Service Animals

Area Assembly

January 2024

Overview

- Beginning 2011, only dogs are recognized as service animals.
- A dog that is individually trained to do work or perform tasks for a person with a disability.
- Generally, entities must permit service animals to accompany people with disabilities, in all areas where members of the public are allowed to go.

Service Animal

Dogs that are individually trained to do work or perform tasks for people with disabilities.

- 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 PTSD during an anxiety attack

NOT PETS.

- The work, or task a dog has been trained to provide, must be directly related to the person's disability.
    - *Professional training and certification is NOT required*
- Dogs whose function is to provide comfort or emotional support *DO NOT qualify as service animals*.
- Does not affect or limit the broader definition of "assistance animal" under the Fair Housing Act or of "service animal" under the Air Carrier Access Act.

Some State and local laws also define service animal more broadly.

Where Service Animals Are Allowed

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.

- A hospital usually cannot exclude the animal from patient rooms, clinics, cafeterias, or examination rooms.
- They may be excluded from operating rooms or burn units where its presence may compromise a sterile environment.

Must Be Under Control of Its Handler

- Harnessed, leashed, or tethered, unless the disability prevents using these devices or they interfere with the animal's safe, effective performance of tasks.
- Then, must be controlled through voice, signal, or other effective controls.

Inquiries, Exclusions, Charges, and Other Rules

Only limited inquiries are allowed.

Staff may ask two questions:

1. Is the dog a service animal required because of a disability?
2. What work or task has the dog been trained to perform?
3. Cannot ask about
    1. The person’s disability
    2. Require medical documentation
    3. Require a special identification card
    4. Training documentation for the dog
    5. That the dog demonstrate its work or task

Allergies and fear of dogs are NOT valid reasons for denying access or refusing service.

- When a person who is allergic to dog dander, and one who uses a service animal, must spend time in the same place, they both should be accommodated by assigning them to different locations within the room or a different room.
- A person with a disability cannot be asked to remove the service animal from the premises unless:
    1. It's out of control and the handler does not take effective action to control it
    2. It is not housebroken
- When there is a legitimate reason to ask that the animal be removed, they must be offered the opportunity to obtain goods or services without the animal's presence.

- Establishments that sell or prepare food must allow service animals in public areas even if state or local health codes prohibit animals.
- Cannot be isolated from other patrons, treated less favorably, or charged fees not charged to other patrons. Deposits or fees for patrons with pets, must be waived for service animals.
- If a business normally charges guests for damage they cause, a customer with a disability may also be charged for damage caused by them or the service animal.
- Staff are not required to provide care for or supervision of a service animal.
- Animal cannot be left alone.

A Few Other Items:

- Generally, the dog must stay on the floor, or the person must carry the dog.
- Seating, food, and drink are provided for customer use only. They are not required to allow an animal to sit or be fed at the table.
- Public health rules that prohibit dogs in swimming pools are not overridden. Must be allowed on the pool deck and in other areas where the public is allowed to go.
- Religious institutions and organizations are exempt.
- Federal agencies have their own rules
- Air Carriers have their own rules

Take Aways For Area Assembly

- Any Dog Breed
- Any Trainer
- Hotel Cannot Refuse and Cannot Charge Extra
- Allowed in this room, your room and on the edge of the pool but not in the pool.
- If your meeting is in a Church, they CAN deny the dog

A Little Something Extra From Missouri I Ran across (in reference to employment protection)

- ***Are alcoholics covered by the ADA?***
- Yes. While a current illegal user of drugs is not protected by the ADA if an employer acts on the basis of such use, a person who currently uses alcohol is not automatically denied protection. An alcoholic is a person with a disability and is protected by the ADA if s/he is qualified to perform the essential functions of the job. An employer may be required to provide an accommodation to an alcoholic. However, an employer can discipline, discharge or deny employment to an alcoholic whose use of alcohol adversely affects job performance or conduct. An employer also may prohibit the use of alcohol in the workplace and can require that employees not be under the influence of alcohol.
- State of Missouri Disability Portal (mo.gov)