



General Assembly

January Session, 2003

**Raised Bill No. 6429**

LCO No. 3020

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT CONCERNING PRESERVATION OF DISABILITY RIGHTS.**

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

1 Section 1. Section 46a-51 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 As used in section 4a-60a and this chapter:

4 (1) "Blind" refers to an individual whose central visual acuity does  
5 not exceed 20/200 in the better eye with correcting lenses, or whose  
6 visual acuity is greater than 20/200 but is accompanied by a limitation  
7 in the fields of vision such that the widest diameter of the visual field  
8 subtends an angle no greater than twenty degrees;

9 (2) "Commission" means the Commission on Human Rights and  
10 Opportunities created by section 46a-52;

11 (3) "Commission counsel" means the counsel employed by the  
12 commission pursuant to section 46a-54;

13 (4) "Commissioner" means a member of the commission;

- 14 (5) "Court" means the Superior Court or any judge of said court;
- 15 (6) "Discrimination" includes segregation and separation;
- 16 (7) "Discriminatory employment practice" means any discriminatory  
17 practice specified in section 46a-60, as amended by this act, or 46a-81c;
- 18 (8) "Discriminatory practice" means a violation of section 4a-60, 4a-  
19 60a, 46a-58, 46a-59, 46a-60, as amended by this act, 46a-64, as amended  
20 by this act, 46a-64c, 46a-66, 46a-68, sections 46a-70 to 46a-78, inclusive,  
21 as amended by this act, subsection (a) of section 46a-80, or sections  
22 46a-81b to 46a-81o, inclusive;
- 23 (9) "Employee" means any person employed by an employer but  
24 shall not include any individual employed by such individual's  
25 parents, spouse or child, or in the domestic service of any person;
- 26 (10) "Employer" includes the state and all political subdivisions  
27 thereof and means any person or employer with three or more persons  
28 in such person's or employer's employ;
- 29 (11) "Employment agency" means any person undertaking with or  
30 without compensation to procure employees or opportunities to work;
- 31 (12) "Labor organization" means any organization which exists for  
32 the purpose, in whole or in part, of collective bargaining or of dealing  
33 with employers concerning grievances, terms or conditions of  
34 employment, or of other mutual aid or protection in connection with  
35 employment;
- 36 (13) "Mental retardation" means mental retardation as defined in  
37 section 1-1g;
- 38 (14) "Person" means one or more individuals, partnerships,  
39 associations, corporations, limited liability companies, legal  
40 representatives, trustees, trustees in bankruptcy, receivers and the state  
41 and all political subdivisions and agencies thereof;

42 (15) "Physically disabled" refers to any individual who has any  
43 chronic physical handicap, infirmity or impairment, whether  
44 congenital or resulting from bodily injury, organic processes or  
45 changes or from illness, including, but not limited to, epilepsy,  
46 deafness or hearing impairment or reliance on a wheelchair or other  
47 remedial appliance or device;

48 (16) "Respondent" means any person alleged in a complaint filed  
49 pursuant to section 46a-82 to have committed a discriminatory  
50 practice;

51 (17) "Discrimination on the basis of sex" includes but is not limited  
52 to discrimination related to pregnancy, child-bearing capacity,  
53 sterilization, fertility or related medical conditions;

54 (18) "Discrimination on the basis of religious creed" includes but is  
55 not limited to discrimination related to all aspects of religious  
56 observances and practice as well as belief, unless an employer  
57 demonstrates that the employer is unable to reasonably accommodate  
58 to an employee's or prospective employee's religious observance or  
59 practice without undue hardship on the conduct of the employer's  
60 business;

61 (19) "Learning disability" refers to an individual who exhibits a  
62 severe discrepancy between educational performance and measured  
63 intellectual ability and who exhibits a disorder in one or more of the  
64 basic psychological processes involved in understanding or in using  
65 language, spoken or written, which may manifest itself in a diminished  
66 ability to listen, speak, read, write, spell or to do mathematical  
67 calculations;

68 (20) "Mental disability" refers to an individual who has a record of,  
69 or is regarded as having one or more mental disorders, as defined in  
70 the most recent edition of the American Psychiatric Association's  
71 "Diagnostic and Statistical Manual of Mental Disorders";

72       (21) "Individual with a disability" means a person with a present or  
73 past history of mental disorder, mental retardation, learning disability  
74 or physical disability, including, but not limited to, blindness;

