

[First Reprint]

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, Brown and Cruz-Perez

SYNOPSIS

Permits dogs to visit at State veterans' residential facilities.

CURRENT VERSION OF TEXT

As reported by the Senate Military and Veterans' Affairs Committee on June 15, 2021, with amendments.



(Sponsorship Updated As Of: 6/16/2021)

1 AN ACT concerning ¹**service and emotional support animals**
 2 dogs¹ at certain State veterans' residential facilities and
 3 supplementing 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**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
 11 animal or emotional support animal shall be under the control of the
 12 veteran with the disability or an alternate handler at all times while
 13 on a State veterans' residential facility property. A service animal
 14 or emotional support animal shall have a harness, leash, or other
 15 tether, unless either the handler is unable because of a disability to
 16 use a harness, leash, or other tether, or the use of a harness, leash,
 17 or other tether would interfere with the service animal's safe,
 18 effective performance of work or tasks, in which case the service
 19 animal or emotional support animal shall be otherwise under the
 20 handler's control by voice control, signals, or other effective means.
 21 A State veterans' residential facility shall not be responsible for the
 22 care or supervision 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.¹

32
 33 ¹1. a. Notwithstanding any other law, rule, or regulation to the
 34 contrary, dogs, including, but not limited to emotional support dogs,
 35 may be permitted at any State veterans' residential facility on a
 36 temporary basis.

37 If permitted by the State veterans' residential facility, family
 38 members of residents at the facility may bring a dog to visit the
 39 resident. At the request of the State veterans' residential facility,
 40 animal shelters, nonprofit organizations, including but not limited to
 41 animal organizations and veterans service organizations, or charity
 42 groups may also bring dogs to the facility to visit residents at the
 43 facility.

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:

¹Senate SMV committee amendments adopted June 15, 2021.

1 The Department of Military and Veterans Affairs shall take into
2 consideration the health and respiratory needs of the residents when
3 considering the presence of dogs at a State veterans' residential
4 facility, and shall adopt rules and regulations consistent with federal
5 law and guidelines to effectuate the provisions of this act, P.L. , c.
6 (C.)(pending before the Legislature as this bill).

7 b. (1) A dog brought to a State veterans' residential facility by a
8 family member of a resident shall have a harness, leash, or other
9 tether. If the handler is unable because of a disability to use a harness,
10 leash, or other tether, the dog shall be under the handler's control by
11 voice command, signals, or other effective means.

12 (2) A dog brought by an animal shelter, nonprofit organization, or
13 charity group may go without a harness, leash, or other tether in an
14 outdoor setting at the discretion of the dog's handler and the
15 management at the facility. If in an indoor setting, a dog brought by
16 an animal shelter, nonprofit organization, or charity group shall have a
17 harness, leash, or other tether. If the handler with the animal shelter,
18 nonprofit organization, or charity group is unable because of a
19 disability to use a harness, leash, or other tether, the dog shall be under
20 the handler's control by voice command, signals, or other effective
21 means.

22 c. The Department of Military and Veterans Affairs may designate
23 a specific indoor, outdoor, or indoor and outdoor area at the State
24 veterans' residential facility for dogs that are visiting a resident of the
25 facility. A State veterans' residential facility shall not be responsible
26 for the care or supervision of a dog while the dog is at the facility. The
27 facility may, but shall not be required to, provide bowls with water to
28 visiting dogs.

29 d. Nothing in this section shall affect the ability of the Department
30 of Military and Veterans Affairs to adopt rules and regulations
31 consistent with federal law and guidelines to permit or prohibit a dog
32 from being at the facility overnight or permanently.¹

33
34 2. a. A ¹**["service animal or emotional support animal"] dog**¹
35 shall be denied access to a State veterans' residential facility or
36 removed from that facility if:

37 (1) the ¹**["animal"] dog**¹ is not under the control of the ¹**["veteran**
38 with a disability or an alternate"]¹ handler;

39 (2) the ¹**["animal"] dog**¹ is not trained to eliminate its waste in an
40 outdoor area; or

41 (3) the ¹**["animal"] dog**¹ otherwise poses a risk to the health or
42 safety of people or other ¹**["service animals or emotional support**
43 **animals"] dogs**¹.

44 b. In determining whether ¹**["an animal"] a dog**¹ poses a risk to
45 the health or safety of people or other ¹**["service animals"] dogs**¹, the
46 State veterans' residential facility shall make an individualized

1 assessment based on objective indications to ascertain the severity
2 of the risk, including, but not limited to, the following:

3 1) external signs of aggression from the ¹service animal or
4 emotional support animal dog¹, such as growling, biting or
5 snapping, baring its teeth, lunging; or

6 (2) external signs of parasites on the ¹service animal or
7 emotional support animal dog¹, including fleas or ticks, or other
8 external signs of disease or bad health, including diarrhea or
9 vomiting.

10 c. ¹If a service animal or emotional support animal is denied
11 access to a State veterans' residential facility or removed from that
12 facility pursuant to subsections a. and b. of this section, the State
13 veterans' residential facility shall give the veteran with a disability
14 the opportunity to obtain services without having the service animal
15 or emotional support animal on the State veterans' residential
16 facility property. Prior to permitting a dog at the State veterans'
17 residential facility, the handler shall provide documentation to the
18 facility that the dog has had a current rabies vaccine as determined
19 by State and local public health requirements, and current core
20 canine vaccines and immunizations as required by local veterinary
21 practice standards, which, at a minimum, shall include distemper,
22 parvovirus, and adenovirus-2. The vaccination and immunization
23 documentation requirement in this subsection shall not apply to
24 service dogs.¹

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

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

32 (2) confirms the service animal or emotional support animal has
33 had a current rabies vaccine as determined by State and local public
34 health requirements, and current core canine vaccines and
35 immunizations as dictated by local veterinary practice standards,
36 which, at a minimum, include distemper, parvovirus, and
37 adenovirus-2.¹

38
39 ¹4. ¹3. As used in this act, P.L. , c. (C.) (pending before
40 the Legislature as this bill):

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

1 other remedial appliance or device, or any mental, psychological, or
2 developmental disability.

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

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

17 “State veterans’ residential facility” means any State veterans’
18 memorial home or Veterans Haven facility.

19

20 **‘[5.] 4.’** This act shall take effect **‘[immediately] on the 60th**
21 **day after the date of enactment, but the Department of Military and**
22 **Veterans Affairs may take any anticipatory administrative action in**
23 **advance thereof as may be necessary for the implementation of this**
24 **act’**.