



General Assembly

January Session, 2005

Raised Bill No. 1076

LCO No. 3423

03423_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

**AN ACT CONCERNING DISCRIMINATION ON THE BASIS OF
PHYSICAL OR MENTAL DISABILITY.**

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

1 Section 1. Subdivision (15) of section 46a-51 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (15) ["Physically disabled"] "Physical disability" refers to [any] an
5 individual who has, or has a record of or is regarded as having, any
6 chronic physical [handicap,] infirmity or impairment, whether
7 congenital or resulting from bodily injury, organic processes or
8 changes or from illness, including, but not limited to, epilepsy,
9 deafness or hearing impairment, without reference to measures that
10 may mitigate such infirmity or impairment, such as, but not limited to,
11 prosthetic aids, medicines, reasonable accommodations or reliance on
12 a wheelchair or other remedial appliance or device.

13 Sec. 2. (NEW) (*Effective from passage*) For the purposes of section 4a-
14 60a and chapter 814c of the general statutes, discrimination on the
15 basis of physical disability or mental disability includes, but is not

16 limited to, discrimination on the basis of an actual or a perceived
17 physical disability or mental disability, as well as a failure by a person
18 to reasonably accommodate an individual's physical disability or
19 mental disability, unless such person demonstrates that the
20 individual's physical disability or mental disability cannot be
21 reasonably accommodated without undue hardship on such person.

22 Sec. 3. Subsection (b) of section 46a-64 of the general statutes is
23 repealed and the following is substituted in lieu thereof (*Effective from*
24 *passage*):

25 (b) (1) The provisions of this section with respect to the prohibition
26 of sex discrimination shall not apply to (A) the rental of sleeping
27 accommodations provided by associations and organizations which
28 rent all such sleeping accommodations on a temporary or permanent
29 basis for the exclusive use of persons of the same sex, or (B) separate
30 bathrooms or locker rooms based on sex. (2) The provisions of this
31 section with respect to the prohibition of discrimination on the basis of
32 age shall not apply to minors or to special discount or other public or
33 private programs to assist persons sixty years of age and older. (3) The
34 provisions of this section with respect to the prohibition of
35 discrimination on the basis of physical disability shall not require any
36 person to modify [his] such person's property in any way or provide a
37 higher degree of care for a [physically disabled] person having a
38 physical disability, including, but not limited to, blind or deaf persons,
39 than for a person not [physically disabled] having a physical disability.
40 (4) The provisions of this section with respect to the prohibition of
41 discrimination on the basis of creed shall not apply to the practice of
42 granting preference in admission of residents into a nursing home, as
43 defined in section 19a-490, if (A) the nursing home is owned, operated
44 by or affiliated with a religious organization, exempt from taxation for
45 federal income tax purposes, and (B) the class of persons granted
46 preference in admission is consistent with the religious mission of the
47 nursing home. (5) The provisions of this section with respect to the
48 prohibition of discrimination on the basis of lawful source of income

49 shall not prohibit the denial of full and equal accommodations solely
50 on the basis of insufficient income.

51 Sec. 4. Subsection (b) of section 46a-75 of the general statutes is
52 repealed and the following is substituted in lieu thereof (*Effective from*
53 *passage*):

54 (b) Such programs shall be conducted to encourage the fullest
55 development of the interests, aptitudes, skills [,] and capacities of all
56 students and trainees, with special attention to the problems of
57 culturally deprived, educationally handicapped, learning disabled [,]
58 or economically disadvantaged persons, or [physically disabled]
59 persons having a physical disability, including, but not limited to,
60 blind persons.

61 Sec. 5. Subsection (a) of section 54-85b of the general statutes is
62 repealed and the following is substituted in lieu thereof (*Effective from*
63 *passage*):

64 (a) An employer shall not deprive an employee of employment,
65 penalize or threaten or otherwise coerce an employee with respect
66 thereto, because (1) the employee obeys a legal subpoena to appear
67 before any court of this state as a witness in any criminal proceeding,
68 (2) the employee attends a court proceeding or participates in a police
69 investigation related to a criminal case in which the employee is a
70 crime victim, (3) a restraining order has been issued on the employee's
71 behalf pursuant to section 46b-15, or (4) a protective order has been
72 issued on the employee's behalf by a court of this state or by a court of
73 another state, provided if issued by a court of another state, the
74 protective order shall be registered in this state pursuant to section
75 46b-15a. For the purposes of this section, "crime victim" means an
76 employee who suffers direct or threatened physical, emotional or
77 financial harm as a result of a crime or an employee who is an
78 immediate family member or guardian of (A) a person who suffers
79 such harm and is a minor, [physically disabled] has a physical
80 disability, as defined in section 46a-51, as amended by this act, or is

81 incompetent, or (B) a homicide victim.

82 Sec. 6. Section 1-1f of the general statutes is repealed and the
83 following is substituted in lieu thereof (*Effective from passage*):

84 For purposes of sections 3-10e [,] and 4a-60, subdivision (12) of
85 section 38a-816 and [sections 46a-58, 46a-60, 46a-64, 46a-70 to 46a-73,
86 inclusive, 46a-75, 46a-76 and] section 52-175a:

87 (a) An individual is blind if his central visual acuity does not exceed
88 20/200 in the better eye with correcting lenses, or if his visual acuity is
89 greater than 20/200 but is accompanied by a limitation in the fields of
90 vision such that the widest diameter of the visual field subtends an
91 angle no greater than twenty degrees;

92 (b) An individual is physically disabled if he has any chronic
93 physical handicap, infirmity or impairment, whether congenital or
94 resulting from bodily injury, organic processes or changes or from
95 illness, including, but not limited to, epilepsy, deafness or hearing
96 impairment or reliance on a wheelchair or other remedial appliance or
97 device.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	46a-51(15)
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	46a-64(b)
Sec. 4	<i>from passage</i>	46a-75(b)
Sec. 5	<i>from passage</i>	54-85b(a)
Sec. 6	<i>from passage</i>	1-1f

Statement of Purpose:

To clarify and strengthen state law concerning disability discrimination complaints and provide protection against perceived physical disability discrimination by redefining "physical disability" and adding provisions concerning discrimination on the basis of physical or mental disability.

[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.]