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P.L. 2003, CHAPTER 293, *approved January 14, 2004*
Assembly, No. 2432

1 **AN ACT** concerning certain acts of discrimination and amending
2 P.L.1945, c.169.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. Section 5 of P.L.1945, c.169 (C.10:5-5) is amended to read as
8 follows:

9 5. As used in this act, unless a different meaning clearly appears
10 from the context:

11 a. "Person" includes one or more individuals, partnerships,
12 associations, organizations, labor organizations, corporations, legal
13 representatives, trustees, trustees in bankruptcy, receivers, and
14 fiduciaries.

15 b. "Employment agency" includes any person undertaking to
16 procure employees or opportunities for others to work.

17 c. "Labor organization" includes any organization which exists and
18 is constituted for the purpose, in whole or in part, of collective
19 bargaining, or of dealing with employers concerning grievances, terms
20 or conditions of employment, or of other mutual aid or protection in
21 connection with employment.

22 d. "Unlawful employment practice" and "unlawful discrimination"
23 include only those unlawful practices and acts specified in section 11
24 of this act.

25 e. "Employer" includes all persons as defined in subsection a. of
26 this section unless otherwise specifically exempt under another section
27 of this act, and includes the State, any political or civil subdivision
28 thereof, and all public officers, agencies, boards or bodies.

29 f. "Employee" does not include any individual employed in the
30 domestic service of any person.

31 g. "Liability for service in the Armed Forces of the United States"
32 means subject to being ordered as an individual or member of an
33 organized unit into active service in the Armed Forces of the United
34 States by reason of membership in the National Guard, naval militia or
35 a reserve component of the Armed Forces of the United States, or
36 subject to being inducted into such armed forces through a system of
37 national selective service.

38 h. "Division" means the "Division on Civil Rights" created by this
39 act.

40 i. "Attorney General" means the Attorney General of the State of
41 New Jersey or his representative or designee.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

- 1 j. "Commission" means the Commission on Civil Rights created by
2 this act.
- 3 k. "Director" means the Director of the Division on Civil Rights.
- 4 l. "A place of public accommodation" shall include, but not be
5 limited to: any tavern, roadhouse, hotel, motel, trailer camp, summer
6 camp, day camp, or resort camp, whether for entertainment of
7 transient guests or accommodation of those seeking health, recreation
8 or rest; any producer, manufacturer, wholesaler, distributor, retail
9 shop, store, establishment, or concession dealing with goods or
10 services of any kind; any restaurant, eating house, or place where food
11 is sold for consumption on the premises; any place maintained for the
12 sale of ice cream, ice and fruit preparations or their derivatives, soda
13 water or confections, or where any beverages of any kind are retailed
14 for consumption on the premises; any garage, any public conveyance
15 operated on land or water, or in the air, any stations and terminals
16 thereof; any bathhouse, boardwalk, or seashore accommodation; any
17 auditorium, meeting place, or hall; any theatre, motion-picture house,
18 music hall, roof garden, skating rink, swimming pool, amusement and
19 recreation park, fair, bowling alley, gymnasium, shooting gallery,
20 billiard and pool parlor, or other place of amusement; any comfort
21 station; any dispensary, clinic or hospital; any public library; any
22 kindergarten, primary and secondary school, trade or business school,
23 high school, academy, college and university, or any educational
24 institution under the supervision of the State Board of Education, or
25 the Commissioner of Education of the State of New Jersey. Nothing
26 herein contained shall be construed to include or to apply to any
27 institution, bona fide club, or place of accommodation, which is in its
28 nature distinctly private; nor shall anything herein contained apply to
29 any educational facility operated or maintained by a bona fide religious
30 or sectarian institution, and the right of a natural parent or one in loco
31 parentis to direct the education and upbringing of a child under his
32 control is hereby affirmed; nor shall anything herein contained be
33 construed to bar any private secondary or post secondary school from
34 using in good faith criteria other than race, creed, color, national
35 origin, ancestry or affectional or sexual orientation in the admission of
36 students.
- 37 m. "A publicly assisted housing accommodation" shall include all
38 housing built with public funds or public assistance pursuant to
39 P.L.1949, c.300, P.L.1941, c.213, P.L.1944, c.169, P.L.1949, c.303,
40 P.L.1938, c.19, P.L.1938, c.20, P.L.1946, c.52, and P.L.1949, c.184,
41 and all housing financed in whole or in part by a loan, whether or not
42 secured by a mortgage, the repayment of which is guaranteed or
43 insured by the federal government or any agency thereof.
- 44 n. The term "real property" includes real estate, lands, tenements
45 and hereditaments, corporeal and incorporeal, and leaseholds,
46 provided, however, that, except as to publicly assisted housing

1 accommodations, the provisions of this act shall not apply to the
2 rental: (1) of a single apartment or flat in a two-family dwelling, the
3 other occupancy unit of which is occupied by the owner as a residence
4 or the household of the owner's family at the time of such rental; or (2)
5 of a room or rooms to another person or persons by the owner or
6 occupant of a one-family dwelling occupied by the owner or occupant
7 as a residence or the household of the owner's or occupant's family at
8 the time of such rental. Nothing herein contained shall be construed
9 to bar any religious or denominational institution or organization, or
10 any organization operated for charitable or educational purposes,
11 which is operated, supervised or controlled by or in connection with
12 a religious organization, in the sale, lease or rental of real property,
13 from limiting admission to or giving preference to persons of the same
14 religion or denomination or from making such selection as is
15 calculated by such organization to promote the religious principles for
16 which it is established or maintained. Nor does any provision under
17 this act regarding discrimination on the basis of familial status apply
18 with respect to housing for older persons.

