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Comparative Review

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Summary

This document was drafted at the request of the Knesset Labor and Welfare Committee in response to deliberation on the Equal Rights For Persons With Disabilities Bill (Amendment No. 21) (Use of a Service Animal) 2022-5782. This bill aims to regulate accessibility to individuals with disabilities who are accompanied by service animals, similar to current legislation concerning guide dogs, and the training and identification of service animals.

In the first part of the document, we address existing regulations in Israel and the context of the bill. Legislation concerning <u>guide dogs</u> has been in place since 1993, providing full accessibility to blind individuals accompanied by guide dogs, and similar accessibility to trainers or foster carers of the dogs. The regulations cover identification and marking of guide dogs that are under the guidance of a foster carer or trainer. The Ministry of Welfare and Social Affairs has set out guidelines stating that a permanently blind individual who meets predetermined criteria is eligible to request a guide dog. Both the Ministry of Welfare and the Ministry of Defense have established rules recognizing guide dog schools and outlining participation in relevant activities. These activities include training the blind person, providing the dog, facilitating matches, and offering support. Ministry of Welfare guidelines also detail the recognition process for guide dog training schools, criteria for receiving a guide dog, responsibilities of both the owner and the school, and participation in funding as mentioned above.

Service dogs are addressed in several existing regulations, but it seems that these are not comprehensive and leave unanswered questions that surface in day-to-day life. The Equal Rights for Persons with Disabilities Law addresses the timeline for medical service facilities to adapt themselves for access by individuals with disabilities who are aided by service animals. The Equal Rights for Persons with Disabilities (Service Accessibility Adjustments) Regulations, 2013-5773, define a service animal as **an animal that was specifically trained to carry out various tasks for people with disabilities**. These regulations enable accessibility for individuals with a service dog, but require dog owners to display a marker on the dog or show documented certification of its role. However, these regulations lack details regarding training and recognition of service dogs and do not state who should issue a service dog certificate or how a service dog should be marked. The regulations specify that in places where it is impossible to admit dogs (such as an operating room), the service provider must arrange for an apparatus where the service animal can stay until the service is provided. Additional regulations introduced over the years address the accessibility of certain other services (each service separately) to those accompanied by a service animal. These services include educational institutions, public transportation (partially), healthcare facilities, public pools, and more.

Previous Knesset Deliberations and Further Governmental Activity

• A National Insurance Institute pilot project that ran from 2017 to 2020 explored the benefits of pairing service dogs with children and adults with motor disabilities. The project revealed issues related to accessibility and entrance to various locations. The Knesset Special Committee for the

Rights of the Child convened twice, in 2016 and 2018, to discuss these challenges and potential solutions. As part of these discussions, the committee approached several government entities that expressed their willingness to collaborate and advance these issues. However, they noted the need for regulating the training of service dogs. A request for a service dog training regulation was submitted in 2018 by the Commission for Equal Rights of Persons with Disabilities but ultimately, the regulation process was not completed. Nevertheless, several regulations were changed as a result of these discussions.

• In 2021, the government decided to fund a reform entitled *Nefesh Echat* (One Soul), aimed at streamlining the treatment of people recognized by the Ministry of Defense as having post-traumatic stress disorder. It was decided that service dogs would be used as one way to aid people with PTSD. To meet the reform's objectives on this, the Ministry of Defense contacted several service dog providers. Among other requirements, the ministry established that **providers must comply with international standards and initially deliver 70 dogs (within two years of the decision on the reform).**

Service Dog Training

The state of Israel does not require a license for dog training in general, or for service dogs in particular and therefore there are no guidelines or supervision for this. There are no mandatory guidelines on training dogs or customers on the use of the dogs; there are no guidelines on the length of a dog's training program, or dog trainer certification. In addition, **there is no comprehensive data on service dogs in Israel**. According to estimates, Israel currently has several dozen service dogs and several hundred guide dogs.

An examination of the schools currently operating in this field found that a typical training program includes the following components:

Service Dog Trainer Training: The trainers' training program covers several areas, including knowledge of canine communication and canine behavior modification, basic veterinary studies, and the training of dogs for various tasks.

Service Dog Training: The program lasts about two years, depending on the roles expected of the dog. Recommended breeds are Golden Retriever and Labrador Retriever, which are known for their calm demeanor. The puppies come from a known genetic pool that each school maintains. At three months, a puppy goes to a foster family where it receives basic training. At the age of one, it undergoes a series of comprehensive tests and begins training with its trainer. At the end of the training, the dog is paired with a client and learns about the client's routines and living environment.

