

SERVICE ANIMAL GUIDE



Title II and Title III of the Americans with Disabilities Act (ADA) requires state and local government entities and businesses that are open to the public to modify policies and practices to permit the use of a service animal by a person with a disability.

What 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.

What Service Animals are NOT...

Other species of animals, whether wild or domestic, trained or untrained, are not service animals under the Americans with Disabilities Act (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.

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 are not 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

An animal that provides emotional support, crime prevention, or 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.

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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 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 task*
- ~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.

SERVICE ANIMALS AND COMPANION ANIMALS ARE NOT THE SAME!

While service animals are individually trained to perform specific work or tasks directly related to the handler's disability, a companion animal, otherwise known as an emotional support animal, is not required to undergo specialized training and functions in the primary role of providing comfort to an individual. While the ADA does not grant owners of emotional support animals the right to be accompanied by these animals in establishments that do not permit pets, the DOJ/HUD’s Fair Housing Act does allow for disabled owners of emotional support animals to reside in housing that has a “No Pets” policy, as a reasonable accommodation. The DOT’s Air Carrier Access Act also allows those with proof of a disability the accommodation of being accompanied by an emotional support animal.



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FREQUENTLY ASKED QUESTIONS

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 handler.

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

A. No. No fees, deposits, or surcharges may be imposed on an individual with a disability.

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 the 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.



For more information on Service Animals or other aspects of the Americans with Disabilities Act (ADA), please visit the following websites:

<http://www.ada.gov/>

http://www.ada.gov/service_animals_2010.htm

To contact the Brookings Committee for People who have Disabilities or for more information on this committee and other resources, please visit our webpage or call (605) 692-6281:

<http://www.cityofbrookings.org/index.aspx?NID=154>