

## Memorandum in Support

### COMMITTEE ON ANIMALS AND THE LAW

Animals #5

February 23, 2023

S. 4717

By: Senator Sanders

A. 3149

By: M. of A. Hunter

Senate Committee: Veterans, Homeland Security and Military Affairs

Assembly Committee: Veterans' Affairs

Effective Date: 180<sup>th</sup> day after it shall have become a law

**AN ACT** to amend the executive law, in relation to authorizing the department of veterans' services to provide eligible veterans with financial assistance for purchasing, training and the upkeep of service dogs and emotional support dogs.

**LAW & SECTION REFERRED TO:** Amends the Executive Law by adding a new section 29-b.

### THE COMMITTEE ON ANIMALS AND THE LAW SUPPORTS THIS LEGISLATION

S.4717 / A.3149 seeks to amend the Executive Law by adding a new section mandating the Department of Veterans' Services to provide financial assistance to eligible veterans for the purchase and support of service dogs and/or emotional support dogs.

We support the proposed legislation's goal to connect low-income veterans with trained service and/or emotional support dogs. Sadly, many veterans experience continuing emotional distress that requires medical intervention long after their service has ended and they have returned home. Research reveals<sup>1</sup> that veterans who suffer from Post-Traumatic Stress Disorder ("PTSD") or traumatic brain injury ("TBI") benefit when their treatment is complemented with dogs.<sup>2</sup>

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<sup>1</sup>O'Haire, Marguerite E. and Rodriguez, Kerri E. "Preliminary efficacy of service dogs as a complementary treatment for posttraumatic stress disorder in military members and veterans." *Journal of Consulting and Clinical Psychology*, 2018 Feb.; Vol. 86(2); 179-188, also available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5788288/> (Last visited on 3/21/2022).

<sup>2</sup> The main distinction between a service and an emotional support animal is a service one has been trained to perform a task directly related to a person's disability, e.g., a person who uses a wheelchair may have a dog that is trained to retrieve objects for them. Generally, comfort animals are not "necessarily" trained in certain tasks although they certainly provide an important role to veterans who need emotional support. This distinction has been codified in the regulations promulgated pursuant to The Americans with Disabilities Act. Disabled American Veterans: Service Animals, <https://www.dav.org/veterans/resources/service-animals/> (last visited March 14, 2022).

If passed into law, the bill provides that the Department of Veterans' Services shall grant an eligible veteran,<sup>3</sup> when diagnosed with a disability arising from PTSD and/or TBI, up to \$7500 for the purchase of and training of service dog. The grant assistance provides \$50 a month for the continued upkeep of the service dog. In addition, the Department of Veterans' Services shall grant an eligible veteran<sup>4</sup> up to \$500 for the purchase of and training of an emotional support dog when a licensed mental health provider certifies it would be helpful. The grant assistance provides \$35 a month for the continued upkeep of the emotional support dog, and it is exclusively restricted to veterans with PTSD or TBI.

With respect to eligibility for a service dog, this bill, if it becomes law, will permit a licensed physician or mental health professional to diagnose the veteran with a disability arising from PTSD and/or a TBI. Eligibility for an emotional support dog requires a licensed physician or mental health provider to certify that the veteran would benefit from the use of a service dog or emotional support dog.

This state legislation would helpfully supplement, but not overlap with, the recently enacted federal law, The Puppies Assisting Wounded Service Members for Veterans Therapy Act, known as PAWS.<sup>5</sup> PAWS requires the U.S. Department of Veterans Affairs ("DVA") to establish a five-year pilot program to provide veterans diagnosed with post-traumatic stress disorder service dogs and training to benefit from having them to. It also requires the Secretary of the DVA to provide "commercially available veterinary insurance" for each dog provided to any veteran who is provided a dog under this law.<sup>6</sup> Unlike the federal PAWS law, the proposed state legislation is not limited to service dogs but also includes emotional support dogs.

The Committee on Animals and the Law commends the legislature for recognizing the specific needs of veterans diagnosed with PTSD and/or TBI. We note that emotional support animals are not restricted to dogs in other contexts, and that they may include many different animal species that provide comfort for the person in need of support. Should this bill become law, future consideration might be given to including additional animals as emotional support animals to provide an even greater benefit to those veterans who would benefit from their use.

For the foregoing reasons, the Committee on Animals and the Law **SUPPORTS** the passage and enactment of this legislation.

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<sup>3</sup> Eligible veterans are defined as residents of New York State, who served on active duty as members of the Armed Forces or National Guards and not dishonorably discharged. Their annual income may not exceed \$50,000.

<sup>4</sup>*Id.*, n. 3, *supra*.

<sup>5</sup> 38 U.S.C. §1714.

<sup>6</sup> 38 U.S.C. § 1714 (f)(1).