of [guide dog
113 or assistance] service dog schools and who carries photographic
114 identification indicating such employment and authorization, or a
115 person who volunteers for a [guide dog organization or assistance]

116 service dog organization that authorizes such volunteers to raise dogs
117 to become [guide dogs or assistance] service dogs and causes the
118 identification of such dog with (1) identification tags, (2) ear tattoos, (3)
119 identifying bandanas on puppies, (4) identifying coats on adult dogs,
120 or (5) leashes and collars.

121 Sec. 3. Subsection (a) of section 46a-64 of the general statutes is
122 repealed and the following is substituted in lieu thereof (*Effective July*
123 *1, 2019*):

124 (a) It shall be a discriminatory practice in violation of this section: (1)
125 To deny any person within the jurisdiction of this state full and equal
126 accommodations in any place of public accommodation, resort or
127 amusement because of race, creed, color, national origin, ancestry, sex,
128 gender identity or expression, marital status, age, lawful source of
129 income, intellectual disability, mental disability, physical disability,
130 including, but not limited to, blindness or deafness, or status as a
131 veteran, of the applicant, subject only to the conditions and limitations
132 established by law and applicable alike to all persons; (2) to
133 discriminate, segregate or separate on account of race, creed, color,
134 national origin, ancestry, sex, gender identity or expression, marital
135 status, age, lawful source of income, intellectual disability, mental
136 disability, learning disability, physical disability, including, but not
137 limited to, blindness or deafness, or status as a veteran; (3) for a place
138 of public accommodation, resort or amusement to restrict or limit the
139 right of a mother to breast-feed her child; (4) for a place of public
140 accommodation, resort or amusement to fail or refuse to post a notice,
141 in a conspicuous place, that any blind, deaf or mobility impaired
142 person, accompanied by [his guide] a service dog, as defined in section
143 1 of this act, that is wearing a harness or an orange-colored leash and
144 collar, may enter such premises or facilities; or (5) to deny any blind,
145 deaf or mobility impaired person or any person training a dog as a
146 [guide] service dog [for a blind person or a dog to assist a deaf or
147 mobility impaired person,] and accompanied by [his guide] such dog,
148 [or assistance dog,] full and equal access to any place of public
149 accommodation, resort or amusement. Any blind, deaf or mobility

150 impaired person or any person training a dog as a [guide dog for a
 151 blind person or a dog to assist a deaf or mobility impaired person]
 152 service dog may keep [his guide dog or assistance] such dog with him
 153 at all times in such place of public accommodation, resort or
 154 amusement at no extra charge, provided the dog qualifies as a service
 155 animal in accordance with the provisions of 28 CFR 35.104, wears a
 156 harness or an orange-colored leash and collar and is in the direct
 157 custody of such person. The blind, deaf or mobility impaired person or
 158 person training a dog as a [guide dog for a blind person or a dog to
 159 assist a deaf or mobility impaired person] service dog shall be liable for
 160 any damage done to the premises or facilities by [his] such dog. For
 161 purposes of this subdivision, ["guide dog" or "assistance dog"] "service
 162 dog" includes a dog being trained as a [guide dog or assistance] service
 163 dog and "person training a dog as a [guide dog for a blind person or a
 164 dog to assist a deaf or mobility impaired person]" service dog" means a
 165 person who is employed by and authorized to engage in designated
 166 training activities by a [guide dog organization or assistance] service
 167 dog organization that complies with the criteria for membership in a
 168 professional association of [guide dog or assistance] service dog
 169 schools and who carries photographic identification indicating such
 170 employment and authorization.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2019</i>	New section
Sec. 2	<i>July 1, 2019</i>	46a-44
Sec. 3	<i>July 1, 2019</i>	46a-64(a)

Statement of Purpose:

To prevent persons from misrepresenting pet dogs as service 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.]