

## The Americans With Disabilities Act (ADA)

The US Department of Justice oversees the ADA, which was enacted in 1990. The ADA requires government agencies, businesses and non-profit organizations to make "reasonable modifications" in their policies when necessary to accommodate people with disabilities.

Many people with disabilities use a service animal. Dogs can be trained to perform many important tasks such as providing stability for a person who has difficulty walking, picking up items for a person in a wheelchair, preventing a child with autism from wandering away, or alerting a person with a hearing loss.

### **Q: What is a service animal?**

**A:** Under the ADA, a service animal is a **dog\* that has been individually trained to do work or perform tasks for an individual with**

**a disability.** The tasks performed by the dog must be directly related to the person's disability. A person with diabetes may have a dog that is trained to alert him when his blood sugar reaches high or low levels. A person with depression may have



*Service dogs can be trained to bring medications.*

a dog that is trained to remind her to take her medication. A person with epilepsy may have a dog trained to detect the onset of a seizure and then help the person remain safe during the seizure.

\* In 2010, ADA regulations were revised to include miniature horses as service animals.

### **Q: Are emotional support, therapy, comfort or companion animals considered service animals under the ADA?**

**A:** No. These terms are used to describe animals that provide comfort. Because they have not been trained to perform a specific job or task, they do not qualify as service animals under the ADA.

### **Q: If someone's dog calms them during an anxiety attack, does it qualify as a service animal?**

**A:** It depends. The ADA makes a distinction between psychiatric service animals and emotional support animals. If the dog has been trained to sense an oncoming anxiety attack and take a specific action to help avoid the attack or lessen its impact, that would qualify as a service animal. However, if the dog's mere presence provides comfort, it would not be considered a service animal under the ADA.

### **Q: If a so-called service dog is being carried, is that a tip-off that it is not a bona fide service animal?**

**A:** Not necessarily. As an example, a person with diabetes may carry their service dog so it can be closer to their face and breath. Diabetes service dogs have been trained to recognize the unique odors of their handler's high or low blood sugar.

### **Q: What questions can be asked to determine if a dog is a service animal?**

**A: Staff may only ask two specific 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 are not allowed to request documentation for the dog, require that the dog demonstrate its task, or ask about the person's disability.

### **Q: Do service animals have to wear a vest, patch or special harness identifying them as service animals?**

**A:** No.

### **Q: Can a person bring a service animal with them as they go through a salad bar or other similar food line?**

**A:** Yes. Service animals must be allowed to accompany their handler.

### **Q: Does the ADA require that service animals be certified as such?**

**A:** No. Documentation is not required, such as proof that the animal has been trained, certified or licensed as a service animal. NOTE: There are individuals and organizations that sell service animal certification documents online. These documents do not convey any rights under the ADA and the Department of Justice does not recognize them as proof that the dog is a service animal.

### **Q: My city requires all dogs to be vaccinated, registered and licensed. Does this apply to my service animal?**

**A:** Yes.

### **Q: My city requires me to register my dog as a service animal. Is that legal under the ADA?**

**A:** No. Mandatory registration of service animals is not permissible under the ADA.

### **Q: My city offers a voluntary registration program for service animals and provides a special tag identifying the dogs as service animals. Is that legal under the ADA?**

**A:** Yes. Entities may offer voluntary registries.

### **Q: Can service animals be any breed of dog?**

**A:** Yes.

### **Q: Can persons with disabilities be refused access based solely on the breed of their dog?**

**A:** No. However, if a service animal behaves in a way or poses a direct threat to the health or safety of others or is not under the control of the handler, that animal may be excluded.

### **Q: When can service animals be excluded?**

**A:** If admitting service animals would fundamentally alter the nature of a service or program, service animals may be prohibited. Also, if a particular service animal is out of control and the handler does not take effective action to control it, or if it is not housebroken, that dog may be excluded.

### **Q: When might a service dog's presence fundamentally alter the nature or service of a program provided to the public?**

**A:** As examples, service animals could be restricted from a specific area of a dorm reserved for students with allergies to dog dander. At a zoo, service animals could be restricted from areas where animals on display are prey or predators of dogs.

In **restaurants**, service animals may not eat from the table or be seated on chairs or benches. However, if a service dog must be near the owner's face or chest to perform its duties, considerations may be taken. Ideally the owner will have a chest pack in which the dog can be placed so as not to harm the upholstery. Service dogs are not allowed in **pools** at gyms, fitness centers, hotels, etc. **Religious institutions** are exempt from the ADA, so individuals may not be allowed to take their service animals into churches, temples, etc. **Housing programs** administered by state and local governments must follow ADA requirements. **Commercial airlines** do not have to comply with the ADA. The Air Carrier Access Act is the law that protects the rights of people with disabilities in air travel.

**Service animals undergo hundreds, if not thousands, of hours of specialized training**

Being a service dog is hard work. It requires a specific, rare temperament, an aptitude for training, serving and learning, and a degree of stability most dogs simply don't possess. Beyond that, service dogs require hundreds of hours of socialization, basic obedience training and advanced training for their task work.



Please don't try to pass your pet off as a service animal

**Fake Service Dogs** can hurt the reputation and acceptance of valid service dogs and the disabled persons who truly need those dogs to assist them.

www.anythingpawsable.com

While people who fake service dogs are a very real problem, the only surefire way to identify imposters is by their dog's unacceptable behavior. **When it comes to**

**fake service dogs, actions speak louder than words.** Under the law, service dog handlers are to be taken at their word. This allows individuals of questionable ethics to skirt the law, but telling them apart from legitimate service dog teams is simple. Real service dog manners, behavior and training cannot be faked. Even exceptionally skilled pet dogs rarely possess the degree of training most service dogs undergo. And if your fake service dog hurts someone or another animal, you may be liable for their injuries and medical bills.

Claiming your pet is a service dog, no matter how fabulous he may be, is like graduating from high school and proudly claiming you're a doctor. Both actions are misleading, highly illegal and fraudulent. Don't mock a disabled person or a service dog's hard-earned skills by misrepresenting yourself or your dog OR by making comments like, "Well, all I need is a vest and then I could take my dog everywhere, too, right?"

For more information visit the ADA website,

[www.ADA.gov](http://www.ADA.gov).

Call toll free, 800-514-0301 (voice) and 800-514-1381 (TTY)

Information from

[www.ada.gov/regs2010/service\\_animal\\_QA.html](http://www.ada.gov/regs2010/service_animal_QA.html)

[www.anythingpawsable.com](http://www.anythingpawsable.com)

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# Service Animals and the Law

