



**ROCKY MOUNTAIN
A D A C E N T E R**

CO • MT • ND • SD • UT • WY

Service Animals and the ADA

Emily Shuman, Director
Rocky Mountain ADA Center





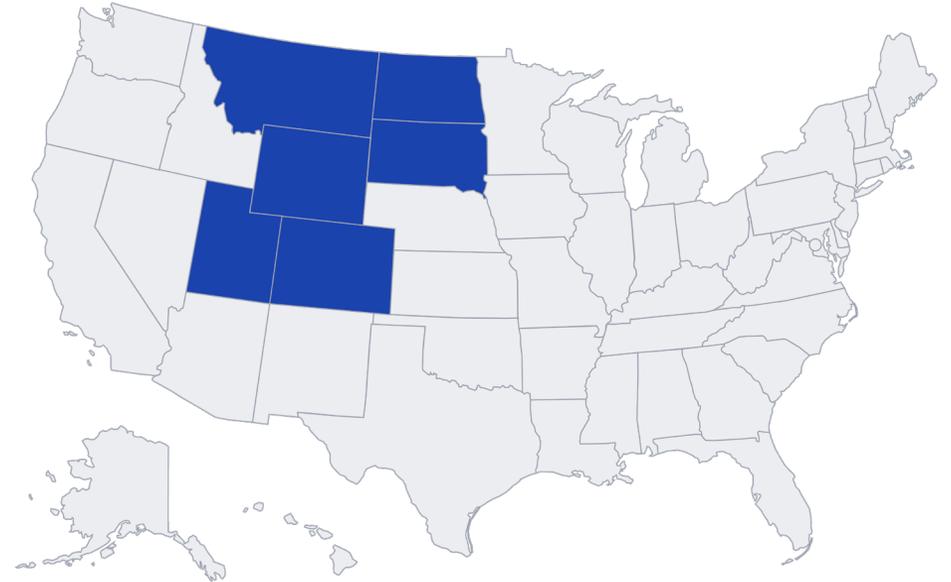
**ROCKY MOUNTAIN
A D A C E N T E R**

CO • MT • ND • SD • UT • WY

Disclaimer

Information, materials, and/or technical assistance are intended solely as informal guidance and are neither a determination of your legal rights or responsibilities under the ADA, nor binding on any agency with enforcement responsibility under the ADA.

The Rocky Mountain ADA Center, operated by the University of Northern Colorado, is funded under a grant from the National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR grant number 90DPAD0014) to provide technical assistance, training, and materials to Colorado, Utah, Montana, North Dakota, South Dakota, and Wyoming on the Americans with Disabilities Act.

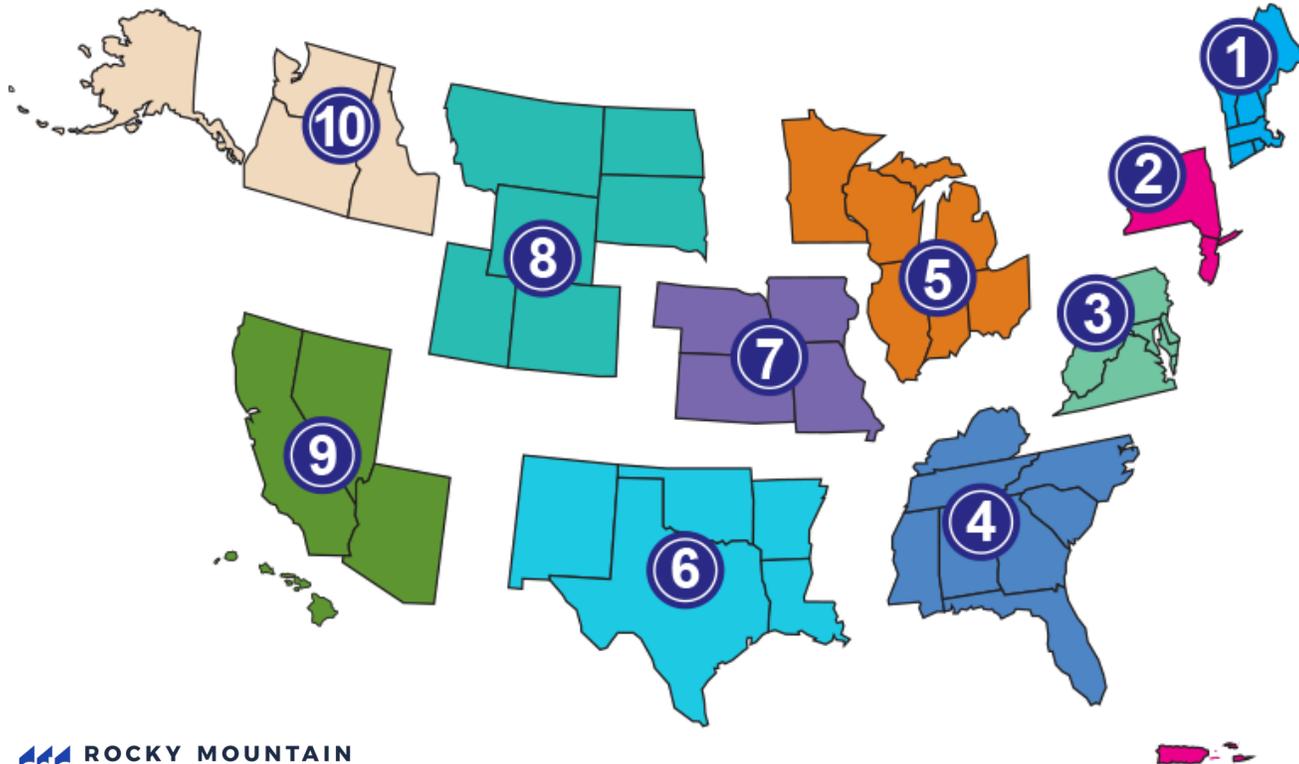


Contact Information

Regional ADA Centers

1-800-949-4232

www.adata.org



What we do:

