

SERVICE ANIMALS: FREQUENTLY ASKED QUESTIONS

What is a service animal according to the Americans with Disabilities Act (ADA)?

Service animals are animals that have been individually trained to do work or perform tasks for the benefit of a person with a disability, also known as the animal's handler. Only dogs and miniature horses are considered service animals under the ADA. However, some state and local laws may define service animals more broadly.

Are there limitations to where a service animal can go?

Generally, service animals must be allowed to accompany their handlers in all areas that members of the public may go. A handler is entitled to bring their service animal into these areas even if it won't perform its service during the visit. Some exceptions follow.

Service animals may be excluded from certain areas of an otherwise public-serving facility. For example:

- Service animals are typically allowed into restaurants, but not into restaurant kitchens; and
- Service animals may be allowed into hospital waiting rooms, cafeterias, E.R.s and exam rooms, but not into operating rooms.

What is the difference between a service animal and an emotional support animal (also known as a comfort or therapy animal)?

Service animals are specially trained to do work or perform tasks for its handler. The service animal's work must be directly related to its handler's disability. If asked, the handler must be able to describe the specific tasks or work performed by the animal.

An emotional support animal provides aid to a person with a disability, but does not perform a specific task or duty, as it is not trained to do so. Therefore, an emotional support animal does not meet the definition of a service animal. Obedience training alone is not enough to make it a service animal.

Does an animal need to have any certification or documentation, or wear a vest or tag, to identify it as a service animal?

No. There is no ADA requirement for certification or identification showing that the animal is a service animal.

If the service animal doesn't have special identification, how can people tell that it's a legitimate service animal?

There are two questions one may ask of the handler:

1. Is this animal required because of a disability?
2. What task or service has this animal been trained to do?

One may not ask: What is your disability? This is confidential.

When can someone be asked to remove their service animal from the premises?

A service animal's good behavior is necessary for it to be protected under the ADA.

A handler may be asked to remove their service animal if it causes an actual disruption to business, or if its behavior poses a direct threat to the health or safety of others. For example, if a service animal displays aggressive behavior towards other guests or customers it may be excluded. If it is not housebroken, bites or jumps on another patron, wanders away from its handler, or is clearly out of the owner's control, it may be removed.

However, it is important not to make assumptions about how an animal will behave. Every situation, handler and service animal must be considered individually, based on actual events. So before taking action, it's important to establish that the animal's behavior is not part of its job. (For example, barking may be one of its tasks.)

If a public accommodation excludes a service animal, it should give the animal's handler the option of continuing to partake of its goods and services without having the service animal on the premises.

Do service animals have to obey leash laws?

Yes, service animals must obey local leash laws, with exceptions if a service animal cannot perform its task while on a leash, or if the handler cannot use a leash, harness, or tether due to their disability. However, the handler must have the animal under control, if not by leash, then by voice control, signals, or other effective means.

Do service animals have to be registered, licensed, and vaccinated like pet dogs?

Yes, if the local law requires pet dogs to be licensed and registered, then service dogs must be as well. Local law requiring vaccinations for pets also applies to service animals.

Are service animal rules the same in housing?

The rules are slightly different in housing because they are usually guided by the Fair Housing Act (FHA) rather than the ADA. Under the FHA, housing managers and landlords must allow an individual to have a service animal in their home regardless of the facility's pet policy. Additionally, the FHA extends this right more broadly, to include emotional support animals and other assistance animals.

Are service animal rules the same in air transportation?

The rules for air transit are different. Air transit is covered by the Air Carriers Act rather than the ADA. So the Department of Transportation (DOT) regulates service animals on U.S. airlines. Airlines must permit a service animal to accompany a passenger with a disability.

However, airline rules and DOT enforcement policies for emotional support animals continue to develop. Airlines may require current medical documentation, and may have restrictions. Before flying, always check with the airline regarding the latest rules.

Are service animal rules the same in the workplace?

The rules are a little different in the workplace. Under the ADA, employees with disabilities can request that their employers allow them to have service animals, emotional support animals, and other types of assistance animals in the workplace as a reasonable accommodation. This expands possibilities to different species of animals, whether specifically trained to perform a task related to the disability, or not. The ADA leaves it up to the employer to determine if allowing the animal into the workplace is reasonable. However, state and local laws may have broader protections for employees with service animals.

What's the proper etiquette for interacting with handlers and their service animals?

- Do not touch or engage with a service animal without permission from its handler
- Do not offer food to a service animal
- Do not ask questions about the handler's disability
- Speak to the handler about any issues with their animal, for example if the animal is blocking a walkway and you need to pass

If a public place violates the ADA by refusing a service animal from entering, where does the handler file the complaint?

The handler can file the complaint with the federal enforcement agency, the U.S. Department of Justice at www.ada.gov.

More resources and information can be found at:

US Department of Justice:

https://www.ada.gov/regs2010/service_animal_qa.html

Northwest Center

About Our Organization:

Northwest ADA Center provides technical assistance, information, and training regarding the Americans with Disabilities Act. Information is provided from the regional office in Washington State and state anchors in Alaska, Idaho, and Oregon. Specialists are available to answer specific questions about all titles of the ADA and accessibility of the built environment. Training staff offer presentations to businesses, organizations, schools, people with disabilities, and the general public.

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Alternative formats available upon request.

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