75       (22) "Qualified individual with a disability" means an individual  
76 with a disability who, with or without reasonable accommodation, can  
77 perform the essential functions of an employment position that such  
78 individual holds or desires. In determining such essential functions,  
79 consideration shall be given to the employer's judgment as to what  
80 functions of an employment position are essential, and, if an employer  
81 has prepared a written description before advertising or interviewing  
82 applicants for the employment position, such description shall be  
83 considered evidence of the essential functions of the employment  
84 position;

85       (23) "Undue hardship" means an action requiring significant  
86 difficulty or expense when considered in light of factors including, but  
87 not limited to: (A) The nature and cost of the accommodation needed,  
88 (B) the overall financial resources of the facility or facilities involved in  
89 the provision of the reasonable accommodation, the number of persons  
90 employed at such facility, the effect on expenses and resources or the  
91 impact otherwise of such accommodation upon the operation of the  
92 facility, (C) the overall financial resources of the employer, the overall  
93 size of the business of the employer with respect to the number of  
94 employees and the number, type and location of its facilities, and (D)  
95 the type of operation or operations of the employer, including the  
96 composition, structure and functions of the employer's workforce, or  
97 the geographic location or administrative or fiscal relationship of the  
98 facility or facilities in question to the employer.

99       Sec. 2. Subsection (a) of section 46a-60 of the general statutes is  
100 repealed and the following is substituted in lieu thereof (*Effective*  
101 *October 1, 2003*):

102       (a) It shall be a discriminatory practice in violation of this section:

103 (1) For an employer, by the employer or the employer's agent,  
104 except in the case of a bona fide occupational qualification or need, to  
105 refuse to hire or employ or to bar or to discharge from employment  
106 any individual or to discriminate against such individual in  
107 compensation or in terms, conditions or privileges of employment  
108 because of the individual's race, color, religious creed, age, sex, marital  
109 status, national origin, ancestry, present or past history of mental  
110 disability, mental retardation, learning disability or physical disability,  
111 including, but not limited to, blindness;

112 (2) For any employment agency, except in the case of a bona fide  
113 occupational qualification or need, to fail or refuse to classify properly  
114 or refer for employment or otherwise to discriminate against any  
115 individual because of such individual's race, color, religious creed, age,  
116 sex, marital status, national origin, ancestry, present or past history of  
117 mental disability, mental retardation, learning disability or physical  
118 disability, including, but not limited to, blindness;

119 (3) For a labor organization, because of the race, color, religious  
120 creed, age, sex, marital status, national origin, ancestry, present or past  
121 history of mental disability, mental retardation, learning disability or  
122 physical disability, including, but not limited to, blindness of any  
123 individual to exclude from full membership rights or to expel from its  
124 membership such individual or to discriminate in any way against any  
125 of its members or against any employer or any individual employed  
126 by an employer, unless such action is based on a bona fide  
127 occupational qualification;

128 (4) For any person, employer, labor organization or employment  
129 agency to discharge, expel or otherwise discriminate against any  
130 person because such person has opposed any discriminatory  
131 employment practice or because such person has filed a complaint or  
132 testified or assisted in any proceeding under section 46a-82, 46a-83 or  
133 46a-84;

134 (5) For any person, whether an employer or an employee or not, to

135 aid, abet, incite, compel or coerce the doing of any act declared to be a  
136 discriminatory employment practice or to attempt to do so;

137 (6) For any person, employer, employment agency or labor  
138 organization, except in the case of a bona fide occupational  
139 qualification or need, to advertise employment opportunities in such a  
140 manner as to restrict such employment so as to discriminate against  
141 individuals because of their race, color, religious creed, age, sex,  
142 marital status, national origin, ancestry, present or past history of  
143 mental disability, mental retardation, learning disability or physical  
144 disability, including, but not limited to, blindness;

