

SENATE, No. 3028

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED OCTOBER 19, 2020

Sponsored by:

Senator ANTHONY M. BUCCO

District 25 (Morris and Somerset)

Co-Sponsored by:

Senators Corrado, Testa and Brown

SYNOPSIS

Permits dogs as service and emotional support animals at State veterans' residential facilities.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/16/2021)

1 **AN ACT** concerning service and emotional support animals at certain
2 State veterans' residential facilities and supplementing chapter 3
3 of Title 38A of the New Jersey Statutes.

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

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8 1. a. Notwithstanding any other law, rule, or regulation to the
9 contrary, service animals and emotional support animals shall be
10 permitted at any State veterans' residential facility. A service animal
11 or emotional support animal shall be under the control of the veteran
12 with the disability or an alternate handler at all times while on a State
13 veterans' residential facility property. A service animal or emotional
14 support animal shall have a harness, leash, or other tether, unless
15 either the handler is unable because of a disability to use a harness,
16 leash, or other tether, or the use of a harness, leash, or other tether
17 would interfere with the service animal's safe, effective performance
18 of work or tasks, in which case the service animal or emotional
19 support animal shall be otherwise under the handler's control by
20 voice control, signals, or other effective means. A State veterans'
21 residential facility shall not be responsible for the care or supervision
22 of a service animal or emotional support animal.

23 b. Except as provided in this subsection, animals other than
24 service animals or emotional support animals shall not be permitted
25 on a State veterans' residential facility property. A State veterans'
26 residential facility head or designee may permit certain non-service
27 animals and non-emotional support animals to be present on State
28 veterans' residential facility property for the following reasons:

29 (1) law enforcement purposes; or
30 (2) animals under the control of the Office of Research and
31 Development in the federal Department of Veterans Affairs.

32
33 2. a. A service animal or emotional support animal shall be
34 denied access to a State veterans' residential facility or removed from
35 that facility if:

36 (1) the animal is not under the control of the veteran with a
37 disability or an alternate handler;

38 (2) the animal is not trained to eliminate its waste in an outdoor
39 area; or

40 (3) the animal otherwise poses a risk to the health or safety of
41 people or other service animals or emotional support animals.

42 b. In determining whether an animal poses a risk to the health or
43 safety of people or other service animals, the State veterans'
44 residential facility shall make an individualized assessment based on
45 objective indications to ascertain the severity of the risk, including,
46 but not limited to, the following:

1 (1) external signs of aggression from the service animal or
2 emotional support animal, such as growling, biting or snapping,
3 baring its teeth, lunging; or

4 (2) external signs of parasites on the service animal or emotional
5 support animal, including fleas or ticks, or other external signs of
6 disease or bad health, including diarrhea or vomiting.

7 c. If a service animal or emotional support animal is denied
8 access to a State veterans' residential facility or removed from that
9 facility pursuant to subsections a. and b. of this section, the State
10 veterans' residential facility shall give the veteran with a disability
11 the opportunity to obtain services without having the service animal
12 or emotional support animal on the State veterans' residential facility
13 property.
14

15 3. A veteran accompanied by a service animal or emotional
16 support animal shall provide documentation with the following
17 information:

18 (1) the animal has been certified, trained, or licensed as a service
19 animal or emotional support animal, that lists the work or tasks the
20 animal has been trained to perform; and

21 (2) confirms the service animal or emotional support animal has
22 had a current rabies vaccine as determined by State and local public
23 health requirements, and current core canine vaccines and
24 immunizations as dictated by local veterinary practice standards,
25 which, at a minimum, include distemper, parvovirus, and adenovirus-
26 2.
27

28 4. As used in this act, P.L. , c. (C.) (pending before the
29 Legislature as this bill):

30 "Disability" means a physical or sensory disability, infirmity,
31 malformation, or disfigurement which is caused by bodily injury,
32 birth defect, or illness including epilepsy and other seizure disorders,
33 and which shall include, but not be limited to, any degree of paralysis,
34 amputation, lack of physical coordination, blindness or visual
35 impairment, deafness or hearing impairment, muteness or speech
36 impairment, or physical reliance on a service animal, wheelchair, or
37 other remedial appliance or device, or any mental, psychological, or
38 developmental disability.

39 "Emotional support animal" means a dog that a health service
40 provider has determined provides the emotional support, well-being,
41 comfort, or companionship necessary to alleviate the symptoms of a
42 mental, emotional, psychological, or psychiatric condition or illness.
43 This definition shall not include other species of animals, whether
44 wild or domestic, trained or untrained.

45 "Service animal" means any dog that is individually trained to do
46 work or perform tasks for the benefit of an individual with a
47 disability, including a physical, sensory, psychiatric, intellectual, or

1 other mental disability. The work or tasks performed by a service
2 animal shall be directly related to the individual's disability. This
3 definition shall not include other species of animals, whether wild or
4 domestic, trained or untrained.

5 “State veterans’ residential facility” means any State veterans’
6 memorial home or Veterans Haven facility.

7
8 5. This act shall take effect immediately.

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10
11 STATEMENT

12
13 This bill permits veterans to have dogs as service and emotional
14 support animals at a State veterans’ residential facility.

15 Under federal law, service animals are permitted on federal
16 Department of Veterans Affairs (VA) property with some
17 restrictions. The federal regulation defines service animals as any
18 dog that is individually trained to do work or perform tasks for the
19 benefit of an individual with a disability, including a physical,
20 sensory, psychiatric, intellectual, or other mental disability. The
21 work or tasks performed by a service animal are required to be
22 directly related to the individual's disability. The federal regulation
23 does not include emotional support animals in its definition of service
24 animals; therefore, emotional support animals are not permitted on
25 federal VA property.

26 Under the bill, the State law is aligned with federal standards by
27 permitting dogs as service animals at State veterans’ residential
28 facilities. The bill further expands beyond federal law to permit dogs
29 as emotional support animals at State veterans’ residential facilities.
30 As veterans become increasingly diagnosed with post-traumatic
31 stress disorder (PTSD), health care providers are recommending an
32 emotional support animal to many veterans. Under the bill, those
33 veterans with emotional support needs will not be excluded from
34 having a dog on State veterans’ residential facility property.

35 The bill prohibits animals other than service animals or emotional
36 support animals on a State veterans’ residential facility property
37 unless the animal is present for law enforcement purposes or under
38 the control of the Office of Research and Development in the federal
39 Department of Veterans Affairs. The bill also requires a veteran
40 accompanied by a service animal or emotional support animal to
41 provide documentation with the following information:

42 (1) the animal has been certified, trained, or licensed as a service
43 animal or emotional support animal, that lists the work or tasks the
44 animal has been trained to perform; and

45 (2) confirms the service animal or emotional support animal has
46 had a current rabies vaccine as determined by State and local public

1 health requirements, and current core canine vaccines and
2 immunizations as dictated by local veterinary practice standards,
3 which at minimum includes distemper, parvovirus, and adenovirus-
4 2.

5 Under the bill, "State veterans' residential facility" means any
6 State veterans' memorial home or Veterans Haven facility.