The second part of this document presents comparative information on regulation of the service dog sector in various countries worldwide, as well as information on initiatives and international umbrella organizations aimed at setting accepted standards in the field. The international comparison included 24

countries in the OECD. The comparison is primarily based on available and relatively up-to-date information, but does not necessarily cover all relevant countries or all information about them.

Here are the primary findings of the comparison (a summary table of the data can be found in Appendix 1 of this document):

- Almost every country examined has some form of legislation regarding service dogs, usually within laws addressing accessibility and prohibition of discrimination against individuals with disabilities in public places. However, in some countries regulation is limited to the level of defining what a service dog is, without establishing an official mechanism for qualification and certification of such dogs that would enable distinguishing service dogs from pets that are not properly trained. This is the situation in the United States, the United Kingdom, Finland, and Israel (until July 2022).
- In most of the countries examined, there seems to be a system in place that includes a mechanism for officially recognizing assistance dogs and stipulating specific standards for their training. This is generally achieved through various means:
 - <u>Assigning a governmental body for regulation</u> In Austria, Germany, Luxembourg, New Zealand, three provinces in Canada, Japan, Hungary, and Australia (Queensland) various state bodies were authorized to take responsibility for this issue.
 - <u>Accreditation by an expert professional institute</u> In Austria, a university institute is responsible for examining the dogs; in Germany, a professional body recognizes schools according to a new amendment to the law; in Portugal, a government institute is authorized.
 - <u>Relying on an international umbrella organization</u> Assistance Dogs International (ADI) and International Guide Dog Federation (IGDF) are explicitly mentioned in the legislation of several countries as accrediting bodies for schools. However, this is not an exclusive criterion in any of the countries studied.
 - Direct accreditation of certain schools.
 - o <u>Official competence test</u> for service dogs This exists in at least six of the countries examined.
- In recent years, Canada has made an effort at the federal level to establish a national standard for training service dogs through the Ministry of Veterans Affairs and in conjunction with the Standards Council of Canada. Development of this national standard was halted in 2018 due to inability to reach an agreement. The topic is currently being reconsidered by the Canadian House of Commons Standing Committee on Veterans Affairs.
- In Hungary, a unique mechanism was designed to manage this field: assigning a regulating government ministry; accrediting a body from within the field as a local umbrella organization to coordinate the issue, creating a mechanism for external examination and relying on international umbrella organizations.

An examination of international initiatives to create global standardization in the service dog field focused on **ADI – the oldest and largest global federation of organizations engaged in the training, preparation, and placement of assistance dogs** for people with disabilities. ADI's main focus is to create standards, provided in the document summary, and to accredit organizations using a peer-review system. Based on these standards, a public test is conducted at member schools in the federation. ADI only permits membership for non-profit institutions (and not for private trainers or business organizations).

Three other initiatives for international standardization in the service dog field were examined: two initiatives linked to the European Union that aim to create a consensus among European countries; and another initiative by the Canadian organization MSAR. MSAR was recognized as an accrediting organization for schools as part of the Israeli Ministry of Defense's *Nefesh Echat* reform and by the Canadian Department of National Defence. At this stage, our research has not identified any additional countries where regulation explicitly mentions MSAR.

1. Introduction

Service dogs are animals trained to help people with physical or emotional disabilities by providing close accompaniment at home or away. It seems that there are service animals that are not dogs, though this is not common in Israel.¹ It turns out that despite the fact that there are various animals that are sometimes used as service animals, dogs are the most common service animal, and we only address dogs in this paper.

In different countries and organization there are sometimes different definitions and terms used to describe the various types of service dogs and assistance dogs. Therefore, we present the generally accepted terms according to the well-known organization **Assistance Dogs International** (ADI), the largest and oldest in the field. According to ADI's list of terms², **assistance dog** is the widest definition for dogs trained in a special way to perform tasks that are meant to facilitate the functioning of people with disabilities. Within this definition are three main categories:

- **Guide Dog** –Dogs that assist people who have blindness or seriously impaired vision.
- Hearing Dog Dogs that assist people who have deafness or impaired hearing.

¹ Access Israel, <u>על נגישות וחיות שירות</u> On Access and Service Animals, retrieved: 9 May 2022. There are places in the world where miniature horses can be trained as guide horses or assistants for people with physical disabilities. There are also Capuchin monkeys that assist people who have disabilities thanks to their ability to grasp with their hands in a similar way to people (There are snakes that serve as emotional support, which are less service-oriented). In the U.S., the use of primates as service animals was outlawed in 2010 for reasons related to the welfare of the animals and the risk of passing diseases on to human beings.

² ADI, <u>ADI Terms & Definitions</u>, accessed: May 24th 2022.

