



## Frequently Asked Questions (FAQ): Service Animals



Many people with disabilities use a service animal in order to fully participate in everyday life. The Americans with Disabilities Act (ADA) and the Arizonans with Disabilities Act (AzDA) require local government agencies and businesses and non-profit organizations that provide goods and services to the public (public places) to make “reasonable modifications” in their policies, practices, or procedures when necessary to accommodate people with disabilities. The service animal rules fall under this general principle. This FAQ document provides general information about service animals and the rights of people with disabilities who use service animals.

### **1. What is a service animal?**

A service animal is a dog or miniature horse that has been individually trained to do work or perform tasks for an individual with a disability. The task(s) performed by the service animal must be directly related to the person’s disability. There may be some situations where the ADA permits that a miniature horse may be excluded for legitimate safety reasons or other factors.

### **2. What does “do work or perform tasks” mean?**

The service animal must be trained to take a specific action when needed to assist the person with a disability. Work or tasks can include:

- assisting individuals who are blind or have low vision with navigation and other tasks,
- alerting individuals who are deaf or hard of hearing to the presence of people or sounds,
- providing nonviolent protection or rescue work,
- pulling a wheelchair, assisting an individual during a seizure,
- alerting individuals to the presence of allergens,
- retrieving items such as medicine or the telephone,

- providing physical support and assistance with balance and stability to individuals with mobility disabilities, and
- helping individuals with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

For example, a person with diabetes may have a service animal that is trained to alert him when his blood sugar reaches high or low levels. A person with depression may have a service animal that is trained to remind her to take her medication. Or, a person who has epilepsy may have a service animal that is trained to detect the onset of a seizure and then help the person remain safe during the seizure.

**3. Are comfort animals the same as a service animal?**

Providing only emotional support, well-being, comfort or companionship are not “work” or “tasks” under the ADA and AzDA, but keep in mind that an animal that is trained to help individuals with psychiatric disabilities prevent or interrupt destructive or impulsive behaviors is performing a task and would fit the meaning of service animal.

**4. Does the ADA or the AzDA require service animals to be professionally trained?**

Neither the ADA nor the AzDA require that a service animal be professionally trained. People with disabilities have the right to train the service animal themselves and are not required to use a professional service animal training program.

**5. Are service-animals-in-training considered service animals under the ADA and the AzDA?**

Yes. Although under the ADA a service animal must be trained before it can be taken into public places, an Arizona law makes it unlawful for public places to deny access to a service animal-in-training. The service animal trainer is responsible for any damage done by the service animal-in-training.

**6. What questions can a public place’s employees ask to determine if an animal is a service animal?**

In situations where it is not obvious that the animal is a service animal, staff may ask only two specific questions: (1) is the animal a service animal required because of a disability? And (2) what work or task has the animal been trained to perform? Staff are not allowed to request any documentation for the animal, require that the animal demonstrate its task, or inquire about the nature of the person’s disability.

**7. Do service animals have to wear a vest or patch or special harness identifying them as service animals?**

No. Neither the ADA nor the AzDA require service animals to wear a vest, ID tag, or special harness.

**8. Who is responsible for the care and supervision of a service animal?**

The handler is responsible for caring for and supervising the service animal, which includes toileting, feeding, and grooming and veterinary care. Covered entities are not obligated to supervise or otherwise care for a service animal.

**9. Does the ADA or the AzDA require that service animals be certified as service animals?**

No. Covered entities may not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal, as a condition for entry.

There are individuals and organizations that sell service animal certification or registration documents online. These documents do not convey any rights under the ADA or the AzDA, and the U.S. Department of Justice does not recognize them as proof that the dog is a service animal.

**10. My city requires all dogs to be vaccinated. Does this apply to my service animal?**

Yes. Individuals who have service animals are not exempt from local animal control or public health requirements.

**11. My city requires all dogs to be registered and licensed. Does this apply to my service animal?**

Yes. Service animals are subject to local dog licensing and registration requirements. However, many local animal control agencies in Arizona waive the licensing and registration fees for service animals and service animals-in-training.

**12. Can service animals be any breed of dog?**

Yes. The ADA and the AzDA do not restrict the type of dog breeds that can be service animals.

**13. Can individuals with disabilities be refused access to a facility based solely on the breed of their service animal?**

No. A service animal may not be excluded based on assumptions or stereotypes about the animal's breed or how the animal might behave. However, 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.

**14. When can service animals be excluded?**

The ADA and the AzDA do not overrule legitimate safety requirements. If admitting service animals would fundamentally alter the nature of a service or program, service animals may be prohibited. In addition, if a particular service animal is out of control and the handler does not take effective action to control it, or if it is not housebroken, that animal may be excluded.

**15. Can a service animal be excluded from a public place because of allergies or fear of dogs?**

Allergies or 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 group therapy setting or in a waiting room, they should both be accommodated by assigning them, if possible, to different locations within the room, or different rooms at the facility.

**16. What does “under control” mean? Do service animals have to be on a leash?**

The ADA and the AzDA require 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. 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.

**17. Does a service animal have to be quiet and not bark?**

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.

**18. Are there any protections against the staff of public places intimidating or threatening a person with a disability because they are using a service animal?**

Yes. Under both the ADA and AzDA it is unlawful to coerce, intimidate, threaten, or interfere with a person with a disability exercising their right to be accompanied by their service animal.

**19. What can staff of a public place do when a service animal is being disruptive?**

If a service animal is out of control and the handler does not take effective action to control it, staff may request that the animal be removed from the premises. However, the individual must be allowed to return to the public place without the service animal if they wish.

**20. What happens if a person thinks a public place's staff has discriminated against him or her?**

Individuals who believe that they have been illegally denied access or service because they use service animals may file a complaint with the Civil Rights Division of the Arizona Attorney General's Office and/or the U.S. Department of Justice. Individuals also have the right to file a private lawsuit charging the entity with discrimination under the AzDA and/or the ADA.

**Resources and More Information**

For more information on how service animals are protected under the ADA, please visit: [http://www.ada.gov/regs2010/service\\_animal\\_qa.html](http://www.ada.gov/regs2010/service_animal_qa.html)

For information about service animals and housing, please visit: <https://www.azdisabilitylaw.org/wp-content/uploads/2016/04/FHA2-Assist-Animals-and-FHA-FAQ-112415.pdf>

To file a civil rights complaint with the U.S. Department of Justice, please visit: [http://www.ada.gov/filing\\_complaint.htm](http://www.ada.gov/filing_complaint.htm)

To fill out a civil rights questionnaire to begin the complaint process with the Arizona Attorney General's Office, please visit: <https://www.azag.gov/complaints/civil-rights>

**This brochure contains general information for educational purposes and should not be construed as legal advice. This information is not intended to be a comprehensive statement of the law and may not reflect recent legal developments. People with disabilities who use service animals have further rights that are not contained in the above FAQ, and additional laws and**

**regulations may apply depending on the context (e.g., housing, commercial air travel). If you have specific questions concerning any matter contained in this brochure or need legal advice, we encourage you to consult with an attorney.**



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