19 o. "Real estate broker" includes a person, firm or corporation who,
20 for a fee, commission or other valuable consideration, or by reason of
21 promise or reasonable expectation thereof, lists for sale, sells,
22 exchanges, buys or rents, or offers or attempts to negotiate a sale,
23 exchange, purchase, or rental of real estate or an interest therein, or
24 collects or offers or attempts to collect rent for the use of real estate,
25 or solicits for prospective purchasers or assists or directs in the
26 procuring of prospects or the negotiation or closing of any transaction
27 which does or is contemplated to result in the sale, exchange, leasing,
28 renting or auctioning of any real estate, or negotiates, or offers or
29 attempts or agrees to negotiate a loan secured or to be secured by
30 mortgage or other encumbrance upon or transfer of any real estate for
31 others; or any person who, for pecuniary gain or expectation of
32 pecuniary gain conducts a public or private competitive sale of lands
33 or any interest in lands. In the sale of lots, the term "real estate
34 broker" shall also include any person, partnership, association or
35 corporation employed by or on behalf of the owner or owners of lots
36 or other parcels of real estate, at a stated salary, or upon a
37 commission, or upon a salary and commission or otherwise, to sell
38 such real estate, or any parts thereof, in lots or other parcels, and who
39 shall sell or exchange, or offer or attempt or agree to negotiate the
40 sale or exchange, of any such lot or parcel of real estate.

41 p. "Real estate salesperson" includes any person who, for
42 compensation, valuable consideration or commission, or other thing of
43 value, or by reason of a promise or reasonable expectation thereof, is
44 employed by and operates under the supervision of a licensed real
45 estate broker to sell or offer to sell, buy or offer to buy or negotiate
46 the purchase, sale or exchange of real estate, or offers or attempts to

1 negotiate a loan secured or to be secured by a mortgage or other
2 encumbrance upon or transfer of real estate, or to lease or rent, or
3 offer to lease or rent any real estate for others, or to collect rents for
4 the use of real estate, or to solicit for prospective purchasers or lessees
5 of real estate, or who is employed by a licensed real estate broker to
6 sell or offer to sell lots or other parcels of real estate, at a stated
7 salary, or upon a commission, or upon a salary and commission, or
8 otherwise to sell real estate, or any parts thereof, in lots or other
9 parcels.

10 q. "Handicapped" means suffering from physical disability,
11 infirmity, malformation or disfigurement which is caused by bodily
12 injury, birth defect or illness including epilepsy and other seizure
13 disorders, and which shall include, but not be limited to, any degree of
14 paralysis, amputation, lack of physical coordination, blindness or visual
15 impediment, deafness or hearing impediment, muteness or speech
16 impediment or physical reliance on a service or guide dog, wheelchair,
17 or other remedial appliance or device, or from any mental,
18 psychological or developmental disability resulting from anatomical,
19 psychological, physiological or neurological conditions which prevents
20 the normal exercise of any bodily or mental functions or is
21 demonstrable, medically or psychologically, by accepted clinical or
22 laboratory diagnostic techniques. Handicapped shall also mean
23 suffering from AIDS or HIV infection.

24 r. "Blind person" means any individual whose central visual acuity
25 does not exceed 20/200 in the better eye with correcting lens or whose
26 visual acuity is better than 20/200 if accompanied by a limit to the field
27 of vision in the better eye to such a degree that its widest diameter
28 subtends an angle of no greater than 20 degrees.

29 s. "Guide dog" means a dog used to assist deaf persons or which
30 is fitted with a special harness so as to be suitable as an aid to the
31 mobility of a blind person, and is used by a blind person who has
32 satisfactorily completed a specific course of training in the use of such
33 a dog, and has been trained by an organization generally recognized by
34 agencies involved in the rehabilitation of the blind or deaf as reputable
35 and competent to provide dogs with training of this type.

36 t. "Guide or service dog trainer" means any person who is
37 employed by an organization generally recognized by agencies
38 involved in the rehabilitation of the blind, handicapped or deaf as
39 reputable and competent to provide dogs with training, and who is
40 actually involved in the training process.

41 u. "Housing accommodation" means any publicly assisted housing
42 accommodation or any real property, or portion thereof, which is used
43 or occupied, or is intended, arranged, or designed to be used or
44 occupied, as the home, residence or sleeping place of one or more
45 persons, but shall not include any single family residence the occupants
46 of which rent, lease, or furnish for compensation not more than one

- 1 room therein.
- 2 v. "Public facility" means any place of public accommodation and
3 any street, highway, sidewalk, walkway, public building, and any other
4 place or structure to which the general public is regularly, normally or
5 customarily permitted or invited.
- 6 w. "Deaf person" means any person whose hearing is so severely
7 impaired that the person is unable to hear and understand normal
8 conversational speech through the unaided ear alone, and who must
9 depend primarily on a supportive device or visual communication such
10 as writing, lip reading, sign language, and gestures.
- 11 x. "Atypical hereditary cellular or blood trait" means sickle cell
12 trait, hemoglobin C trait, thalassemia trait, Tay-Sachs trait, or cystic
13 fibrosis trait.
- 14 y. "Sickle cell trait" means the condition wherein the major natural
15 hemoglobin components present in the blood of the individual are
16 hemoglobin A (normal) and hemoglobin S (sickle hemoglobin) as
17 defined by standard chemical and physical analytic techniques,
18 including electrophoresis; and the proportion of hemoglobin A is
19 greater than the proportion of hemoglobin S or one natural parent of
20 the individual is shown to have only normal hemoglobin components
21 (hemoglobin A, hemoglobin A2, hemoglobin F) in the normal
22 proportions by standard chemical and physical analytic tests.
- 23 z. "Hemoglobin C trait" means the condition wherein the major
24 natural hemoglobin components present in the blood of the individual
25 are hemoglobin A (normal) and hemoglobin C as defined by standard
26 chemical and physical analytic techniques, including electrophoresis;
27 and the proportion of hemoglobin A is greater than the proportion of
28 hemoglobin C or one natural parent of the individual is shown to have
29 only normal hemoglobin components (hemoglobin A, hemoglobin A2,
30 hemoglobin F) in normal proportions by standard chemical and
31 physical analytic tests.
- 32 aa. "Thalassemia trait" means the presence of the thalassemia gene
33 which in combination with another similar gene results in the chronic
34 hereditary disease Cooley's anemia.
- 35 bb. "Tay-Sachs trait" means the presence of the Tay-Sachs gene
36 which in combination with another similar gene results in the chronic
37 hereditary disease Tay-Sachs.
- 38 cc. "Cystic fibrosis trait" means the presence of the cystic fibrosis
39 gene which in combination with another similar gene results in the
40 chronic hereditary disease cystic fibrosis.
- 41 dd. "Service dog" means any dog individually trained to a
42 handicapped person's requirements including, but not limited to
43 minimal protection work, rescue work, pulling a wheelchair or
44 retrieving dropped items. This term shall include a "seizure dog"
45 trained to alert or otherwise assist persons subject to epilepsy or other
46 seizure disorders.