- Service Dog Dogs that assist people who have other disabilities besides blindness and deafness. There are different specialties for different types of disabilities, and each dog learns the material it will need for its work:
 - Alert Service Dog A dog trained to warn its owner when it identifies early signs of development of a dangerous medical situation, such as an epilepsy attack or a rise in blood sugar in the case of people with diabetes. Sometimes they are also called Seizure Dogs.
 - Response Service Dog A dog trained to assist people with medical issues. It is capable of responding at the time of an outbreak of a dangerous medical situation, for example, by bringing the person medicine.
 - Psychiatric Service Dog A dog trained to moderate the effects of mental health-related disabilities.³
 - **Mobility Service Dog** A dog that assists people with mobility disabilities, particularly people who use a wheel chair.
 - **Developmental Service Dog** A dog that assists people with developmental problems, including people on the autism spectrum.⁴

According to ADI definitions, therapy dogs, emotional support dogs and companion dogs are not considered professional assistance dogs.⁵

Along with this categorization, it should be noted that in the U.S. for example, the law uses the term "service dog" generally to include guide, hearing, mobility service, alert service dogs, and so forth, while the term "assistance dog" is not addressed in the law⁶. There is a similar definition in Israeli legislation under **Equal Rights Regulations for Persons with Disabilities (Service Accessibility Adjustments) 5773-2013**. In the law in Australia (Queensland), distinction is made between guide, hearing, and assistance dogs, as a replacement category for service dogs, without reference to the category of service dogs. Other countries may also have a different categorization, but apparently, in most countries the ADI concepts are used.

³ Ibid. The terms mentioned thus far were all listed in he ADI glossary. Henceforth the terms will be from other sources connected to ADI.

⁴ Alberta, <u>Disabilities a service dog can mitigate</u>, accessed: June 13th 2022.

⁵ ADI, <u>ADI Terms & Definitions</u>, accessed: May 24th 2022.

⁶ U.S. Department of Justice, Civil Rights Division, <u>Service Animals</u>, updated: February 24th 2020, accessed: June 1st 2022.

Part A: Regulation in Israel (not translated)

Part B: International Comparison

2. International Comparison of Service Dog Regulation

In this part of the document, we present an international comparison of service dog regulation. Data is presented regarding 24 countries that are members of the OECD. The comparison is based on information that was available and relatively up-to-date, and it therefore does not include all relevant countries or use all the information in their regard.

Most of the countries are in Europe and most of the information about them is based on a query by the European Center for Parliamentary Research and Documentation (ECPRD) on assistance dog regulations that the legislatures of the countries responded to in 2018⁷. Additional detailed information was available mainly for English-speaking countries. It should be noted that the query dealt with "assistance dogs", i.e. also the regulation of guide dogs for the blind, and not just service dogs, and therefore not all the answers were relevant to our study.

In two of the countries, regulation is basically carried out on the state/provincial level and not on the federal level. In Canada, three provinces were examined where there is relatively developed and detailed legislation, but because of the similarity between them, the summary comparison includes only one example province, Nova Scotia. In Australia, we examined the state of Queensland, which is considered to have comprehensive relevant legislation. In the U.S., we did not look at the individual state level but at federal legislation.

A table summarizing the main points of information in the regulatory categories examined for the surveyed countries is presented at the end of this chapter.

2.1 Basic Regulation or Lack of Regulation Regarding Service Dogs

Of the countries examined, four have no regulation on service dogs, at least as of 2018: Sweden, Lithuania, Greece, and Estonia. In several other countries, though there is regulation, i.e. service animals are mentioned in legislation, the definition

In the comparison, 24 OECD countries were examined. Some of the information is based on an ECPRD questionnaire from 2018. Most of the current information is for English-speaking countries.

⁷ The European Centre for Parliamentary Research and Documentation (ECPRD) is an organization that operates under the auspices of EU parliaments and the European Council, and serves as a forum for cooperation and exchange of information between about 70 parliaments, located in about 50 member countries and in several observer countries (among them Israel) as well as international parliaments. The information was received in response to information Request 3834 of the Cyprus House of Representations, from 9 July 2018. The information on European countries in this section of the document is based on this source unless stated otherwise.

is extremely basic. In these cases, service animals are mentioned for the most part only in legislation dealing with prohibition of discrimination, which regulates the accessibility of people with disabilities to public places. As such, the way of identifying service animals and distinguishing them from other animals that the accessibility law is not supposed to apply to, that are not necessarily trained and qualified to spend time in a public space, remains obscure.⁸

That seems to be the situation in the U.K., Finland, the U.S., and Ontario, Canada. In the **U.S**., this is even more evident as the Americans with Disabilities Act (ADA) anti-discrimination law not only does not provide official tools for differentiating service animals, it also restricts the owners of institutions interested in receiving information about the service animal, permitting them to ask the dog owner only two questions: Is the dog a service animal required due to disability? What tasks has it been trained to perform? The law expressly prohibits asking about the type of disabilities, requesting medical certificates, requesting an identification card or training certificate for the dog, or asking for a demonstration of the dog's performance.⁹

In the **U.K**., there is a coalition of 8 assistance dog charities called ADUK that sets agreed upon standards for training dogs and issuing certification. The local coalition operates under the global coalition ADI (see below for more information on this organization). However, the law does not define any official authority to accredit dogs, thus there is no requirement to meet these standards, and not all service dogs are trained according to them.

