

'Service Animal' Means More than Seeing Eye Dog

Public Accommodations Are Seeing Influx of Emotional Support Animals

The term "service animal" has greatly evolved since it was used almost exclusively to refer to seeing eye dogs. It has come to include everything from cats that warn owners of seizures to ducks that provide emotional support, and they are all protected by the Americans With Disabilities Act. While dogs still make up the majority of service animals, alternative animals such as goats, monkeys and even pigs are slowly becoming more popular.

Emotional Support

Along with this widening array of true service animals, businesses are also experiencing a rise in customers using animals for emotional disabilities. Animals are used to help individuals deal with panic attacks, agoraphobia or post-traumatic stress disorder (PTSD).

A cat can be trained to sense a panic attack and to help the individual focus, lower his or her blood pressure and avoid the attack. Some animals used for emotional support simply provide companionship. If an individual was the victim of a physical attack, he or she may be unable to ever be alone. With a dog in tow, even one without formal training, the individual may be able to return to a normal life. There is a debate about whether these companion animals are covered by the ADA.

Some businesses have difficulty accommodating even universally recognized service animals, especially in the food service or preparation industry. While local and state codes may prohibit animals in areas where food is being prepared, the ADA takes precedence. Even if a co-worker or other customer has a fear of animals or an allergy, businesses are not allowed to deny a true service animal access to the premises.

Requirements

While most service animals have received formal training in a specific purpose, the ADA does not require official certification, leaving a lot of room for interpretation.

The ADA defines a service animal as "any animal individually trained to provide assistance to an individual with a disability." Because it does not define "training," an animal can be considered trained by its owner. The law also requires no federal, state or local certification.

If a person has a diagnosable disability that significantly limits one or more of their major life functions, a health care professional can deem the animal necessary and, therefore, a service animal under the ADA. For

those with disabilities who wish to use an emotional support animal, the law only requires that a person possess a written statement from a health care professional, not that they present it to businesses.

Under the ADA, service animals must be permitted anywhere that is open to the public. Businesses can only ask that service animals be removed from the premises if they are out of control or posing a direct threat to the safety of others. "Out of control" usually refers to an animal that is interfering with the direct goal of the business, such as a dog that continuously barks during a movie.

Some disability agencies are careful to differentiate between the terms "service animal" and "emotional support animal," but the law does not. Any animal used to help an individual with an ADA-qualifying disability can be considered a service animal and must be treated as such. 

Points To Remember About Service Animals

- Businesses may ask if an animal is a service animal.
- Businesses may not ask about the person's disability.
- Businesses may not require documentation for the animal.
- Businesses may not ask the owner to remove the animal from the premises unless the animal is out of control or it poses a direct threat to the safety of others.
- Businesses that sell or prepare food must allow service animals in public areas even if local or state health codes prohibit animals on the premises.
- A business is not required to provide care or food for a service animal or a special location for it to relieve itself.
- Allergies or a fear of animals are generally not considered valid reasons for denying access or refusing service to people with service animals.
- Any questions about service animals can be directed to the U.S. Department of Justice's ADA Information Line at 800-514-0301.

(Source: The U.S. Department of Justice, Civil Rights Division.) 

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