- 1 ee. "Qualified Medicaid applicant" means an individual who is a
2 qualified applicant pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).
- 3 ff. "AIDS" means acquired immune deficiency syndrome as defined
4 by the Centers for Disease Control of the United States Public Health
5 Service.
- 6 gg. "HIV infection" means infection with the human
7 immunodeficiency virus or any other related virus identified as a
8 probable causative agent of AIDS.
- 9 hh. "Affectional or sexual orientation" means male or female
10 heterosexuality, homosexuality or bisexuality by inclination, practice,
11 identity or expression, having a history thereof or being perceived,
12 presumed or identified by others as having such an orientation.
- 13 ii. "Heterosexuality" means affectional, emotional or physical
14 attraction or behavior which is primarily directed towards persons of
15 the other gender.
- 16 jj. "Homosexuality" means affectional, emotional or physical
17 attraction or behavior which is primarily directed towards persons of
18 the same gender.
- 19 kk. "Bisexuality" means affectional, emotional or physical
20 attraction or behavior which is directed towards persons of either
21 gender.
- 22 ll. "Familial status" means being the natural parent of a child, the
23 adoptive parent of a child, the foster parent of a child, having a "parent
24 and child relationship" with a child as defined by State law, or having
25 sole or joint legal or physical custody, care, guardianship, or visitation
26 with a child, or any person who is pregnant or is in the process of
27 securing legal custody of any individual who has not attained the age
28 of 18 years.
- 29 mm. "Housing for older persons" means housing:
- 30 (1) provided under any State or federal program that the Attorney
31 General determines is specifically designed and operated to assist
32 elderly persons (as defined in the State or federal program); or
- 33 (2) intended for, and solely occupied by persons 62 years of age or
34 older; or
- 35 (3) intended and operated for occupancy by at least one person 55
36 years of age or older per unit. In determining whether housing
37 qualifies as housing for older persons under this subsection, the
38 Attorney General shall adopt regulations which require at least the
39 following factors:
- 40 (a) the existence of significant facilities and services specifically
41 designed to meet the physical or social needs of older persons, or if the
42 provision of such facilities and services is not practicable, that such
43 housing is necessary to provide important housing opportunities for
44 older persons; and
- 45 (b) that at least 80 percent of the units are occupied by at least one
46 person 55 years of age or older per unit; and

1 (c) the publication of, and adherence to, policies and procedures
2 which demonstrate an intent by the owner or manager to provide
3 housing for persons 55 years of age or older.

4 Housing shall not fail to meet the requirements for housing for
5 older persons by reason of: persons residing in such housing as of
6 March 12, 1989 not meeting the age requirements of this subsection,
7 provided that new occupants of such housing meet the age
8 requirements of this subsection; or unoccupied units, provided that
9 such units are reserved for occupancy by persons who meet the age
10 requirements of this subsection.

11 nn. "Genetic characteristic" means any inherited gene or
12 chromosome, or alteration thereof, that is scientifically or medically
13 believed to predispose an individual to a disease, disorder or
14 syndrome, or to be associated with a statistically significant increased
15 risk of development of a disease, disorder or syndrome.

16 oo. "Genetic information" means the information about genes, gene
17 products or inherited characteristics that may derive from an individual
18 or family member.

19 pp. "Genetic test" means a test for determining the presence or
20 absence of an inherited genetic characteristic in an individual, including
21 tests of nucleic acids such as DNA, RNA and mitochondrial DNA,
22 chromosomes or proteins in order to identify a predisposing genetic
23 characteristic.

24 (cf: P.L.1996, c.126, s.4)

25
26 2. This act shall take effect immediately.

27
28
29 STATEMENT

30
31 This bill grants dogs trained to assist persons who suffer from
32 epilepsy and other seizure disorders the same protections under State
33 law as are currently afforded to other helping dogs.

34 Seizure dogs have proven to be invaluable to their owners both in
35 alerting them to imminent seizures and assisting them during and after
36 a seizure. However, these dogs, accompanied by their owners, may be
37 banned from restaurants and other public facilities because the owners
38 do not appear to be blind or otherwise handicapped.

39 This bill specifically includes "seizure dogs" in the definition of
40 "service dogs," which serve the physically handicapped, in the New
41 Jersey "Law Against Discrimination," P.L.1945, c.169. This law
42 grants persons accompanied by a "guide dog" or "service dog" full
43 and equal privileges at all places of public accommodation and all
44 other places to which the public is normally permitted or invited.

45 A person who violates the "Law Against Discrimination," in
46 addition to any other relief or affirmative action provided by law, is
47 subject to a penalty of not more than \$2,000 for a first offense and not

1 more than \$5,000 for a second or subsequent offense.