A British parliament document that reviews this issue states that in 2016 there was a protest by assistance dog owners following a survey that found that approximately 75% of dog owners were refused service because of their dog. In several countries there is only basic regulation, that is, defining service dogs in the legislation without defining an official mechanism for recognizing how service dogs are certified.

This is the situation in the U.S., Finland, U.K., and Israel (until July 2022).

⁸ For the purpose of the overview, we treated this situation as partial regulation, while full regulation is a situation in which there is a law that requires accessibility and provision of services to owners of service animals and there is a mechanism for official recognition of service dogs, which allows simple identification of dogs to which the law applies. See Appendix 1.

⁹ U.S. Department of Justice, Civil Rights Division, <u>Service Animals</u>, updated: February 24th 2020, accessed: June 1st 2022.

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Alongside demands for stricter legislation and sanctions in cases of discrimination and lack of accessibility, there were also claims regarding the need for an official accreditation system for dogs trained according to recognized standards.¹⁰ According to ADUK, the cases of not providing services or accessibility to dog owners are due to the fact that there are dog owners who are not people with disabilities who exploit the law, and there are trainers who do not properly train dogs how to behave in public places. They claim that the current definition of assistance dogs does not adequately specify the level of training required.¹¹ In 2018, it was reported that the state was working on creating an agreed upon standard for accreditation of assistance dogs.¹²

It is interesting to see that while in most countries the regulations for service dogs are part of legislation regarding the rights of people with disabilities, in some countries, for example, Finland and New Zealand, service dogs are addressed in laws that refer to dogs in the public space. These laws in general restrict the freedom to bring dogs into public areas, but service and assistance dogs are exempt from these limitations.¹³

2.2 Official Mechanism for Accreditation of Assistance Dogs

In most of the countries examined there is apparently a regulation that does not amount to a general definition of a service animal, but rather includes a mechanism for officially accrediting assistance dogs, and sets a certain standard for training them. Some countries are even characterized by extensive and comprehensive legislation regarding service dogs: for example, in the province of Alberta in Canada there is a service dog law, service dog regulations, a training standard, and an official certification test for the dogs. There is similar regulation in other provinces in Canada and in Australia.

¹⁰ Oliver Bennett and Previn Desai, House of Commons Library, <u>Assistance dogs: issues</u>, briefing paper CBP 7668, August 12th 2016.

¹¹ Ibid, pp. 10-11.

¹² ECPRD, <u>response from the British Parliament</u>, Request for Information Number 3834 of the Cyprus House of Representatives, 9 July 2018.

¹³ New Zealand Legislation, <u>Dog Control Act 1996</u>, October 28th 2021, accessed: June 1st 2022.

There are some means that countries use to create a mechanism to officially accredit the training of a service dog. They are listed separately below, though for the most part they are not used exclusively, rather each country creates a combined mechanism of several of them:

- a. **Establishing a Master Government Body** responsible for management and supervision of the field. The master body might be directly involved in licensing dogs or authorizing schools or supervising the process performed by professional institutions, for example:
 - <u>Australia (Queensland)</u> Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships¹⁴
 - <u>Canada (Nova Scotia)</u> Service dog registry in the Ministry of Justice¹⁵
 - <u>New Zealand</u> Minister for Local Government, in consultation with the Minister of Disabled People and the Department of Internal Affairs.¹⁶
 - <u>Austria</u> Federal Ministry of Labor, Social Affairs, Health and Consumer Protection
 - <u>Germany</u> Ministry of Labor and Welfare, Standards Institute¹⁷
 - <u>Hungary</u> Ministry of Social Policy and Pension
 - <u>Luxembourg</u> Ministry of Family, Integration and the Greater Region
 - Japan Ministry of Health, Labor and Welfare¹⁸
- b. Appointment of a professional institution to manage the field, which is sometimes authorized to provide training for schools, officially accredit dogs, or conduct the certification test. A key example of this is **Austria**, where the Meserli Institute of the University of Veterinary Medicine in Vienna was accredited as an examining body, which appoints for this purpose professional experts in the field according to criteria detailed in the regulations. It appears that this institute is not responsible for certifying

There are several means countries use to create this mechanism: setting a regulatory government body; authorizing a specialist professional institute; relying on an international umbrella organization; direct accreditation in several schools; establishing an official competency test for service dogs.