145 (7) For an employer, by the employer or the employer's agent: (A)  
146 To terminate a woman's employment because of her pregnancy; (B) to  
147 refuse to grant to that employee a reasonable leave of absence for  
148 disability resulting from her pregnancy; (C) to deny to that employee,  
149 who is disabled as a result of pregnancy, any compensation to which  
150 she is entitled as a result of the accumulation of disability or leave  
151 benefits accrued pursuant to plans maintained by the employer; (D) to  
152 fail or refuse to reinstate the employee to her original job or to an  
153 equivalent position with equivalent pay and accumulated seniority,  
154 retirement, fringe benefits and other service credits upon her  
155 signifying her intent to return unless, in the case of a private employer,  
156 the employer's circumstances have so changed as to make it impossible  
157 or unreasonable to do so; (E) to fail or refuse to make a reasonable  
158 effort to transfer a pregnant employee to any suitable temporary  
159 position which may be available in any case in which an employee  
160 gives written notice of her pregnancy to her employer and the  
161 employer or pregnant employee reasonably believes that continued  
162 employment in the position held by the pregnant employee may cause  
163 injury to the employee or fetus; (F) to fail or refuse to inform the  
164 pregnant employee that a transfer pursuant to subparagraph (E) of this  
165 subdivision may be appealed under the provisions of this chapter; or  
166 (G) to fail or refuse to inform employees of the employer, by any  
167 reasonable means, that they must give written notice of their

168 pregnancy in order to be eligible for transfer to a temporary position;

169 (8) For an employer, by the employer or the employer's agent, for an  
170 employment agency, by itself or its agent, or for any labor  
171 organization, by itself or its agent, to harass any employee, person  
172 seeking employment or member on the basis of sex. "Sexual  
173 harassment" shall, for the purposes of this section, be defined as any  
174 unwelcome sexual advances or requests for sexual favors or any  
175 conduct of a sexual nature when (A) submission to such conduct is  
176 made either explicitly or implicitly a term or condition of an  
177 individual's employment, (B) submission to or rejection of such  
178 conduct by an individual is used as the basis for employment decisions  
179 affecting such individual, or (C) such conduct has the purpose or effect  
180 of substantially interfering with an individual's work performance or  
181 creating an intimidating, hostile or offensive working environment;

182 (9) For an employer, by the employer or the employer's agent, for an  
183 employment agency, by itself or its agent, or for any labor  
184 organization, by itself or its agent, to request or require information  
185 from an employee, person seeking employment or member relating to  
186 the individual's child-bearing age or plans, pregnancy, function of the  
187 individual's reproductive system, use of birth control methods, or the  
188 individual's familial responsibilities, unless such information is  
189 directly related to a bona fide occupational qualification or need,  
190 provided an employer, through a physician may request from an  
191 employee any such information which is directly related to workplace  
192 exposure to substances which may cause birth defects or constitute a  
193 hazard to an individual's reproductive system or to a fetus if the  
194 employer first informs the employee of the hazards involved in  
195 exposure to such substances;

196 (10) For an employer, by the employer or the employer's agent, after  
197 informing an employee, pursuant to subdivision (9) of this subsection,  
198 of a workplace exposure to substances which may cause birth defects  
199 or constitute a hazard to an employee's reproductive system or to a

200 fetus, to fail or refuse, upon the employee's request, to take reasonable  
201 measures to protect the employee from the exposure or hazard  
202 identified, or to fail or refuse to inform the employee that the measures  
203 taken may be the subject of a complaint filed under the provisions of  
204 this chapter. Nothing in this subdivision is intended to prohibit an  
205 employer from taking reasonable measures to protect an employee  
206 from exposure to such substances. For the purpose of this subdivision,  
207 "reasonable measures" shall be those measures which are consistent  
208 with business necessity and are least disruptive of the terms and  
209 conditions of the employee's employment;

210 (11) For an employer, by the employer or the employer's agent, for  
211 an employment agency, by itself or its agent, or for any labor  
212 organization, by itself or its agent: (A) To request or require genetic  
213 information from an employee, person seeking employment or  
214 member, or (B) to discharge, expel or otherwise discriminate against  
215 any person on the basis of genetic information. For the purpose of this  
216 subdivision, "genetic information" means the information about genes,  
217 gene products or inherited characteristics that may derive from an  
218 individual or a family member;

219 (12) (A) For an employer, by the employer or the employer's agent,  
220 to fail or refuse to make reasonable accommodations to the known  
221 physical or mental limitations of an otherwise qualified individual  
222 with a disability who is an applicant or employee, unless such  
223 employer demonstrates that the accommodation would impose an  
224 undue hardship on the operation of the business of such employer. (B)  
225 Any information obtained by the employer or the employer's agent  
226 regarding the medical condition or history of any person seeking  
227 reasonable accommodations shall be collected and maintained on  
228 separate forms and in separate medical files and be treated as a  
229 confidential record, except that: (i) Supervisors and managers may be  
230 informed regarding necessary restrictions on the work or duties of the  
231 employee and necessary accommodations; (ii) first aid and safety  
232 personnel may be informed, when appropriate, if the disability might

