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Dealing with Service Animals

Beginning on March 15, 2011, only dogs are recognized as service animals under titles II and III of the ADA. Generally, title II and title III entities must permit service animals to accompany people with disabilities in all areas where members of the public are allowed to go. The summary below was taken from a U.S. Department of Justice Bulletin on the ADA's 2010 Revised Requirement Bulletin on Service Animals. The full document can be viewed at http://www.ada.gov/service_animals_2010.pdf.

Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA. The crime deterrent effect of an animal's presence also does not constitute a service under this definition.

When it is not obvious what service an animal provides, only limited inquiries are allowed. **Staff may ask two questions: (1) is the dog a service animal required because of a disability, and (2) what work or task has the dog been trained to perform.** Staff cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task. Generally, a public entity may not make these inquiries when it is readily apparent that an animal is trained to do work or perform tasks for a person with a disability.

Under the ADA, local governments 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. Establishments that sell or prepare food must allow service animals in public areas even if state or local health codes prohibit animals on the premises. Staff are not required to provide care or food for a service animal.

Under the ADA, service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

A person with a disability cannot be asked to remove his service animal from the premises unless: (1) the dog is out of control and the handler does not take effective action to control it or (2) the dog is not housebroken. When there is a legitimate reason to ask that a service animal be removed, staff must offer the person with the disability the opportunity to obtain goods or services without the animal's presence.

In addition to the provisions about service dogs, the Department's revised ADA regulations have a new, separate provision about miniature horses that have been individually trained to do work or perform tasks for people with disabilities. Entities covered by the ADA must modify their policies to permit miniature horses where reasonable. The regulations has set out four assessment factors to assist entities in determining whether miniature horses can be accommodated in their facility.

This bulletin is intended for general information purposes only. It should not be construed as legal advice or legal opinion regarding any specific or factual situation. Always follow your organization's policies and procedures as presented by your manager or supervisor. For further information regarding this bulletin, contact your Safety Director at 877.398.3046.