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¹⁴ Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships, <u>About guide</u>, <u>hearing and assistance dogs legislation</u>, updated: June 23rd 2021, accessed: May 31st 2022.

¹⁵ Nova Scotia, <u>Service Dog Act</u>, accessed: May 31st 2022.

¹⁶ New Zealand Department of Internal Affairs, <u>Guidelines for authorisation to certify disability assist dogs</u>, accessed: June 1st 2022.

¹⁷ Bundesministerium der Justiz, <u>Gesetz zur Gleichstellung von Menschen mit Behinderungen</u>, Abschnitt 2b – Assistenzhunde, accessed: June 1st 2022 (translated for the RIC via the Knesset International Relations Dept.)

¹⁸ Japan Ministry of Health Labour and Welfare, <u>Assistance Dogs for Persons with Physical Disabilities Portal Site</u>, accessd: June 1st 2022.

schools, but publishes a list of schools that have passed the examination.¹⁹ In **Germany**, an amendment to the law was passed in 2021, according to which an expert body will be established to approve schools certified for training assistance dogs.²⁰ In **Portugal**, the National institute for Rehabilitation which operates under the Ministry of Labor Solidarity and Social Security is responsible for this.

- c. **Reliance on an international umbrella organization** that sets standards for schools. In some provinces in Canada, the legislation explicitly states that authorized schools are those that are members or candidates for membership in the large international organizations, ADI and IGDF. In Slovakia, there is reference to an international organization, but not a specific one. In Japan and Hungary there is also specific reference in the law to these organizations but only in exceptional cases, for example, for dog owners from abroad in the case of Japan.²¹ In New Zealand, it is recommended for organizations seeking certification to work according to the ADI standards.²² It should be noted that also in Canadian provinces there is an alternative for dogs that were not trained by these schools, for example, by passing an official state test. In other words, among the provinces we checked, there are apparently none for which this is the sole criterion. In Belgium and the UK, there are national federal organizations, but also there apparently there is no exclusivity to these organizations.
- d. Licensed schools or trainers either by determination of the institutions authorized by law (as in New Zealand for example)²³ or by the certification of schools by the responsible authority according to set criteria.
- e. An official standard competency test that must be passed regardless of the place where or the way the dog was trained. This exists for example in Australia (Queensland), Canada (the provinces mentioned above), Austria, Luxembourg,
- ¹⁹ Bundesministers für Arbeit, Soziales und Konsumentenschutz, <u>Richtlinien Assistenzhunde</u>, January 1st 2015 (translated for the RIC through the International Relations Dept. of the Knesset) Messerli Forschungsinstitut, Veterinärmedizinische Universität Wien, <u>Informationen über Assistenzhunde</u>, accessed: June 1st 2022.
- ²⁰ Bundesministerium der Justiz, <u>Gesetz zur Gleichstellung von Menschen mit Behinderungen</u>, Abschnitt 2b Assistenzhunde, accessed: June 1st 2022 (translated for the RIC through the International Relations Dept. of the Knesset).
- ²¹ Japan Ministry of Health Labour and Welfare, <u>"Assistance Dogs for Persons with Physical Disabilities" Portal Site</u>, accessed: June 1st 2022.
- ²² New Zealand Department of Internal Affairs, <u>Guidelines for authorisation to certify disability assist dogs</u>, accessed: June 1st 2022.
- ²³ New Zealand Legislation, <u>Dog Control Act 1996</u>, Schedule 5: Organizations authorized to certify dogs as disability assist dogs, October 28th 2021, accessed: June 1st 2022.

In some countries, the international umbrella organizations ADI and IGDF are explicitly mentioned in the legislation as providing sufficient accreditation for a school. However, among the countries that were examined, none were found to have this as an exclusive criterion.

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Slovenia and Hungary. As mentioned, there are countries where the test is optional, and alongside it is another course of training by approved schools. In Austria and Slovenia, there is a model of a two-stage test, where in the first stage the dog is tested together with the trainer in a basic behavioral test, after which training begins with the person with the disability, and in the second stage the test is together with the person with the disability on their joint functioning vis-à-vis specific skills required of the dog.

3. Examples of Regulation in Several Countries

It appears that none of the countries has one exclusive means of regulation. In all the countries where a mechanism is defined for certification of dogs, a certain mix of a few of these measures has been chosen. Following are described some of the mechanisms designed in countries that have comprehensive and somewhat detailed regulation.