233 require emergency treatment; and (iii) government officials  
234 investigating compliance with this section shall be provided relevant  
235 information on request. No information obtained for purposes of  
236 complying with this subdivision shall be used for any purpose  
237 inconsistent with this section. (C) For purposes of this subdivision,  
238 "reasonable accommodation" includes, but is not limited to, (i) making  
239 existing facilities used by employees readily accessible to and usable  
240 by individuals with disabilities, and (ii) job restructuring, part-time or  
241 modified work schedules, reassignment to a vacant position,  
242 acquisition or modification of equipment or devices, appropriate  
243 adjustment or modifications of examination, training materials or  
244 policies, the provision of qualified readers or interpreters, and other  
245 similar accommodations for individuals with disabilities;

246 (13) For an employer, by the employer or the employer's agent, to  
247 require of any person after such person starts work, a medical  
248 examination or any other provision of medical information, except  
249 where: (A) Such examination or information is job related and  
250 necessary for the business; (B) there is evidence of a job performance or  
251 safety problem; (C) examinations are required by other state or federal  
252 laws; or (D) examinations are performed to determine current fitness  
253 to perform a particular job. Information from all medical examinations  
254 and inquiries shall be kept apart from general personnel files as a  
255 separate, confidential record, available only under limited conditions  
256 specified in subdivision (12) of this subsection.

257 Sec. 3. Section 46a-60 of the general statutes is amended by adding  
258 subsection (c) as follows (*Effective October 1, 2003*):

259 (NEW) (c) Not later than one year after the effective date of this  
260 section, the commission shall adopt regulations, in accordance with the  
261 provisions of chapter 54, to implement the provisions of this section.

262 Sec. 4. Section 46a-63 of the general statutes is repealed and the  
263 following is substituted in lieu thereof (*Effective October 1, 2003*):

264 As used in this chapter:

265 (1) "Place of public accommodation, resort or amusement" means  
266 any establishment which caters or offers its services or facilities or  
267 goods to the general public, including, but not limited to, any  
268 commercial property or building lot, on which it is intended that a  
269 commercial building will be constructed or offered for sale or rent, or  
270 any private entity that owns, leases or operates a place of public  
271 accommodation, resort or amusement;

272 (2) "Deaf person" means a person who cannot readily understand  
273 spoken language through hearing alone and who may also have a  
274 speech defect which renders [his] such person's speech unintelligible to  
275 most [people] persons with normal hearing;

276 (3) "Lawful source of income" means income derived from social  
277 security, supplemental security income, housing assistance, child  
278 support, alimony or public or general assistance; and

279 (4) "Full and equal accommodations" for an individual with a  
280 disability includes, but is not limited to, full participation in the  
281 programs, activities and services of a place of public accommodation,  
282 resort or amusement.

283 Sec. 5. Section 46a-64 of the general statutes is repealed and the  
284 following is substituted in lieu thereof (*Effective October 1, 2003*):

285 (a) It shall be a discriminatory practice in violation of this section:

286 (1) To deny any person within the jurisdiction of this state full and  
287 equal accommodations in any place of public accommodation, resort  
288 or amusement because of race, creed, color, national origin, ancestry,  
289 sex, marital status, age, lawful source of income, mental retardation,  
290 mental disability or physical disability, including, but not limited to,  
291 blindness or deafness of the applicant, subject only to the conditions  
292 and limitations established by law and applicable alike to all persons;

293 (2) [to] To discriminate, segregate or separate on account of race,  
294 creed, color, national origin, ancestry, sex, marital status, age, lawful  
295 source of income, mental retardation, mental disability, learning  
296 disability or physical disability, including, but not limited to, blindness  
297 or deafness;

298 (3) [for] For a place of public accommodation, resort or amusement  
299 to restrict or limit the right of a mother to breast-feed her child;

300 (4) [for] For a place of public accommodation, resort or amusement  
301 to fail or refuse to post a notice, in a conspicuous place, that any blind,  
302 deaf or mobility impaired person, accompanied by his guide dog  
303 wearing a harness or an orange-colored leash and collar, may enter  
304 such premises or facilities; [or]