2

3

4

5

6 Protects certain helping dogs from discrimination.

ASSEMBLY, No. 2432

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED JUNE 13, 2002

Sponsored by:

Assemblywoman ARLINE M. FRISCIA

District 19 (Middlesex)

Co-Sponsored by:

Assemblymen Ahearn, Gusciora, Senators Furnari, Martin, Bucco and Allen

SYNOPSIS

Protects certain helping dogs from discrimination.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/13/2004)

A2432 FRISCIA

2

1 AN ACT concerning certain acts of discrimination and amending
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24 of this act.

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32 means subject to being ordered as an individual or member of an
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34 States by reason of membership in the National Guard, naval militia or
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36 subject to being inducted into such armed forces through a system of
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39 act.

40 i. "Attorney General" means the Attorney General of the State of
41 New Jersey or his representative or designee.

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43 this act.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

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20 kindergarten, primary and secondary school, trade or business school,
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22 institution under the supervision of the State Board of Education, or
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24 herein contained shall be construed to include or to apply to any
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29 others; or any person who, for pecuniary gain or expectation of
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31 or any interest in lands. In the sale of lots, the term "real estate
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3 customarily permitted or invited.
- 4 w. "Deaf person" means any person whose hearing is so severely
5 impaired that the person is unable to hear and understand normal
6 conversational speech through the unaided ear alone, and who must
7 depend primarily on a supportive device or visual communication such
8 as writing, lip reading, sign language, and gestures.
- 9 x. "Atypical hereditary cellular or blood trait" means sickle cell
10 trait, hemoglobin C trait, thalassemia trait, Tay-Sachs trait, or cystic
11 fibrosis trait.
- 12 y. "Sickle cell trait" means the condition wherein the major natural
13 hemoglobin components present in the blood of the individual are
14 hemoglobin A (normal) and hemoglobin S (sickle hemoglobin) as
15 defined by standard chemical and physical analytic techniques,
16 including electrophoresis; and the proportion of hemoglobin A is
17 greater than the proportion of hemoglobin S or one natural parent of
18 the individual is shown to have only normal hemoglobin components
19 (hemoglobin A, hemoglobin A2, hemoglobin F) in the normal
20 proportions by standard chemical and physical analytic tests.
- 21 z. "Hemoglobin C trait" means the condition wherein the major
22 natural hemoglobin components present in the blood of the individual
23 are hemoglobin A (normal) and hemoglobin C as defined by standard
24 chemical and physical analytic techniques, including electrophoresis;
25 and the proportion of hemoglobin A is greater than the proportion of
26 hemoglobin C or one natural parent of the individual is shown to have
27 only normal hemoglobin components (hemoglobin A, hemoglobin A2,
28 hemoglobin F) in normal proportions by standard chemical and
29 physical analytic tests.
- 30 aa. "Thalassemia trait" means the presence of the thalassemia gene
31 which in combination with another similar gene results in the chronic
32 hereditary disease Cooley's anemia.
- 33 bb. "Tay-Sachs trait" means the presence of the Tay-Sachs gene
34 which in combination with another similar gene results in the chronic
35 hereditary disease Tay-Sachs.
- 36 cc. "Cystic fibrosis trait" means the presence of the cystic fibrosis
37 gene which in combination with another similar gene results in the
38 chronic hereditary disease cystic fibrosis.
- 39 dd. "Service dog" means any dog individually trained to a
40 handicapped person's requirements including, but not limited to
41 minimal protection work, rescue work, pulling a wheelchair or
42 retrieving dropped items. This term shall include a "seizure dog"
43 trained to alert or otherwise assist persons subject to epilepsy or other
44 seizure disorders.
- 45 ee. "Qualified Medicaid applicant" means an individual who is a
46 qualified applicant pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).

- 1 ff. "AIDS" means acquired immune deficiency syndrome as defined
2 by the Centers for Disease Control of the United States Public Health
3 Service.
- 4 gg. "HIV infection" means infection with the human
5 immunodeficiency virus or any other related virus identified as a
6 probable causative agent of AIDS.
- 7 hh. "Affectional or sexual orientation" means male or female
8 heterosexuality, homosexuality or bisexuality by inclination, practice,
9 identity or expression, having a history thereof or being perceived,
10 presumed or identified by others as having such an orientation.
- 11 ii. "Heterosexuality" means affectional, emotional or physical
12 attraction or behavior which is primarily directed towards persons of
13 the other gender.
- 14 jj. "Homosexuality" means affectional, emotional or physical
15 attraction or behavior which is primarily directed towards persons of
16 the same gender.
- 17 kk. "Bisexuality" means affectional, emotional or physical
18 attraction or behavior which is directed towards persons of either
19 gender.
- 20 ll. "Familial status" means being the natural parent of a child, the
21 adoptive parent of a child, the foster parent of a child, having a "parent
22 and child relationship" with a child as defined by State law, or having
23 sole or joint legal or physical custody, care, guardianship, or visitation
24 with a child, or any person who is pregnant or is in the process of
25 securing legal custody of any individual who has not attained the age
26 of 18 years.
- 27 mm. "Housing for older persons" means housing:
- 28 (1) provided under any State or federal program that the Attorney
29 General determines is specifically designed and operated to assist
30 elderly persons (as defined in the State or federal program); or
- 31 (2) intended for, and solely occupied by persons 62 years of age or
32 older; or
- 33 (3) intended and operated for occupancy by at least one person 55
34 years of age or older per unit. In determining whether housing
35 qualifies as housing for older persons under this subsection, the
36 Attorney General shall adopt regulations which require at least the
37 following factors:
- 38 (a) the existence of significant facilities and services specifically
39 designed to meet the physical or social needs of older persons, or if the
40 provision of such facilities and services is not practicable, that such
41 housing is necessary to provide important housing opportunities for
42 older persons; and
- 43 (b) that at least 80 percent of the units are occupied by at least one
44 person 55 years of age or older per unit; and
- 45 (c) the publication of, and adherence to, policies and procedures
46 which demonstrate an intent by the owner or manager to provide

1 housing for persons 55 years of age or older.

