U.S. service members returning home from combat often face physical, mental and emotional challenges. Providing service dogs to these veterans is one method being used successfully to help address the difficulties they face. Under the federal Americans with Disabilities Act (ADA), a service animal is defined as “any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability.” The work the dog undertakes must be directly related to the person’s disability. Examples include guiding people who are blind, pulling a wheelchair, alerting a person with hearing loss, protecting a person having a seizure, and calming someone with post-traumatic stress disorder (PTSD) during an anxiety attack or psychiatric episode.

Terms in other federal acts include “assistance animal” under the Fair Housing Act and “service animal” under the Air Carrier Access Act. These broader definitions are not affected or limited by the ADA definition of service animal. Though they provide companionship and relieve loneliness, emotional support animals, comfort animals and therapy dogs do not meet the definition of service animals under the ADA because they have not been trained to perform a specific job or task related to the individual’s disability. Under the ADA, service dogs do not require certification or licensing, nor must they wear an identifying vest, although service dog training organizations often will provide certification of their training.

State Action
Generally, all states conform their laws with the Americans with Disabilities Act when it comes to ensuring that service dogs have access to public accommodations—entities used by the public such as retail stores, service establishments and educational institutions. A recent trend has been for states to align their laws with U.S. Department of Justice (DOJ) regulations, which state, “under the ADA, state and local governments, businesses, and nonprofit organizations that serve the public generally must allow service animals to accompany people with disabilities in all areas of the facility where the public is normally allowed to go. For example, in a hospital it would be inappropriate to exclude a service animal from areas such as patient rooms, clinics, cafeterias, or examination rooms. However, it may be appropriate to exclude a service animal from operating rooms or burn units where the animal’s presence may compromise a sterile environment.”

States had addressed access rights for service animals for people with disabilities before the federal ADA came into effect. Today, states continue to strengthen access and enhance service dogs’ availability to veterans in a number of ways. A 2015 Florida bill broadens the definition of a person with a disability to include a number of physical and mental condi-
tions, including PTSD and traumatic brain injury (TBI). It conforms Florida law to the ADA in defining a service dog and states that public accommodations must modify their policies and practices as needed to permit people with disabilities to use a service animal. It also defines penalties for people who misrepresent themselves as qualified to use and/or train a service dog.

Enacted legislation in several states makes it easier for veterans and those with disabilities to access service dogs. Legislation in Virginia in 2014 conformed the definition of service dogs more closely to that of the ADA and the DOJ by providing a new definition of “otherwise disabled person” that is very inclusive of all types of disability. Louisiana in 2014 similarly expanded the definitions of disabilities and the types of disabilities recognized for which a service dog may be employed. New York conformed its law with the ADA service animal definition in 2014, as did both Texas and New Mexico in 2013. A package of bills pending in Michigan (HB 4521/HB 4527/SB 298/SB 299) would expand the legislative definition and scope of service animals to include veterans with PTSD and TBI. The Maine Legislature passed a resolution in 2015 to establish a task force to ensure integrity in the use of service animals by examining training requirements, certification standards, the need to educate the public and housing issues related to service animals.

Given uncertainty in federal provision of service dogs for veterans with PTSD (see below) and the high cost of training and providing service dogs, several states—including North Dakota in 2015 and 2013—have set up funding to help veterans obtain a service dog. A Connecticut bill would require that health care insurance cover the purchase of service dogs. A 2015 New York bill would provide a $5,000 grant for purchasing and training service dogs if they are deemed medically necessary by a physician. Pennsylvania passed a resolution in 2014 asking that Congress and the U.S. Department of Veterans Affairs (VA) consider authorizing the use of service dogs by veterans who suffer from PTSD and other emotional trauma.

Federal Action
Congress in 2009 gave the VA authority to provide service dogs that assist with mental disabilities. In 2012, the VA issued a final rule on what kind of service dogs it would cover. The rule covers service dogs that help with hearing and vision impairment and dogs used to treat mobility issues, including those arising from TBI. However, the VA decided to exclude coverage of psychiatric service dogs that assist veterans suffering with PTSD because research does not show dogs actually help treat PTSD and its symptoms. According to its Web page, “VA has started a research study to determine if there are things a dog can do for a veteran with PTSD that would qualify the animal as a service dog for PTSD.” This study was mandated by the 2010 Franken-Isakson Service Dogs for Veterans Act. The study restarted in March 2015 after a number of setbacks and is scheduled for completion in 2018. It should be noted that service dog expenses are medical costs approved by the Internal Revenue Service for inclusion on a person’s tax return.

The Wounded Warrior Service Dog Act of 2015, which is pending in Congress, “directs the secretaries of Defense and Veterans Affairs to jointly establish the K-9 Companion Corps program for the awarding of grants to assist nonprofit organizations in establishing, planning, designing, and/or operating programs to provide assistance dogs to certain members of the Armed Forces and veterans who have certain listed disabilities,” including TBI and PTSD. The act authorizes $5 million for each of the next five fiscal years.

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Additional Resource
U.S Department of Justice, Civil Rights Division, Frequently Asked Questions about Service Animals and the ADA, July 2015.