3.1 Canada

3.1.1 Provincial Legislation (Nova Scotia)

In Nova Scotia there is a law from 2016 that deals specifically with service dogs (including hearing dogs), separate from the legislation for guide dogs.²⁴ According to the law, the Justice Minister is to appoint a Registrar of Service Dogs, who is in charge among other things of providing permits for service dogs and exams for service dogs.

According to the law, a dog can be licensed in two ways.²⁵

- a. Training at a licensed school. A school licensed according to regulations; needs to be a member or candidate for membership in one of two international guide dog organizations: ADI and IGDF.
- b. Passing an official certification test for service dogs. The test includes 40 exercises that check whether the dog is calm, stable and reliable in situations he may find himself in. The test is also designed to test the level of control the person with disabilities has over the dog and the quality of the dog's performance. The fee for the test is about \$190 and it is run by the St. John Ambulance organization which was appointed for this purpose.26

In the province of Nova Scotia there are two ways to license a service dog: training in an ADI or IGDF school, or passing an official certification test.

²⁴ Nova Scotia Legislature, <u>Service Dog Act</u>, May 20th 2016, accessed: May 31st 2022.

²⁵ Nova Scotia Office of the Registrar of Regulations, <u>Service Dogs Regulations</u>, updated: June 25th 2018, accessed: May 31st 2022.

²⁶ Nova Scotia, <u>Service Dog Assessment</u>, accessed: May 31st 2022.

A service dog needs to wear a collar or harness that identifies it as such. The dog's owner holds an identity card issued by the registrar at the Ministry of Justice which contains details about the dog, its owner, and a picture of them. Nova Scotia law does not include in the definition of service dog animals used for emotional support or therapy.²⁷

A similar situation exists in the Canadian provinces of Alberta and British Columbia. In Alberta, in addition to the automatic accreditation of schools that are members of ADI, there is accreditation of additional schools by the minister and the list is posted on a dedicated website.²⁸ In British Columbia, every school that is a member of ADI or IGDF, from any country or province, is considered a legally authorized school. The identification card of the school is sufficient by law, with no need for a certificate from the registrar. Nevertheless, regarding British Columbia, it is not completely clear whether the law requires official certification of a service dog for entry into public areas.²⁹

3.1.2 Attempt at Regulation at the Federal Level

It should be noted that among the authorities of the federal government in Canada, in recent years there has been an ongoing discussion on service dogs. In the Canadian federal government, as in the U.S. and Australia, there is a veterans affairs department, Veterans Affairs Canada (VAC). In 2015, the VAC held a one-year research pilot in which service dogs were given to 18 veterans with PTSD to examine the effectiveness and level of safety in using dogs to reduce symptoms and improve function of the subjects. Though some improvement was seen in some of the indicators, the VAC notes that the conclusions of the study were not unequivocal, apparently because of the small sample size and differences between dogs trained by different organizations.³⁰ A memorandum states that a more comprehensive study was conducted in 2021 by the U.S. Department of Veterans Affairs (USVA) that included 153 veterans with PTSD that found significant improvement in the condition of the subjects. As a result, the USVA began a new pilot starting January 2022 that will last five years.³¹

In Canada, in recent years, an attempt was made to formulate a national standard for training service dogs by the federal department for veterans affairs, in cooperation with the Standards Council of Canada.

²⁷ Nova Scotia, <u>Service Dog Act</u>, accessed: May 31st 2022.

²⁸ Alberta, <u>Approved service dog organizations</u>, accessed: May 31st 2022. Alberta also recognizes standards for training dogs that were adopted in Nova Scotia and in British Columbia.

²⁹ British Columbia, <u>Guide Dog and Service Dog Certification</u>, accessed: May 31st 2022.

³⁰ Standing Committee on Veterans Affairs, <u>Evidence</u> (Mr. Nathan Svenson, VAC), Number 26, May 12th 2021, p. 4.

³¹ Veterans Affairs Canada, <u>Service Dogs</u>, Briefing materials for the Minister: Standing Committee on Veterans Affairs (February 2022), December 7th 2021; <u>Service Dog Pilot Study - Frequently Asked Questions</u>, updated: November 11th 2019; <u>Service Dog Pilot Study Results</u>, updated: November 27th 2018; all accessed: June 9th 2022.