305 (5) [to] To deny any blind, deaf or mobility impaired person or any  
306 person training a dog as a guide dog for a blind person or a dog to  
307 assist a deaf or mobility impaired person, accompanied by his guide  
308 dog or assistance dog, full and equal access to any place of public  
309 accommodation, resort or amusement. Any blind, deaf or mobility  
310 impaired person or any person training a dog as a guide dog for a  
311 blind person or a dog to assist a deaf or mobility impaired person may  
312 keep his guide dog or assistance dog with him at all times in such  
313 place of public accommodation, resort or amusement at no extra  
314 charge, provided the dog wears a harness or an orange-colored leash  
315 and collar and is in the direct custody of such person. The blind, deaf  
316 or mobility impaired person or person training a dog as a guide dog  
317 for a blind person or a dog to assist a deaf or mobility impaired person  
318 shall be liable for any damage done to the premises or facilities by his  
319 dog. For purposes of this subdivision, "guide dog" or "assistance dog"  
320 includes a dog being trained as a guide dog or assistance dog and  
321 "person training a dog as a guide dog for a blind person or a dog to  
322 assist a deaf or mobility impaired person" means a person who is  
323 employed by and authorized to engage in designated training  
324 activities by a guide dog organization or assistance dog organization

325 that complies with the criteria for membership in a professional  
326 association of guide dog or assistance dog schools and who carries  
327 photographic identification indicating such employment and  
328 authorization;

329 (6) For a place of public accommodation, resort or amusement to fail  
330 to provide goods, services, facilities, privileges, advantages or  
331 accommodations in the most integrated setting appropriate to the  
332 needs of an individual with a disability. Notwithstanding the existence  
333 of separate or different goods, services, facilities, privileges,  
334 advantages or accommodations provided in accordance with  
335 subsection (c) of this section, an individual with a disability shall not  
336 be denied the opportunity to participate in or benefit from goods,  
337 services, facilities, privileges, advantages or accommodations that are  
338 not separate or different;

339 (7) For a place of public accommodation, resort or amusement to  
340 impose eligibility criteria that screen out or tend to screen out an  
341 individual with a disability from participation in programs or services  
342 unless the place of public accommodation, resort or amusement  
343 demonstrates that such criteria are necessary for the provision of  
344 programs or services or are legitimate safety criteria;

345 (8) For a place of public accommodation, resort or amusement to fail  
346 to provide reasonable modifications to policies, practices or procedures  
347 when such modifications are necessary to provide programs or  
348 services to an individual with a disability, unless the place of public  
349 accommodation, resort or amusement demonstrates that such  
350 modifications would fundamentally alter the nature of the programs  
351 or services;

352 (9) For a place of public accommodation, resort or amusement to fail  
353 to take steps to provide communication aids and services including,  
354 but not limited to, computer accessibility equipment and programs,  
355 interpreters, readers or Brailled or large print material when necessary  
356 to ensure that individuals with disabilities are not excluded, denied

357 services, segregated or otherwise treated differently, unless the place  
358 of public accommodation, resort or amusement demonstrates that such  
359 communication aids and services fundamentally alter the nature of the  
360 programs or services or pose an undue financial burden; or

361 (10) For a place of public accommodation, resort or amusement to  
362 place a surcharge on a particular individual with a disability or on any  
363 group of individuals with disabilities to fund the measures required by  
364 this section.

365 (b) (1) The provisions of this section with respect to the prohibition  
366 of sex discrimination shall not apply to (A) the rental of sleeping  
367 accommodations provided by associations and organizations which  
368 rent all such sleeping accommodations on a temporary or permanent  
369 basis for the exclusive use of persons of the same sex, or (B) separate  
370 bathrooms or locker rooms based on sex. (2) The provisions of this  
371 section with respect to the prohibition of discrimination on the basis of  
372 age shall not apply to minors or to special discount or other public or  
373 private programs to assist persons sixty years of age and older. (3) The  
374 provisions of this section with respect to the prohibition of  
375 discrimination on the basis of physical disability shall not require any  
376 person to modify his property in any way or provide a higher degree  
377 of care for a physically disabled person, including, but not limited to  
378 blind or deaf persons, than for a person not physically disabled. (4)  
379 The provisions of this section with respect to the prohibition of  
380 discrimination on the basis of creed shall not apply to the practice of  
381 granting preference in admission of residents into a nursing home as  
382 defined in section 19a-490, if (A) the nursing home is owned, operated  
383 by or affiliated with a religious organization, exempt from taxation for  
384 federal income tax purposes, and (B) the class of persons granted  
385 preference in admission is consistent with the religious mission of the  
386 nursing home. (5) The provisions of this section with respect to the  
387 prohibition of discrimination on the basis of lawful source of income  
388 shall not prohibit the denial of full and equal accommodations solely  
389 on the basis of insufficient income.