2 Housing shall not fail to meet the requirements for housing for
3 older persons by reason of: persons residing in such housing as of
4 March 12, 1989 not meeting the age requirements of this subsection,
5 provided that new occupants of such housing meet the age
6 requirements of this subsection; or unoccupied units, provided that
7 such units are reserved for occupancy by persons who meet the age
8 requirements of this subsection.

9 nn. "Genetic characteristic" means any inherited gene or
10 chromosome, or alteration thereof, that is scientifically or medically
11 believed to predispose an individual to a disease, disorder or
12 syndrome, or to be associated with a statistically significant increased
13 risk of development of a disease, disorder or syndrome.

14 oo. "Genetic information" means the information about genes, gene
15 products or inherited characteristics that may derive from an individual
16 or family member.

17 pp. "Genetic test" means a test for determining the presence or
18 absence of an inherited genetic characteristic in an individual, including
19 tests of nucleic acids such as DNA, RNA and mitochondrial DNA,
20 chromosomes or proteins in order to identify a predisposing genetic
21 characteristic.

22 (cf: P.L.1996, c.126, s.4)

23

24 2. This act shall take effect immediately.

25

26

27 STATEMENT

28

29 This bill grants dogs trained to assist persons who suffer from
30 epilepsy and other seizure disorders the same protections under State
31 law as are currently afforded to other helping dogs.

32 Seizure dogs have proven to be invaluable to their owners both in
33 alerting them to imminent seizures and assisting them during and after
34 a seizure. However, these dogs, accompanied by their owners, may be
35 banned from restaurants and other public facilities because the owners
36 do not appear to be blind or otherwise handicapped.

37 This bill specifically includes "seizure dogs" in the definition of
38 "service dogs," which serve the physically handicapped, in the New
39 Jersey "Law Against Discrimination," P.L.1945, c.169. This law
40 grants persons accompanied by a "guide dog" or "service dog" full
41 and equal privileges at all places of public accommodation and all
42 other places to which the public is normally permitted or invited.

43 A person who violates the "Law Against Discrimination," in
44 addition to any other relief or affirmative action provided by law, is
45 subject to a penalty of not more than \$2,000 for a first offense and not
46 more than \$5,000 for a second or subsequent offense.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2432

STATE OF NEW JERSEY

DATED: SEPTEMBER 19, 2002

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 2432.

Assembly Bill No. 2432 grants dogs, trained to assist persons who suffer from epilepsy and other seizure disorders, the same protections under State law as are currently afforded to other helping dogs.

Seizure dogs have proven to be invaluable to their owners both in alerting them to imminent seizures and in assisting them during and after a seizure. However, these dogs, accompanied by their owners, may be banned from restaurants and other public facilities because the owners do not appear to be blind or otherwise handicapped.

This bill specifically includes "seizure dogs" in the definition of "service dogs," which serve the physically handicapped, in the New Jersey "Law Against Discrimination," P.L.1945, c.169 (C.10.5-1 et seq.). This law grants persons accompanied by a "guide dog" or "service dog" full and equal privileges at all places of public accommodation and all other places to which the public is normally permitted or invited.

Persons who violate the "Law Against Discrimination," in addition to any other relief or affirmative action provided by law, are subject to a penalty of \$10,000 if they have no prior violations in the last five years, a penalty of \$25,000 if they have committed one other violation in the last five years, and \$50,000 if they have committed two or more violations in the last five years.

SENATE ECONOMIC GROWTH, AGRICULTURE AND
TOURISM COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2432

STATE OF NEW JERSEY

DATED: JUNE 12, 2003

The Senate Economic Growth, Agriculture and Tourism Committee reports favorably Assembly Bill No. 2432.

This bill grants dogs, trained to assist persons who suffer from epilepsy and other seizure disorders, the same protections under State law as are currently afforded to other helping dogs.

Seizure dogs have proven to be invaluable to their owners both in alerting them to imminent seizures and in assisting them during and after a seizure. However, these dogs, accompanied by their owners, may be banned from restaurants and other public facilities because the owners do not appear to be blind or otherwise handicapped.

The bill specifically includes "seizure dogs" in the definition of "service dogs," which serve the physically handicapped, in the New Jersey "Law Against Discrimination," P.L.1945, c.169 (C.10.5-1 et seq.). That law grants persons accompanied by a "guide dog" or "service dog" full and equal privileges at all places of public accommodation and all other places to which the public is normally permitted or invited.

Persons who violate the "Law Against Discrimination," in addition to any other relief or affirmative action provided by law, are subject to a penalty of up to \$10,000 if they have no prior violations in the last five years, a penalty of up to \$25,000 if they have committed one other violation in the last five years, and a penalty of up to \$50,000 if they have committed two or more violations in the last seven years.

[Corrected Copy]

SENATE, No. 2010

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED OCTOBER 24, 2002

Sponsored by:

Senator GARRY J. FURNARI

District 36 (Bergen, Essex and Passaic)

Senator ROBERT J. MARTIN

District 26 (Morris and Passaic)

Co-Sponsored by:

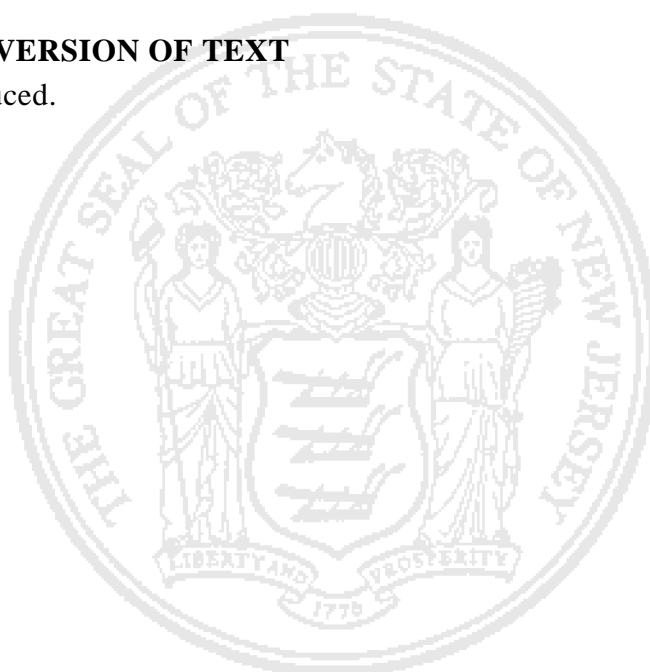
Senators Bucco and Allen

SYNOPSIS

Protects certain helping dogs from discrimination.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/13/2004)

1 AN ACT concerning certain acts of discrimination and amending
2 P.L.1945, c.169.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 5 of P.L.1945, c.169 (C.10:5-5) is amended to read as
8 follows:

9 5. As used in this act, unless a different meaning clearly appears
10 from the context:

11 a. "Person" includes one or more individuals, partnerships,
12 associations, organizations, labor organizations, corporations, legal
13 representatives, trustees, trustees in bankruptcy, receivers, and
14 fiduciaries.

15 b. "Employment agency" includes any person undertaking to
16 procure employees or opportunities for others to work.

17 c. "Labor organization" includes any organization which exists and
18 is constituted for the purpose, in whole or in part, of collective
19 bargaining, or of dealing with employers concerning grievances, terms
20 or conditions of employment, or of other mutual aid or protection in
21 connection with employment.

22 d. "Unlawful employment practice" and "unlawful discrimination"
23 include only those unlawful practices and acts specified in section 11
24 of this act.

25 e. "Employer" includes all persons as defined in subsection a. of
26 this section unless otherwise specifically exempt under another section
27 of this act, and includes the State, any political or civil subdivision
28 thereof, and all public officers, agencies, boards or bodies.

29 f. "Employee" does not include any individual employed in the
30 domestic service of any person.

31 g. "Liability for service in the Armed Forces of the United States"
32 means subject to being ordered as an individual or member of an
33 organized unit into active service in the Armed Forces of the United
34 States by reason of membership in the National Guard, naval militia or
35 a reserve component of the Armed Forces of the United States, or
36 subject to being inducted into such armed forces through a system of
37 national selective service.

38 h. "Division" means the "Division on Civil Rights" created by this
39 act.

40 i. "Attorney General" means the Attorney General of the State of
41 New Jersey or his representative or designee.

42 j. "Commission" means the Commission on Civil Rights created by
43 this act.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 k. "Director" means the Director of the Division on Civil Rights.

2 l. "A place of public accommodation" shall include, but not be
3 limited to: any tavern, roadhouse, hotel, motel, trailer camp, summer
4 camp, day camp, or resort camp, whether for entertainment of transient
5 guests or accommodation of those seeking health, recreation or rest;
6 any producer, manufacturer, wholesaler, distributor, retail shop, store,
7 establishment, or concession dealing with goods or services of any
8 kind; any restaurant, eating house, or place where food is sold for
9 consumption on the premises; any place maintained for the sale of ice
10 cream, ice and fruit preparations or their derivatives, soda water or
11 confections, or where any beverages of any kind are retailed for
12 consumption on the premises; any garage, any public conveyance
13 operated on land or water, or in the air, any stations and terminals
14 thereof; any bathhouse, boardwalk, or seashore accommodation; any
15 auditorium, meeting place, or hall; any theatre, motion-picture house,
16 music hall, roof garden, skating rink, swimming pool, amusement and
17 recreation park, fair, bowling alley, gymnasium, shooting gallery,
18 billiard and pool parlor, or other place of amusement; any comfort
19 station; any dispensary, clinic or hospital; any public library; any
20 kindergarten, primary and secondary school, trade or business school,
21 high school, academy, college and university, or any educational
22 institution under the supervision of the State Board of Education, or
23 the Commissioner of Education of the State of New Jersey. Nothing
24 herein contained shall be construed to include or to apply to any
25 institution, bona fide club, or place of accommodation, which is in its
26 nature distinctly private; nor shall anything herein contained apply to
27 any educational facility operated or maintained by a bona fide religious
28 or sectarian institution, and the right of a natural parent or one in loco
29 parentis to direct the education and upbringing of a child under his
30 control is hereby affirmed; nor shall anything herein contained be
31 construed to bar any private secondary or post secondary school from
32 using in good faith criteria other than race, creed, color, national
33 origin, ancestry or affectional or sexual orientation in the admission of
34 students.

35 m. "A publicly assisted housing accommodation" shall include all
36 housing built with public funds or public assistance pursuant to
37 P.L.1949, c.300, P.L.1941, c.213, P.L.1944, c.169, P.L.1949, c.303,
38 P.L.1938, c.19, P.L.1938, c.20, P.L.1946, c.52, and P.L.1949, c.184,
39 and all housing financed in whole or in part by a loan, whether or not
40 secured by a mortgage, the repayment of which is guaranteed or
41 insured by the federal government or any agency thereof.

42 n. The term "real property" includes real estate, lands, tenements
43 and hereditaments, corporeal and incorporeal, and leaseholds,
44 provided, however, that, except as to publicly assisted housing
45 accommodations, the provisions of this act shall not apply to the rental:
46 (1) of a single apartment or flat in a two-family dwelling, the other
47 occupancy unit of which is occupied by the owner as a residence or the

1 household of the owner's family at the time of such rental; or (2) of a
2 room or rooms to another person or persons by the owner or occupant
3 of a one-family dwelling occupied by the owner or occupant as a
4 residence or the household of the owner's or occupant's family at the
5 time of such rental. Nothing herein contained shall be construed to bar
6 any religious or denominational institution or organization, or any
7 organization operated for charitable or educational purposes, which is
8 operated, supervised or controlled by or in connection with a religious
9 organization, in the sale, lease or rental of real property, from limiting
10 admission to or giving preference to persons of the same religion or
11 denomination or from making such selection as is calculated by such
12 organization to promote the religious principles for which it is
13 established or maintained. Nor does any provision under this act
14 regarding discrimination on the basis of familial status apply with
15 respect to housing for older persons.