In addition, in 2015, the VAC began to promote establishment of an agreed upon national standard in Canada for training service dogs, and for this purpose it turned to the Canadian General Standards Borad (CGSB). The process of formulating the national standard was stopped in 2018 because of a lack of ability to reach an agreement between the members of the committee dealing with the issue.³² This subject was most recently re-examined by a committee in the Canadian House of Representatives responsible for handling veterans' issues, the Standing Committee on Veterans Affairs (ACVA). In the summer of 2021, the committee held a series of discussions on national standards for service dogs, in which it tried to understand why the initiative to formulate the standard was unsuccessful, and how they could act on the issue.³³

According to a senior official in the VAC who testified before the committee, the team that dealt with development of the standard released in 2017 a draft for public comments that received much criticism, from more than 600 pages of responses. The lack of agreement stemmed mainly from the candidacy of several stakeholders in industry and revolved around issues such as training time of the dog, the age at which training begin, and use of electronic collars.³⁴ The VAC representative also stated that the team discussed the proposal to adopt the standards of the ADI organization as is, but that met opposition because of the fact that many of the dog suppliers do not operate according these standards, and some of them claimed that these standards are not stringent enough.³⁵ Further discussions on this issue are currently being held in this committee.³⁶

3.2 Australia (Queensland)

In Queensland, Australia, there has been a law since 2009 (amended in 2016) that addresses guide, hearing, and assistance dogs. Regulations for the law were established in 2019.³⁷ The regulator for the field is a dedicated team dealing with the issue within the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships. To this department are submitted the applications for the approval of

³⁴ Standing Committee on Veterans Affairs, <u>Evidence</u> (Mr. Nathan Svenson, VAC), Number 26, May 12th 2021, p. 3.

- ³⁶ Standing Committee on Veterans Affairs, <u>Service Dogs for Veterans</u>, 44th Parliament, 1st Session, accessed: June 12th 2022.
- ³⁷ Queensland Legislation Header, <u>Guide, Hearing and Assistance Dogs Act 2009</u>, updated: April 27th 2016; <u>Guide,</u> <u>Hearing and Assistance Dogs Regulation 2019</u>, updated: September 2nd 2019; all accessed: May 31st 2022.

Preparing the national standard was stopped in 2018 because of the lack of ability to reach an agreement. Currently the subject is again being discussed in the ACVA of the Canadian House of Representatives.

³² Veterans Affairs Canada, <u>Service Dogs</u>, Briefing materials for the Minister: Standing Committee on Veterans Affairs (February 2022), December 7th 2021.

³³ Standing Committee on Veterans Affairs, <u>Service Dogs for Veterans</u>, 43rd Parliament, 2nd Session, accessed: June 12th 2022.

³⁵ Ibid p. 9.

trainers and dogs, and it is responsible for the official evaluation test.³⁸ A list of approved trainers and schools is posted on the government website (seven approved schools are specified in the law itself).³⁹ The department issues certificates for approved dogs. In addition to the certificate, the dog wears an identifying harness that indicates its type of training. It should be noted that the law and regulations do not specifically refer to an international umbrella organization. The person in charge of the certification must take into account whether the applying trainer is a member of a body that deals with promotion of dog training standards.⁴⁰

3.3 Hungary⁴¹

In Hungary, there is a unique situation in relation to the countries examined in terms of the way the state supervises the registration of licensed service dogs.

- a. **The Ministry of Social Policy and Pension** is responsible for guide and assistance dogs.
- b. Once every 5 years, the ministry appoints a **coordinating body of all organizations** in the field, which is responsible for the entire issue of dog certification and the examination process, and it issues certificates for dogs.
- c. For each dog, an **examination committee** is established that includes two representatives of the coordinating body, a representative of the organization that trained the dog, plus a professional expert in the area of the applicant's disability can be added. The representative of the training organization cannot be the trainer of the tested dog, and the rest of the representatives cannot belong to the training organization. Representatives of the coordinating body and the training body in the committee must be registered trainers with five years experience.
- d. There is a **National Qualification Register** that lists all certified dog trainers.
- e. Dogs that were brought into Hungary and are already with their owners (apparently from before enaction of the law), are allowed access to public places as long as they

In Hungary, a unique mechanism was designed for management of these issues: establishment of a regulatory government office. certification of a body from within the field as a local coordinating umbrella organization, creation of a mechanism for external examination, and reliance on international umbrella organizations.

³⁸ Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships, <u>The Guide, Hearing</u> <u>& Assistance Dogs Public Access Test, Certification and Handler Identity Card</u>, accessed: May 31st 2022.

³⁹ Queensland Legislation Header, <u>Guide, Hearing and Assistance Dogs Act 2009</u>, updated: April 27th 2016, accessed: May 31st 2022, p. 68-69.

⁴⁰ Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships, <u>About guide</u>, <u>hearing and assistance dogs legislation</u>, updated: June 23rd 2021, accessed: May 31st 2022.

