

Common Service Animal Issues

Q. What should a business or other public entity consider when interacting with a person with a service animal?

A. *Keep in mind that service animals are working animals, not pets. Do not pet, feed or distract a service animal. It could interfere with the dog's training or endanger the person with a disability.*

Q. Can a business charge extra fees or surcharges for customers with service animals?

A. *No. Neither a deposit nor a surcharge may be imposed on an individual with a disability even if deposits are routinely required for pets.*

Q. What if the animal is disruptive, out of control, or damages property?

A. *If the animal is disruptive, threatening, or not housebroken, you may ask the handler to remove the animal. If the animal is removed, businesses should allow the individual with a disability the option of returning to the establishment without the animal. If a business charges all customers for damage they cause, a customer with a disability can be charged for damage caused by his/her service animal.*

Q. Are allergies to or fear of dogs valid reasons for denying access to a person with a service animal?

A. *No. If it is possible, separate the person with the allergy or other animal aversions from the person with a service animal.*

Q. Is a business or other entity required to provide food or care for a service animal?

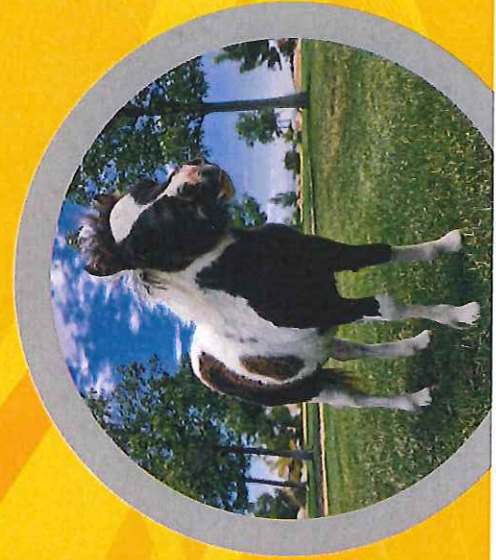
A. *No. It is the responsibility of the handler to control, care for, feed, and supervise the service animal.*

Miniature Horses

Under the ADA definition of a service animal, only dogs are considered service animals, with the exception of miniature horses.

The same ADA regulations that apply to dogs also apply to miniature horses. The regulations require businesses and public entities to make reasonable modifications to permit a miniature horse that has been trained to do work or perform tasks, is housebroken, and is under the handler's control. Businesses can determine whether they can make reasonable modifications to allow a miniature horse by assessing:

- The weight of the miniature horse (ranging from 70 - 100 lbs)
- The height of the miniature horse (ranging from 24 - 34 inches)
- Whether the miniature horse's presence in a facility compromises safety.



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What is the ADA?

The Americans with Disabilities Act (ADA) is a civil rights law that provides people with disabilities equal access to employment, state and local government programs, and goods and services.

Businesses that are open to the public, including



restaurants, hotels, taxis and shuttles, grocery and department stores, hospitals and medical offices, theaters, and zoos must comply with Title III of the ADA, and are prohibited from discriminating against individuals with disabilities.

The ADA requires businesses to allow people with disabilities to bring their service animals into their establishment, even if the establishment has a "no pets" policy.

Title II of the ADA requires state and local government entities to modify policies and practices to permit the use of a service animal by a person with a disability.

Service animals are...

A service animal is 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. Service animals are working animals, NOT PETS.

Service animals are NOT...

Other species of animals, whether wild or domestic, trained or untrained, are not service animals under the ADA. However, reasonable modifications in policies must also be made to allow individuals with disabilities to use miniature horses if they have been individually trained to do work or perform tasks for the individuals.

An animal that provides:

- emotional support
- crime prevention
- comfort or companionship

is NOT considered a service animal because it does not perform specific tasks associated with a person's disability.

Service animals in-training are NOT protected under the ADA. However, some state laws may afford service animals in-training similar protections as fully trained service animals.

What tasks can service animals perform?

The tasks performed by a service animal must be directly related to the disability of the person handling the animal. These tasks include, but aren't limited to:

- Guiding a person who is blind or has low vision.
- Alerting a person with a hearing loss to certain sounds.
- Picking up or retrieving objects.
- Providing non-violent protection or rescue work.
- Assisting an individual during a seizure.
- Alerting individuals to the presence of allergens.
- Providing physical support or assistance with balance.
- Assisting a person with psychiatric disabilities by interrupting impulsive behaviors.



How do I know if the animal is a "service animal" under the ADA?

If the person handling the service animal does not have an obvious disability, businesses or other public entities can ask two questions:

1. Is this a service animal?
2. What task has the animal been trained to perform?

Businesses or other public entities should refrain from:

- Asking about the nature or extent of a person's disability.
- Requesting the handler demonstrate the service animal's tasks.
- Requiring documentation proving the animal has been certified, trained, or licensed.

Service animals must be under the handler's control at all times.

Service animals must have a harness, leash, or other tether unless the handler's disability prohibits their use or if the animal's work or tasks would be adversely impacted by their use.

The ADA National Network

The ADA National Network provides information, guidance and training on the Americans with Disabilities Act, tailored to meet the needs of business, government and individuals at local, regional and national levels. The network consists of ten centers located throughout the U.S. that provide localized assistance in ADA implementation.

To find the regional ADA National Network Center near you, call 800/949-4232 (V/TTY) or visit www.adata.org

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National Network
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