

Service Animals: *Ensuring Access for Individuals with Disabilities*

Service animals allow thousands of individuals to live, work, and play independently throughout the United States and around the world. Service animals are not pets, they are working animals.

In September 2010, the Americans with Disabilities Act of 1990 definition of a service animal was revised to: *"any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items."*

It is important to note that this new definition excludes other species of animals as service animals (with the exception of miniature horses which are specifically addressed later in the section). It also excludes comfort or therapy animals that are kept for emotional or support reasons. This definition does not affect or limit the broader definition of "assistance animal" under the Fair Housing Act or the broader definition of "service animal" under the Air Carrier Access Act.

Allowing Access to Service Animals is About Allowing Access to Individuals with Disabilities

Under the Americans with Disabilities Act (ADA), businesses and organizations that serve the public must allow people with disabilities to bring their service animals into all areas of the facility where the public is normally allowed to enter. This federal law applies to all businesses open to the public, such as restaurants, hotels, taxis and shuttles, grocery and department stores, hospitals and medical offices, theaters, health clubs, parks, and zoos.

Inquiries and Exclusions

As a general rule (above), the individual with a disability must be allowed to bring their service animal into the public areas of the facility. When it is not obvious what service the animal performs, the business or entity *may* only make two inquiries:

1. Is the animal required because of a disability?
2. What work or task has the animal been trained to perform?

Businesses may not:

- Require special identification (ID) cards for the animal
- Ask any questions about the individual's disability
- Ask for service animal to demonstrate their trained tasks
- Charge extra fees for the animal (except for damage but only if they regularly charge for that – such as by a hotel).
- Isolate the individual and their service animal from other patrons
- Treat the individual less favorably than other patrons
- Refuse the service animals in public areas even if state or local health codes prohibit animals on the premises.

1050 K Street, NW, Suite 400 • Washington, DC 20001 • USA

Phone +1-202-312-7419 Fax +1-202-312-7441 www.blazesports.org

Did You Know?

The more you know about disability in the United States, the more prepared you are to reduce barriers for individuals with disabilities.

- Service Animals are not pets.
- Service animals are individually trained to perform tasks for people with disabilities.
- Service animals may guide individuals who are blind, alert people who are deaf, pull wheelchairs, alert and protect a person who is having a seizure, or perform other specially trained tasks.
- While the most popular breeds of service dogs are Golden Retrievers, Labrador Retrievers and German Shepherds, many breeds of dog – including mixed breeds – may be trained as service dogs.
- In the United States there is no formal registration system for service dogs.
- There are approximately 1.3 million individuals who are blind in the United States.¹
- It is estimated that approximately 7,000 individuals use guide dogs in the United States²
- There are estimated to be 50,000 guide dogs in use around the world and over 200,000 services animals. (As of 2010).
- Miniature horses are an alternative to service dogs for individuals with a dog allergy or who would prefer a service animal other than a dog.

¹http://www.nfb.org/nfb/Who_We_Are.asp?SnID=767268488

²<http://www.visionsvcb.org/statistics.html>

Removal of the Service Animal

A business or other entity may only ask the individual with a disability to remove the service animal if:

1. The animal is out of control and the animal's owner does not take effective action to control it (a dog that barks repeatedly during a movie, e.g.)
2. The animal poses a direct threat to the health or safety of others. (It is important to note that allergies and fear of animals are not valid reasons for refusing service).

In case where the business has requested removal of the service animal because it has met the conditions above, the business should give the person with the disability the option to obtain goods and services without having the animal on the premises.

Air Travel

The Air Carrier Access Act of 1986 (ACCA) requires domestic airline carriers to permit service animals with appropriate identification to accompany an individual with a disability on a flight. Identification can include documentation, a harness, or simply the verbal assurance of the passenger using the animal. Also, bring along the dog's health certificates with proof of vaccinations, and make sure you've checked out any international requirements when traveling overseas. It is recommended to inform the carrier of the service animal at the time of booking. Upon arriving at security, the traveler is again encouraged to inform the Security Officer that the animal accompanying you is a service animal and not a pet. This will provide you with an opportunity to move to the front of the screening line since the Security Officer may need to spend more time with you.

At no time during the screening process should you be required to be separated from your service animal. The Security Officer should ask permission before touching your service animal or its belongings. Travelers are required to maintain control of the animal in a manner that ensures the animal cannot harm the Security Officer. The Department of Transportation enforces the ACCA. The US Department of Transportation-Aviation Consumer Protection is found at: 400 7th St. SW, Washington, DC 20590. (202) 366-2220.

Miniature Horses

Also in September 2010, the Department of Justice revised ADA regulations to include a new, separate provision about miniature horses that have been individually trained to do work or perform tasks for people with disabilities. (Miniature horses generally range in height from 24 inches to 34 inches measured to the shoulders and generally weigh between 70 and 100 pounds.) Entities covered by the ADA must modify their policies to permit miniature horses where reasonable.

The regulations set out four assessment factors to assist entities in determining whether miniature horses can be accommodated in their facility. The assessment factors are:

1. whether the miniature horse is housebroken;
2. whether the miniature horse is under the owner's control;
3. whether the facility can accommodate the miniature horse's type, size, and weight; and
4. whether the miniature horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility.

Violations and Information

Information on these provisions is available from the U.S. Department of Justice, Civil Rights Division, on the web at: http://www.ada.gov/service_animals_2010.htm. The ADA also maintains an information line at: 800-514-0301 (Voice) and 800-514-0383 (TTY). The information line is confidential and ADA Specialists are available: M-W, F 9:30 a.m. – 5:30 p.m., Th 12:30 p.m. – 5:30 p.m. (Eastern Time).