

## PSDP Statement on VA Service Dog Law P.L. 112-154

On August 6th, 2012, the United States Congress passed House Resolution 1627 into law as Public Law 112-154. Psychiatric Service Dog Partners is against this law. It is a common misperception that Section 109 of this law prohibits a service dog from accompanying its disabled handler on VA property, if that service dog has not been trained by an ADI-accredited organization. This misperception is understandable, given the somewhat counterintuitive wording of the law. Below, we'll take a careful look at what the law itself says. We hope it will become clear that the law does not bar owner-trained service dogs on VA property, but we will also see that there is some cause for alarm.

*P.L. 112-154 Sec. 109: What the law says*

**Public Law 112-154 does not require that service dogs be trained by an accredited organization in order to gain access to VA property.** Nor does it require that any proof of training be kept on hand or shown to VA officials. What P.L. 112-154 does say is that service dogs trained by an 'appropriately' accredited organization cannot be refused access on VA property. The law does **not** grant the VA the right to refuse access to any well-behaved service dog, even if that service dog has not been trained by an accredited organization.

Please do not take Psychiatric Service Dog Partners' word for it. Read the text yourself (below), and you'll see that P.L. 112-154 does not give the VA the right to refuse access to any service dog whatsoever, for any reason. Instead, a literal reading of the law actually *blocks* the VA from refusing access to certain service dogs! Here is Sec. 109, with bracketed (“[”, “]”) phrases added in two places for clarification:

“Section 901 [of Title 38 Chapter 9 of the US Code] is amended by adding at the end the following new subsection:

“(f)(1) The Secretary [of the Department of Veterans Affairs] may not prohibit the use of a covered service dog in any facility or on any property of the Department or in any facility or on any property that receives funding from the Secretary.

“(2) For purposes of this subsection, a covered service dog is a service dog that has been trained by an entity that is accredited by an appropriate accrediting body that evaluates and accredits organizations which train guide or service dogs.’”

What subsection (f)(1) does is just the first part of the puzzle. It stops the VA from being able to bar someone from using a “covered” service dog on VA property. To be perfectly clear, it does **not** grant the VA authority to bar the use of any ‘non-covered’ service dog. It says **nothing** about service dogs that are not “covered”, and it has no logical implication about those service dogs.<sup>1</sup>

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<sup>1</sup> It is common to think in the following way: Because the law says *covered* service dogs *cannot* be prohibited, then it must be the case that *non-covered* service dogs *can* be prohibited. Even though our brains

This means that legally, nothing changes regarding non-covered service dogs.

So what is a “covered” service dog? This is answered in the second half of the puzzle, subsection (f)(2). It explains that a “covered” service dog is one trained by some person or organization that is accredited.

There are three parties involved here: 1) service dog teams (dog plus handler), 2) trainers of service dogs, and 3) groups that accredit service dog trainers. There are no specific persons or organizations that are named in the law, either as acceptable trainers or accreditors. Who qualifies is left open by a simple description the accreditors must meet.

The group that does the accrediting must be an “appropriate” group that both “evaluates and accredits” organizations that train service dogs. So if there’s nothing ‘inappropriate’ about a group, and that group evaluates and accredits service dog trainers or training organizations, then service dogs are “covered” when trained by any trainer the group accredits. The use of those service dogs cannot be stopped on VA property.

Of course, as we’ve seen, P.L. 112-154 can’t legally be used to stop the use of any well-behaved service dog. So what is the point of the law—is there any cause for alarm?

#### *PSDP’s stance*

Psychiatric Service Dog Partners sees Public Law 112-154 as a mixed bag. We are happy that it does not, as many people interpreted it, block VA access for owner-trained service dogs. P.L. 112-154 provides no legal grounds for denying access to well-behaved psychiatric service dogs of any type of training background.

On the other hand, there are many negative aspects of this law. It is troubling that it was written in a way that caused so many people to think they would be denied access with their service dogs, since for some, this belief has caused them to simply avoid going to the VA to get the care they need and deserve.

Also, it is unclear what the authors intended when writing Section 109 of P.L. 112-154. Did the authors intend to write the law so that VA officials could not ask that a vicious or disruptive “covered” service dog leave the property? That seems to be a consequence of P.L. 112-154. Or did they intend (but fail) to write what many people thought they wrote—that owner-trained

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are wired in a way that makes this reasoning seem right, this natural tendency leads us astray. What shows us this is that both of the following statements can be true at the same time: (1) *Covered* service dogs cannot be prohibited, and (2) *non-covered* service dogs cannot be prohibited. Whether (1) is true is independent of whether (2) is true (and vice versa). In fact, (1) is true—covered service dogs cannot be prohibited on VA property—and in addition, well-behaved non-covered service dogs are still, by law, allowed on VA property.

service dogs are not to be allowed at VA hospitals?

This last question raises two worrisome issues. The first is that P.L. 112-154 may be intended as scaffolding for future laws that do prohibit owner-trained service dogs. Sometimes a foot in the door is what's needed to get an unjust law passed.

The second worrisome issue raised by the question is that VA officials at different facilities may act as if P.L. 112-154 prohibits owner-trained service dogs on VA property, whether due to a misunderstanding of P.L. 112-154, or just due to a personal agenda. Memoranda that instruct VA personnel about policies are likely to interpret laws for practicality's sake, rather than merely provide the text of the laws themselves. Either way, VA employees could end up illegally and unjustly restricting access for well-behaved owner-trained service dogs, and may think that P.L. 112-154 justifies their doing so.

If you are opposed to laws like P.L. 112-154, be sure your national representatives know that you do not support laws that restrict access for people with disabilities using owner-trained service dogs. Laws that make life more difficult for people with disabilities can only be passed if others fail to let their representatives know about the value and importance of owner-trained service dogs.