

Memorandum Urging Approval

COMMITTEE ON ANIMALS AND THE LAW

Animals #13-GOV

September 15, 2017

S. 6565

By: Senator Marchione

A. 6801-A

By: M. of A. Titone

Senate Committee: Rules

Assembly Committee: Agriculture

Effective Date: Immediately

AN ACT to amend the agriculture and markets law, in relation to examining the need for standards for the designation of therapy dogs and the definition and identification of therapy dogs.

LAW & SECTION REFERRED TO: Sections 108, 111, and 118 of the Agriculture and Markets Law.

THE COMMITTEE ON ANIMALS AND THE LAW **SUPPORTS THIS LEGISLATION AND URGES ITS APPROVAL**

This bill directs the Commissioner of Agriculture and Markets (commissioner) to examine whether New York State should develop standards for the licensing, certification, training, and evaluation of therapy dogs. The bill also charges the commissioner with examining the rights and responsibilities of therapy dog owners. It would also have the commissioner examine the differences between therapy dogs, service dogs, emotional support animals, and other similar types of dogs and animals. In conducting this study, the commissioner shall consult with the Commissioners of the NYS Department of Health and the NYS Division of Human Rights, and representatives of the dog training industry, the disability community, animal protection organizations, the business community, and local government officials. The study shall look into the need for identification of therapy dogs, the rights and responsibilities of such dog owners, and the use of therapy dogs in institutions and facilities. The commissioner shall report to the governor, the temporary president of the senate and the speaker of assembly no later than October 1, 2018 on his findings regarding the need for standards and public information regarding therapy dogs.

In addition, the bill updates the definition of therapy dog under Subdivision 26 of Section 108 of the Agriculture and Markets Law to clarify that they do not qualify as service dogs. Subdivision 4 of Section 111 of the Agriculture and Markets Law would be

amended to authorize municipalities to grant a license tag for therapy dogs. Finally, Paragraph (c) of Subdivision 1 of Section 118 of the Agriculture and Markets Law would be amended, making it illegal to knowingly put a false identification tag on a therapy dog. The act would be effective immediately.

Service dogs have long been defined and protected under both state and federal law. Under the law, therapy dogs are a gray area. It is important to note the difference between service and therapy dogs and to have that clarification formalized under state law. This recommended study would help determine what standards should be put in place to assist all parties involved.

It is well established that service dogs provide an important medical service to their owners in public, and their training is broadly respected. Under the federal Americans with Disabilities Act (ADA), businesses must allow free access to people with service dogs, and are largely restricted from inquiring about the dog. There are currently no specific training requirements mandated by the ADA or the State Attorney General regarding the training of service dogs, but they are required to serve a specific medical purpose, and the ability to fulfill this specific purpose requires significant training.

Therapy dogs and emotional support animals do not qualify as service animals; they do not have to have a specified medical purpose. Like service dogs, therapy dogs do not have a state standardized training certification, but unlike service dogs, it is easier for individuals to claim that their dog is a therapy dog and attempt to bring the dog into a public establishment where it would otherwise be excluded.

While the value and importance of a therapy dog or emotional support animal shall not be diminished, as they have been shown to have a positive emotional effect on not only their owner, but on those they visit, it is important to clear up the confusion between service dogs, therapy dogs, and emotional support animals. The commissioner should study this issue and make recommendations regarding if and what standards should be imposed regarding the training and privileges of these animals in New York and how to clear up confusion about the roles and accommodation of various dogs and other animals. The commissioner should work closely with individuals, communities, and organizations that are directly affected by this issue to assist in determining the standards needed.

For the foregoing reasons, the Committee on Animals and the Law **SUPPORTS** this legislation and **URGES ITS APPROVAL** by the Governor.