

Frequently Asked Questions

What is a Service Animal?

In 2011, Department of Justice adopted new rules under titles II and III of the Americans with Disabilities Act (ADA). Under the ADA a service animal is a dog of any breed that is individually trained to do work or perform tasks for a person with a disability.

Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties.

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.

What does "do work or perform a task" mean?

A service animal (dog) must be trained to take a specific action when needed to assist the person with a disability.

For example, 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 a dog that is trained to remind her to take her medication. Or, a person who has epilepsy may have a dog that is trained to detect the onset of a seizure and then help the person remain safe during the seizure.

What questions can I ask a person with a disability?

When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff may ask two 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 cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.

Service animals are not required to have identified patches, collars, vest, or harness.

Can a person have more than one service animal in a public place?

Generally, yes. Some people with disabilities may use more than one service animal to perform different tasks.

For example, a person who has a visual disability and a seizure disorder may use one service animal to assist with way-finding and another that is trained as a seizure alert dog. Other people may need two service animals for the same task, such as a person who needs two dogs to assist him or her with stability when walking. Staff can ask what tasks the dogs are trained to perform.

If both dogs can be accommodated, both should be allowed in the public place. In some circumstances, however, it may not be possible to accommodate more than one service animal.

For example, in a full bus, where only one dog may be able to sit out of the aisle. The only other place for the second dog would be in the aisle, which would block the aisle. In this case, other arrangements are required to provide transportation for the person with a disability.

Are emotional support or comfort animals (dogs, snakes, cats, etc.) considered service animals?

No. These terms are used to describe animals that provide comfort just by being with a person. Because they have not been trained to perform a specific job or task, they do not qualify as service animals under the ADA or Washington State law.

However, some State or local governments have laws that allow people to take emotional support animals into public places. Some public housing agencies allow emotional support or comfort animals.

Do people with disability have to provide certification papers or have the dog wear a patch harness identifying them the service animal, especially service animals in training?

No. The ADA or Washington State law does not require service animals to wear a vest, ID tag, or specific harness. People with disabilities have the right to train the dog themselves and are not required to use a professional service dog training program.

As a courtesy, some governments have developed voluntary registries to help identify service animals and ensure emergency staff a record that their dog is a certified service animal. Registries are permitted under the ADA. However, this is not a requirement, condition or convey any rights, and cannot be used to justify denial of service which is a violation under the ADA.

Under the ADA and Washington State law, a dog in training is not considered a service animal. The dog must already be trained before it can be taken into public places. However, some State or local laws cover animals that are still in training.

However, cities can require service animals to follow local dog licensing and registration requirements like all animals. These are general registration requirements and are not mandatory under the ADA.

Where are Service Animals Allowed?

Under the ADA, State and local governments, businesses, and nonprofit organizations that serve the public generally must allow service animals to accompany people with disabilities in all areas of the facility where the public is allowed to go. Service animals can be restricted from areas that are also not open to the public.

For example, in a hospital it usually would be inappropriate to exclude a service animal from areas such as patient rooms, clinics, cafeterias, or examination rooms. However, it may be appropriate to exclude a service animal from operating rooms or burn units where the animal's presence may compromise a sterile environment.

Establishments that sell or prepare food must generally allow service animals in public areas even if state or local health codes prohibit animals on the premises.

People with disabilities who use service animals cannot be isolated from other patrons, treated less favorably than other patrons, or charged fees that are not charged to other patrons without animals. In addition, if a business requires a deposit or fee to be paid by patrons with pets, it must waive the charge for service animals.

Service animals cannot be excluded based on assumptions or stereotypes about the breed of the dog or how it might behave. (see below)

Service Animals Must Be Under Control

Service animals are trained to perform specific tasks in support of a person with a disability. A service animal must be under the control of its handler. Under the ADA, service animals must be harnessed, leashed, or tethered, unless the individual's disability prevents using these devices or these devices interfere with the service animal's safe, effective performance of tasks. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

If a particular service animal behaves in a way that poses a direct threat to the health or safety of others, has a history of such behavior, or is not under the control of the handler, that animal may be excluded. If an animal is excluded for such reasons, staff must still offer their goods or services to the person without the animal present.

What is someone is allergic to dogs?

Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, for example, in a school classroom

or at a homeless shelter, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.

When can I exclude a service animal?

A person with a disability cannot be asked to remove his service animal from the premises unless:

- 1) the dog is out of control and the handler does not take effective action to control it or
- 2) the dog is not housebroken.

When there is a legitimate reason to ask that a service animal be removed, staff must offer the person with the disability the opportunity to obtain goods or services without the animal's presence.

The ADA does not require covered entities to modify policies, practices, or procedures if it would "fundamentally alter" the nature of the goods, services, programs, or activities provided to the public.

Nor does it overrule legitimate safety requirements. If admitting service animals would fundamentally alter the nature of a service or program, service animals may be prohibited.

If a business such as a hotel normally charges guests for damage that they cause, a customer with a disability may also be charged for damage caused by himself or his service animal.

Some municipalities have based laws that prohibit specific breeds of dogs. However, exception for a service animal of a prohibited breed must be granted, unless the dog poses a direct threat to the health or safety of others.

What does "under control" mean?

The ADA requires that service animals be under the control of the handler at all times. In most instances, the handler will be the individual with a disability or a third party who accompanies the individual with a disability. In the school (K-12) context and in similar settings, the school or similar entity may need to provide some assistance to enable a particular student to handle his or her service animal.

The service animal must be harnessed, leashed, or tethered while in public places unless these devices interfere with the service animal's work or the person's disability prevents use of these devices. In that case, the person must use voice, signal, or other effective means to maintain control of the animal.

For example, a person who uses a wheelchair may use a long, retractable leash to allow her service animal to pick up or retrieve items. She may not allow the dog to wander away from her and must maintain control of the dog, even if it is retrieving an item at a distance from her. Or, a returning veteran who has PTSD and has great difficulty entering unfamiliar spaces may have

a dog that is trained to enter a space, check to see that no threats are there, and come back and signal that it is safe to enter. The dog must be off leash to do its job, but may be leashed at other times.

Under control also means that a service animal should not be allowed to bark repeatedly in a lecture hall, theater, library, or other quiet place. However, if a dog barks just once, or barks because someone has provoked it, this would not mean that the dog is out of control.

Additionally, under the “direct threat” provisions of the ADA, local jurisdictions need to determine, on a case-by-case basis, whether a particular service animal can be excluded based on that particular animal’s actual behavior or history, but they may not exclude a service animal because of fears or generalizations about how an animal or breed might behave. It is important to note that breed restrictions differ significantly from jurisdiction to jurisdiction. In fact, some jurisdictions have no breed restrictions.

Are staff required to provide care for or supervision of a service animal?

No.

Are other animals considered under the ADA?

In addition to the provisions about service dogs, the Department’s ADA regulations have a 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.