

[First Reprint]

ASSEMBLY, No. 3981

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 4, 2020

Sponsored by:

Assemblywoman AURA K. DUNN

District 25 (Morris and Somerset)

Assemblyman ROBERT J. KARABINCHAK

District 18 (Middlesex)

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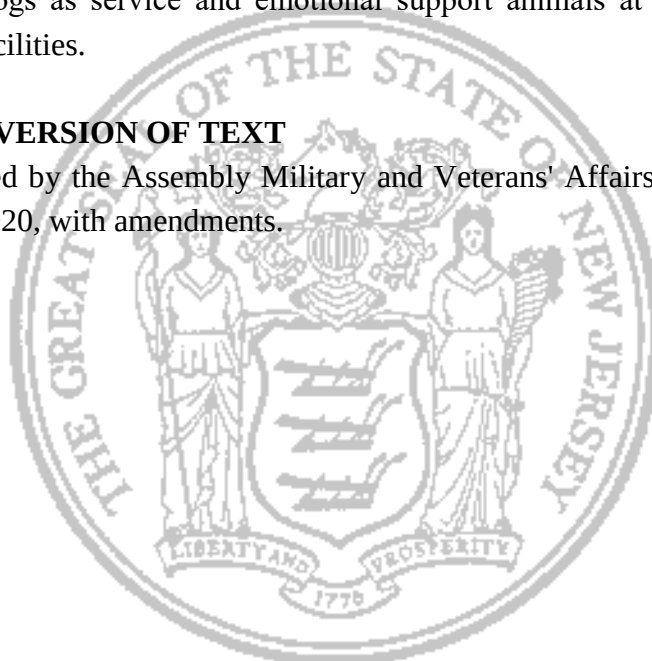
**Assemblyman Danielsen, Assemblywoman Murphy, Assemblyman
Dancer, Assemblywoman Gove, Assemblymen Rumpf, Benson and
Assemblywoman DiMaso**

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Assembly Military and Veterans' Affairs Committee on October 8, 2020, with amendments.



(Sponsorship Updated As Of: 10/29/2020)

1 AN ACT concerning service and emotional support animals at
2 certain State veterans' residential facilities and supplementing
3 chapter 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:

7
8 1. a. Notwithstanding any other law, rule, or regulation to the
9 contrary, service animals and emotional support animals **'[shall]**
10 may¹ be permitted at any State veterans' residential facility. ¹The
11 Department of Military and Veterans Affairs shall take into
12 consideration the health and respiratory needs of the residents when
13 considering the use of service and emotional support animals, and
14 shall adopt rules and regulations consistent with federal guidelines to
15 effectuate the provisions of this act, P.L. , c. (C.)(pending before
16 the Legislature as this bill).¹

17 A service animal or emotional support animal ¹permitted at any
18 State veterans' residential facility¹ shall be under the control of the
19 veteran with the disability or an alternate handler at all times while on
20 a State veterans' residential facility property. A service animal or
21 emotional support animal shall have a harness, leash, or other tether,
22 unless either the handler is unable because of a disability to use a
23 harness, leash, or other tether, or the use of a harness, leash, or other
24 tether would interfere with the service animal's safe, effective
25 performance of work or tasks, in which case the service animal or
26 emotional support animal shall be otherwise under the handler's
27 control by voice control, signals, or other effective means. A State
28 veterans' residential facility shall not be responsible for the care or
29 supervision of a service animal or emotional support animal.

30 b. Except as provided in this subsection, animals other than
31 service animals or emotional support animals shall not be permitted on
32 a State veterans' residential facility property. A State veterans'
33 residential facility head or designee may permit certain non-service
34 animals and non-emotional support animals to be present on State
35 veterans' residential facility property for the following reasons:

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

39
40 2. a. A service animal or emotional support animal shall be
41 denied access to a State veterans' residential facility or removed
42 from that facility if:

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

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AMV committee amendments adopted October 8, 2020.

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

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

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

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

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

16 c. If a service animal or emotional support animal is denied
17 access to a State veterans' residential facility or removed from that
18 facility pursuant to subsections a. and b. of this section, the State
19 veterans' residential facility shall give the veteran with a disability
20 the opportunity to obtain services without having the service animal
21 or emotional support animal on the State veterans' residential
22 facility property.

23

24 3. A veteran accompanied by a service animal or emotional
25 support animal shall provide documentation with the following
26 information:

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

30 (2) confirms the service animal or emotional support animal has
31 had a current rabies vaccine as determined by State and local public
32 health requirements, and current core canine vaccines and
33 immunizations as dictated by local veterinary practice standards,
34 which, at a minimum, include distemper, parvovirus, and
35 adenovirus-2.

36

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

39 "Disability" means a physical or sensory disability, infirmity,
40 malformation, or disfigurement which is caused by bodily injury,
41 birth defect, or illness including epilepsy and other seizure
42 disorders, and which shall include, but not be limited to, any degree
43 of paralysis, amputation, lack of physical coordination, blindness or
44 visual impairment, deafness or hearing impairment, muteness or
45 speech impairment, or physical reliance on a service animal,
46 wheelchair, or other remedial appliance or device, or any mental,
47 psychological, or developmental disability.

1 “Emotional support animal” means a dog that a health service
2 provider has determined provides the emotional support, well-
3 being, comfort, or companionship necessary to alleviate the
4 symptoms of a mental, emotional, psychological, or psychiatric
5 condition or illness. This definition shall not include other species
6 of animals, whether wild or domestic, trained or untrained.

7 “Service animal” means any dog that is individually trained to do
8 work or perform tasks for the benefit of an individual with a
9 disability, including a physical, sensory, psychiatric, intellectual, or
10 other mental disability. The work or tasks performed by a service
11 animal shall be directly related to the individual's disability. This
12 definition shall not include other species of animals, whether wild
13 or domestic, trained or untrained.

14 “State veterans’ residential facility” means any State veterans’
15 memorial home or Veterans Haven facility.

16

17 5. This act shall take effect immediately.