⁴¹ ECPRD, <u>תשובת הפרלמנט ההונגרי, *The Hungarian Parliament's Answer*, Information Request Number 3834 of the Cyprus House of Representatives, from 9 July 2018.</u>

hold a **certificate of an international umbrella organization**, EGDF or IGDF for guide dogs, and ADEU⁴² or ADI for assistance dogs.

That is, in this case there is a combination of a government regulator (maybe two -ministry and registry), certification of a body from within the field and creation of a kind of certified local umbrella organization, creation of a separate mechanism for external examination, and some reliance on international umbrella organizations.

4. Umbrella Organizations and International Initiatives (Not translated)

 $^{\rm 42}\,{\rm ADI}{}^{\rm s}$ European center.

Appendix 1: International Comparison of Service Dog Training Regulation⁴³

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Country	Regulatio n by law of service dogs	Official Dog Marking		Regulatio	Mechanism of Official Certification				Does the
		Collar/harnes s	Certificat e	n of the Dog Training Process	Certified trainer/schoo l	Responsible government body	Reliance on Internationa l Organizatio n	Official Qualificatio n Test	State Participat e in the Budget
Australia (Queensland 44	Yes	Yes	Yes		Yes	Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships	No	Yes	
Canada (Nova Scotia)⁴⁵	Yes	Yes	Yes		Yes	Service Dog Registrar in the Department of Justice	Membership or candidacy in ADI	Optional	

⁴³ ECPRD, Data Request Number 3834 of the Cyprus House of Representatives, from 9 July 2018. This is the source for the data in the table, unless otherwise noted.

⁴⁵ Nova Scotia, <u>Service Dog Act</u>, accessed: May 31st 2022.

⁴⁴ Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships, <u>About guide, hearing and assistance dogs legislation</u>, updated: June 23rd 2021, accessed: May 31st 2022.

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New Zealand ⁴⁶	Yes				Yes	Department of Internal Affairs			
Austria	Yes		Yes	Yes	Apparently not	Federal Ministry of Labor, Social Affairs, Health and Consumer Protection		Yes, two- phased	Partial
Germany ⁴⁷	Yes	Yes	Yes		Yes	Ministry of Labor and Welfare, Standards Institute		Yes	
Belgium	Yes	Yes	Yes				ADEU, ADI – not exclusively		Yes
Croatia	Apparently yes	Yes							
Hungary	Yes		Yes		Yes	Ministry of Social Policy and Pensions	Partial – ADEU, ADI	Yes	
Finland	Partial	Unclear		No	Unclear				Yes

⁴⁶ New Zealand Department of Internal Affairs, <u>Guidelines for authorisation to certify disability assist dogs</u>, accessed: June 1st 2022.

⁴⁷ Bundesministerium der Justiz, <u>Gesetz zur Gleichstellung von Menschen mit Behinderungen</u>, Abschnitt 2b – Assistenzhunde, accessed: June 1st 2022.

Japan⁴ ⁸	Yes				Yes	Ministry of Health, Labor, and Welfare	Regarding dogs from abroad ADI		
Netherlands	Apparently yes								Yes
Latvia	Yes								
Luxembourg	Yes	Yes		No		Ministry of Family Affairs, Solidarity, Living Together and Reception of Refugees		Yes	Yes
Poland	Yes	Yes		Yes	Yes				Yes
Portugal	Yes	Yes	Yes		Yes	National Institute for Rehabilitation under the Ministry of Solidarity, Employment and Social Security			No
Slovakia	Yes	Yes	Yes		Yes		Yes, not specifically	Apparently not	
Slovenia	Yes		Apparentl y yes	Usually about a year				Yes, two- phasede	Apparently yes

⁴⁸ Japan Ministry of Health Labour and Welfare, <u>"Assistance Dogs for Persons with Physical Disabilities" Portal Site</u>, accessed: June 1st 2022.

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France ⁴⁹	Yes		Yes	Yes	Ministry of Solidarity, Autonomy and People with Disabilities		
UK	Partially						
US ⁵⁰	Parially	No					
Sweden	No						
Lithuania	No						
Greece	No						
Estonia	Apparently						
	not						

⁴⁹ Ministère des affaires sociales, de la santé et des droits des femmes, <u>INSTRUCTION N° DGCS/SD3B/2015/98 du 25 mars 2015</u> relative à la labellisation des centres

⁵⁰ U.S. Department of Justice, Civil Rights Division, <u>Service Animals</u>, updated: February 24th 2020, accessed: June 1st 2022.

d'éducation de chiens guides d'aveugles ou d'assistance, à la création d'un certificat national, March 25th 2015; Secrétariat d'État chargé des Personnes handicapées, <u>CIRCULAIRE N° DGCS/SD3B/2019/172</u>, July 15th 2019.