390 (c) Places of public accommodation, resort or amusement may  
391 operate and develop separate goods, services, facilities, privileges,  
392 advantages or accommodations when necessary to provide individuals  
393 with disabilities an equal opportunity to participate in or benefit from  
394 the goods, services, facilities, privileges, advantages or  
395 accommodations of such place of public accommodation, resort or  
396 amusement, but only when necessary to ensure that such goods,  
397 services, facilities, privileges, advantages or accommodations are as  
398 effective as those provided to other individuals.

399 (d) In a facility occupied by a place of public accommodation, resort  
400 or amusement that receives a certificate of occupancy before January 1,  
401 2003, architectural and structural communication barriers shall be  
402 removed when it is possible to do so. When determining the scope of  
403 the obligation to remove such barriers, factors such as the nature and  
404 cost of the proposed action, the overall resources of the place of public  
405 accommodation, resort or amusement, including its relationship to a  
406 parent corporation, shall be considered. This subsection shall not  
407 change or lessen the obligations of a place of public accommodation,  
408 resort or amusement to comply with the requirements of the State  
409 Building Code.

410 (e) Any facility occupied by a place of public accommodation, resort  
411 or amusement that receives a certificate of occupancy on or after  
412 January 1, 2003, shall be accessible to and usable by individuals with  
413 disabilities, in accordance with the State Building Code.

414 (f) Not later than one year after the effective date of this section, the  
415 commission shall adopt regulations, in accordance with the provisions  
416 of chapter 54, to implement the provisions of this section.

417 [(c)] (g) Any person who violates any provision of this section shall  
418 be fined not less than twenty-five nor more than one hundred dollars  
419 or imprisoned not more than thirty days or both.

420 Sec. 6. (NEW) (Effective October 1, 2003) As used in sections 6 to 8,

421 inclusive, of this act:

422 (1) "State or local government entity" shall have the same meaning  
423 as "public agency" pursuant to section 1-200 of the general statutes;

424 (2) "Qualified individual with disabilities" means a person who,  
425 with or without (A) reasonable modifications to rules, policies or  
426 practices, (B) the removal of architectural, communication or  
427 transportation barriers, or (C) the provision of communication aids  
428 and services, meets the essential eligibility requirements for the receipt  
429 of services or the participation in programs or activities provided by a  
430 state or local government entity.

431 Sec. 7. (NEW) (*Effective October 1, 2003*) (a) It shall be a  
432 discriminatory practice in violation of this section:

433 (1) For a state or local government entity to exclude a qualified  
434 individual with disabilities, by reason of such disabilities, from  
435 participation in, or to deny such individual the benefits of, the services,  
436 programs or activities of such entity or to deny services, programs or  
437 activities of such entity to such individual;

438 (2) For a state or local government entity to fail to provide a  
439 qualified individual with disabilities with an equal opportunity to  
440 participate in and benefit from activities, programs and services of  
441 state and local government entities;

442 (3) For a state or local government entity to deny an individual with  
443 a disability an equal opportunity to participate in and benefit from  
444 programs and services of state or local government entities. State and  
445 local government entities may operate and develop separate or  
446 different programs or services to provide an individual with a  
447 disability an equal opportunity to participate in and benefit from such  
448 entities' programs and services, but only to the extent necessary to  
449 ensure that such programs or services are as effective as those  
450 provided to other individuals;

451 (4) For a state or local government entity to fail to provide programs  
452 and services in the most integrated setting appropriate to the needs of  
453 an individual with a disability. Notwithstanding the existence of  
454 separate or different programs or services provided in accordance with  
455 this subsection, an individual with a disability may not be denied the  
456 opportunity to participate in programs or services that are not separate  
457 or different;

458 (5) For a state or local government entity to impose eligibility  
459 criteria that screen out or tend to screen out an individual with a  
460 disability from participation in programs or services unless such  
461 criteria can be shown to be necessary for the provision of programs or  
462 services, or due to safety concerns;