16 o. "Real estate broker" includes a person, firm or corporation who,
17 for a fee, commission or other valuable consideration, or by reason of
18 promise or reasonable expectation thereof, lists for sale, sells,
19 exchanges, buys or rents, or offers or attempts to negotiate a sale,
20 exchange, purchase, or rental of real estate or an interest therein, or
21 collects or offers or attempts to collect rent for the use of real estate, or
22 solicits for prospective purchasers or assists or directs in the procuring
23 of prospects or the negotiation or closing of any transaction which does
24 or is contemplated to result in the sale, exchange, leasing, renting or
25 auctioning of any real estate, or negotiates, or offers or attempts or
26 agrees to negotiate a loan secured or to be secured by mortgage or
27 other encumbrance upon or transfer of any real estate for others; or any
28 person who, for pecuniary gain or expectation of pecuniary gain
29 conducts a public or private competitive sale of lands or any interest in
30 lands. In the sale of lots, the term "real estate broker" shall also
31 include any person, partnership, association or corporation employed
32 by or on behalf of the owner or owners of lots or other parcels of real
33 estate, at a stated salary, or upon a commission, or upon a salary and
34 commission or otherwise, to sell such real estate, or any parts thereof,
35 in lots or other parcels, and who shall sell or exchange, or offer or
36 attempt or agree to negotiate the sale or exchange, of any such lot or
37 parcel of real estate.

38 p. "Real estate salesperson" includes any person who, for
39 compensation, valuable consideration or commission, or other thing of
40 value, or by reason of a promise or reasonable expectation thereof, is
41 employed by and operates under the supervision of a licensed real
42 estate broker to sell or offer to sell, buy or offer to buy or negotiate the
43 purchase, sale or exchange of real estate, or offers or attempts to
44 negotiate a loan secured or to be secured by a mortgage or other
45 encumbrance upon or transfer of real estate, or to lease or rent, or offer
46 to lease or rent any real estate for others, or to collect rents for the use
47 of real estate, or to solicit for prospective purchasers or lessees of real

1 estate, or who is employed by a licensed real estate broker to sell or
2 offer to sell lots or other parcels of real estate, at a stated salary, or
3 upon a commission, or upon a salary and commission, or otherwise to
4 sell real estate, or any parts thereof, in lots or other parcels.

5 q. "Handicapped" means suffering from physical disability,
6 infirmity, malformation or disfigurement which is caused by bodily
7 injury, birth defect or illness including epilepsy and other seizure
8 disorders, and which shall include, but not be limited to, any degree of
9 paralysis, amputation, lack of physical coordination, blindness or visual
10 impediment, deafness or hearing impediment, muteness or speech
11 impediment or physical reliance on a service or guide dog, wheelchair,
12 or other remedial appliance or device, or from any mental,
13 psychological or developmental disability resulting from anatomical,
14 psychological, physiological or neurological conditions which prevents
15 the normal exercise of any bodily or mental functions or is
16 demonstrable, medically or psychologically, by accepted clinical or
17 laboratory diagnostic techniques. Handicapped shall also mean
18 suffering from AIDS or HIV infection.

19 r. "Blind person" means any individual whose central visual acuity
20 does not exceed 20/200 in the better eye with correcting lens or whose
21 visual acuity is better than 20/200 if accompanied by a limit to the field
22 of vision in the better eye to such a degree that its widest diameter
23 subtends an angle of no greater than 20 degrees.

24 s. "Guide dog" means a dog used to assist deaf persons or which is
25 fitted with a special harness so as to be suitable as an aid to the
26 mobility of a blind person, and is used by a blind person who has
27 satisfactorily completed a specific course of training in the use of such
28 a dog, and has been trained by an organization generally recognized by
29 agencies involved in the rehabilitation of the blind or deaf as reputable
30 and competent to provide dogs with training of this type.

31 t. "Guide or service dog trainer" means any person who is employed
32 by an organization generally recognized by agencies involved in the
33 rehabilitation of the blind, handicapped or deaf as reputable and
34 competent to provide dogs with training, and who is actually involved
35 in the training process.

36 u. "Housing accommodation" means any publicly assisted housing
37 accommodation or any real property, or portion thereof, which is used
38 or occupied, or is intended, arranged, or designed to be used or
39 occupied, as the home, residence or sleeping place of one or more
40 persons, but shall not include any single family residence the
41 occupants of which rent, lease, or furnish for compensation not more
42 than one room therein.

43 v. "Public facility" means any place of public accommodation and
44 any street, highway, sidewalk, walkway, public building, and any other
45 place or structure to which the general public is regularly, normally or
46 customarily permitted or invited.

- 1 w. "Deaf person" means any person whose hearing is so severely
2 impaired that the person is unable to hear and understand normal
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10 hemoglobin components present in the blood of the individual are
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12 defined by standard chemical and physical analytic techniques,
13 including electrophoresis; and the proportion of hemoglobin A is
14 greater than the proportion of hemoglobin S or one natural parent of
15 the individual is shown to have only normal hemoglobin components
16 (hemoglobin A, hemoglobin A2, hemoglobin F) in the normal
17 proportions by standard chemical and physical analytic tests.
- 18 z. "Hemoglobin C trait" means the condition wherein the major
19 natural hemoglobin components present in the blood of the individual
20 are hemoglobin A (normal) and hemoglobin C as defined by standard
21 chemical and physical analytic techniques, including electrophoresis;
22 and the proportion of hemoglobin A is greater than the proportion of
23 hemoglobin C or one natural parent of the individual is shown to have
24 only normal hemoglobin components (hemoglobin A, hemoglobin A2,
25 hemoglobin F) in normal proportions by standard chemical and
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28 which in combination with another similar gene results in the chronic
29 hereditary disease Cooley's anemia.
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31 which in combination with another similar gene results in the chronic
32 hereditary disease Tay-Sachs.
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34 gene which in combination with another similar gene results in the
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- 36 dd. "Service dog" means any dog individually trained to a
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38 minimal protection work, rescue work, pulling a wheelchair or
39 retrieving dropped items. This term shall include a "seizure dog"
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41 seizure disorders.
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46 Service.

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3 probable causative agent of AIDS.
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5 heterosexuality, homosexuality or bisexuality by inclination, practice,
6 identity or expression, having a history thereof or being perceived,
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13 the same gender.
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15 or behavior which is directed towards persons of either gender.
- 16 ll. "Familial status" means being the natural parent of a child, the
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18 and child relationship" with a child as defined by State law, or having
19 sole or joint legal or physical custody, care, guardianship, or visitation
20 with a child, or any person who is pregnant or is in the process of
21 securing legal custody of any individual who has not attained the age
22 of 18 years.
- 23 mm. "Housing for older persons" means housing:
- 24 (1) provided under any State or federal program that the Attorney
25 General determines is specifically designed and operated to assist
26 elderly persons (as defined in the State or federal program); or
- 27 (2) intended for, and solely occupied by persons 62 years of age or
28 older; or
- 29 (3) intended and operated for occupancy by at least one person 55
30 years of age or older per unit. In determining whether housing
31 qualifies as housing for older persons under this subsection, the
32 Attorney General shall adopt regulations which require at least the
33 following factors:
- 34 (a) the existence of significant facilities and services specifically
35 designed to meet the physical or social needs of older persons, or if the
36 provision of such facilities and services is not practicable, that such
37 housing is necessary to provide important housing opportunities for
38 older persons; and
- 39 (b) that at least 80 percent of the units are occupied by at least one
40 person 55 years of age or older per unit; and
- 41 (c) the publication of, and adherence to, policies and procedures
42 which demonstrate an intent by the owner or manager to provide
43 housing for persons 55 years of age or older.
- 44 Housing shall not fail to meet the requirements for housing for older
45 persons by reason of: persons residing in such housing as of March 12,
46 1989 not meeting the age requirements of this subsection, provided
47 that new occupants of such housing meet the age requirements of this

1 subsection; or unoccupied units, provided that such units are reserved
2 for occupancy by persons who meet the age requirements of this
3 subsection.

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5 chromosome, or alteration thereof, that is scientifically or medically
6 believed to predispose an individual to a disease, disorder or syndrome,
7 or to be associated with a statistically significant increased risk of
8 development of a disease, disorder or syndrome.

9 oo. "Genetic information" means the information about genes, gene
10 products or inherited characteristics that may derive from an individual
11 or family member.

12 pp. "Genetic test" means a test for determining the presence or
13 absence of an inherited genetic characteristic in an individual,
14 including tests of nucleic acids such as DNA, RNA and mitochondrial
15 DNA, chromosomes or proteins in order to identify a predisposing
16 genetic characteristic.

17 (cf: P.L.1996, c.126, s.4)

18

19 2. This act shall take effect immediately.

20

21

22

STATEMENT

23

24 This bill grants dogs trained to assist persons who suffer from
25 epilepsy and other seizure disorders the same protections under State
26 law as are currently afforded to other helping dogs.

27 Seizure dogs have proven to be invaluable to their owners both in
28 alerting them to imminent seizures and assisting them during and after
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30 banned from restaurants and other public facilities because the owners
31 do not appear to be blind or otherwise handicapped.

32 This bill specifically includes "seizure dogs" in the definition of
33 "service dogs," which serve the physically handicapped, in the New
34 Jersey "Law Against Discrimination," P.L.1945, c.169. This law grants
35 persons accompanied by a "guide dog" or "service dog" full and equal
36 privileges at all places of public accommodation and all other places
37 to which the public is normally permitted or invited.

38 A person who violates the "Law Against Discrimination," in
39 addition to any other relief or affirmative action provided by law, is
40 subject to a penalty of not more than \$2,000 for a first offense and not
41 more than \$5,000 for a second or subsequent offense.

SENATE ECONOMIC GROWTH, AGRICULTURE AND
TOURISM COMMITTEE

STATEMENT TO

SENATE, No. 2010

STATE OF NEW JERSEY

DATED: JUNE 12, 2003

The Senate Economic Growth, Agriculture and Tourism Committee reports favorably Senate Bill No. 2010.

This bill grants dogs, trained to assist persons who suffer from epilepsy and other seizure disorders, the same protections under State law as are currently afforded to other helping dogs.

Seizure dogs have proven to be invaluable to their owners both in alerting them to imminent seizures and in assisting them during and after a seizure. However, these dogs, accompanied by their owners, may be banned from restaurants and other public facilities because the owners do not appear to be blind or otherwise handicapped.

The bill specifically includes "seizure dogs" in the definition of "service dogs," which serve the physically handicapped, in the New Jersey "Law Against Discrimination," P.L.1945, c.169 (C.10.5-1 et seq.). That law grants persons accompanied by a "guide dog" or "service dog" full and equal privileges at all places of public accommodation and all other places to which the public is normally permitted or invited.

Persons who violate the "Law Against Discrimination," in addition to any other relief or affirmative action provided by law, are subject to a penalty of up to \$10,000 if they have no prior violations in the last five years, a penalty of up to \$25,000 if they have committed one other violation in the last five years, and a penalty of up to \$50,000 if they have committed two or more violations in the last seven years.