463 (6) For a state or local government entity to fail to provide  
464 reasonable modifications to policies, practices or procedures when  
465 such modifications are necessary to afford programs or services to an  
466 individual with a disability, unless the state or local government entity  
467 demonstrates that such modifications would fundamentally alter the  
468 nature of the program or service;

469 (7) For a state or local government entity to fail to take steps to  
470 provide communication aids and services, including, but not limited  
471 to, computer accessibility equipment and programs, interpreters,  
472 readers or Brailled or large print material when necessary to ensure  
473 that an individual with a disability is not excluded, denied programs  
474 or services, segregated or otherwise treated differently, unless the state  
475 or local government entity demonstrates that providing such  
476 communication aids and services fundamentally alters the nature of  
477 the program or service, or that providing such communication aids  
478 and services poses an undue financial burden;

479 (8) For a state or local government entity to place a surcharge on an  
480 individual with a disability or on a group of individuals with  
481 disabilities, to fund the measures required by sections 6 to 8, inclusive,  
482 of this act.

483 (b) Not later than one year after the effective date of this section, the  
484 Commission on Human Rights and Opportunities shall adopt  
485 regulations, in accordance with the provisions of chapter 54 of the  
486 general statutes, to implement the provisions of this section.

487 Sec. 8. (NEW) (*Effective October 1, 2003*) (a) Each state or local  
488 government entity shall appoint a compliance coordinator to ensure  
489 compliance with section 7 of this act. Such compliance coordinator  
490 may be the same individual who acts as compliance coordinator under  
491 regulations adopted pursuant to the Americans with Disabilities Act,  
492 42 USC 12134.

493 (b) Each state or local government entity shall adopt a grievance  
494 procedure for resolving complaints or violations of section 7 of this act.  
495 The grievance procedure may be the same as the grievance procedure  
496 under regulations adopted pursuant to the Americans with Disabilities  
497 Act, 42 USC 12134.

498 (c) Each state or local government entity shall complete a self-  
499 evaluation of its programs, services and facilities to evaluate current  
500 policies, practices and procedures, and to identify and correct any that  
501 are not consistent with section 7 of this act. The self-evaluation shall  
502 contain an assessment of (1) employment policies, practices and  
503 procedures, (2) communications policies, practices and procedures, (3)  
504 general operations policies, practices and procedures, and (4)  
505 architectural and structural communication barriers in its facilities. A  
506 state or local government entity may satisfy the requirements of this  
507 subsection by utilizing self-evaluations completed to satisfy  
508 requirements under regulations adopted pursuant to the Americans  
509 with Disabilities Act, 42 USC 12134.

510 (d) In a facility that is occupied by a state or local government entity  
511 and that received a certificate of occupancy before January 1, 2004,  
512 each program, service or activity of a state or local government entity  
513 shall be accessible to and usable by an individual with a disability,  
514 unless providing such access poses an undue hardship. Access to

515 programs, services and activities may be provided by relocation of a  
516 program, service or activity to an accessible location, purchase of  
517 equipment, structural modification or assignment of an assistant for  
518 the individual with a disability, except that access may not be  
519 provided by carrying such individual. This section shall not change or  
520 lessen the obligations of a state or local government entity to comply  
521 with the requirements of the State Building Code.

522 (e) A facility designed to be occupied by a state or local government  
523 entity that receives a certificate of occupancy on or after January 1,  
524 2004, shall be accessible to and usable by an individual with a  
525 disability, in accordance with the State Building Code.

526 (f) Not later than one year after the effective date of this section, the  
527 Commission on Human Rights and Opportunities shall adopt  
528 regulations, in accordance with the provisions of chapter 54 of the  
529 general statutes, to implement the provisions of this section.

530 Sec. 9. Subsection (a) of section 46a-71 of the general statutes is  
531 repealed and the following is substituted in lieu thereof (*Effective*  
532 *October 1, 2003*):

533 (a) All services of every state agency shall be performed without  
534 discrimination based upon race, color, religious creed, sex, marital  
535 status, age, national origin [,] ancestry, [,] mental retardation, mental  
536 disability, learning disability or physical disability, including, but not  
537 limited to, blindness.]

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>
Sec. 5	<i>October 1, 2003</i>
Sec. 6	<i>October 1, 2003</i>
Sec. 7	<i>October 1, 2003</i>

Sec. 8	<i>October 1, 2003</i>
Sec. 9	<i>October 1, 2003</i>

***Statement of Purpose:***

To ensure the complete provision of civil rights to persons with disabilities.

*[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.]*