- Technical assistance
- Refer and network
- Conduct research
- Provide training
- Publish and share materials
- Social media



Learning Objectives

- Understand definitions, rights, and responsibilities of **service animal handlers**
- Understand the **difference between a service animal and emotional support/therapy animals**

Americans with Disabilities Act (ADA)

Civil Rights Law = Legal guarantee of equal opportunity in areas of public life for individuals with disabilities

- Prohibits discrimination on the basis of disability
- Applies to employers, government entities, and private businesses open to the public
- Requires modification of policies to allow for service animal access



July 26, 1990 – President George H. W. Bush signing the Americans with Disabilities Act on the South Lawn of the White House. Pictured (left to right): Evan Kemp, Reverend Harold Wilke, President Bush, Sandra Parrino, Justin Dart

Service Animal FAQs

- What types of animals can be service animals?
- How do I know it's not really a pet?
- What can I ask?
- Can I restrict where it goes? Where the handler goes?
- What certification, training, or proof can I require?
- Can I restrict breed, size, weight or species?
- Can I require animals to be licensed and vaccinated?
- Can I charge fees or deposits, or for damages?
- Do animals have to be wearing a special vest or badge?
- What if I think the animal will bite, yelp, bark, disturb or harm other people or animals?
- What to I tell other patrons?
- How many animals can one person have?
- Miniature horses – seriously?!

Service Animal Definition

- Any **dog, or miniature horse**, that is individually trained to do work or perform tasks for the benefit of an individual with a disability
 - Any type of disability
 - Any task which mitigates an aspect of an individual's disability
 - No breed restrictions



Miniature Horses

- **Not** a pony or small horse
- 70-100lbs
- 24-34 inches to the bottom of mane

Benefits:

- Personal preference or allergies
- Easier to groom
- Push/pull heavy objects; Balance and mobility assistance
- Longer lifespan and working life after short training investment
- Excellent eyesight, 350° and night vision, alert to danger and changes in the environment
- Easily housebroken



Service Animal Handler Rights

Right to Public Access

Restaurants • Theaters • Schools • Child and Elder Care Facilities • Recreation Facilities and Parks • Doctors' Offices • Laundromats • Retail and Grocery Stores • Rental Establishments • Stadiums • Public Transport • Zoos • Museums

Private clubs & religious establishments generally exempt



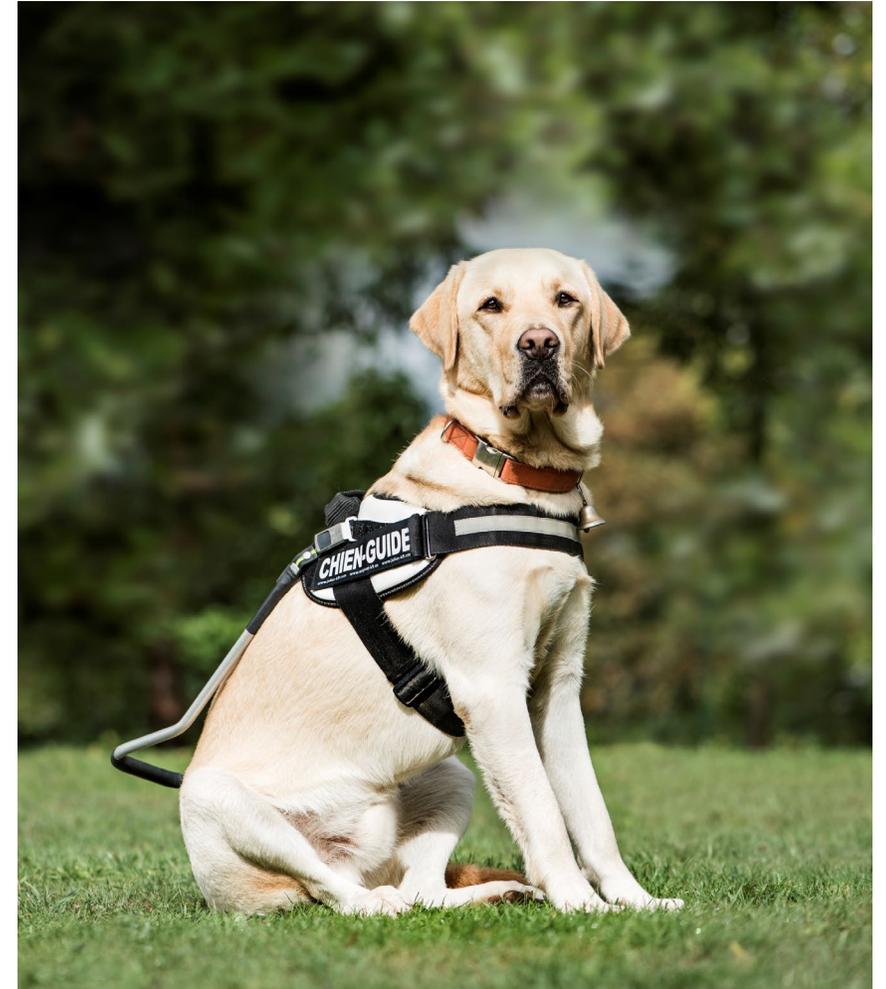
Service Animal Handler Rights Continued

- Integration
- Multiple service animals
- No surcharges (Pet fees)
 - Damages can be charged if anyone else with an animal would be charged for the same damages
- Fears or allergies are generally not a valid reason to exclude



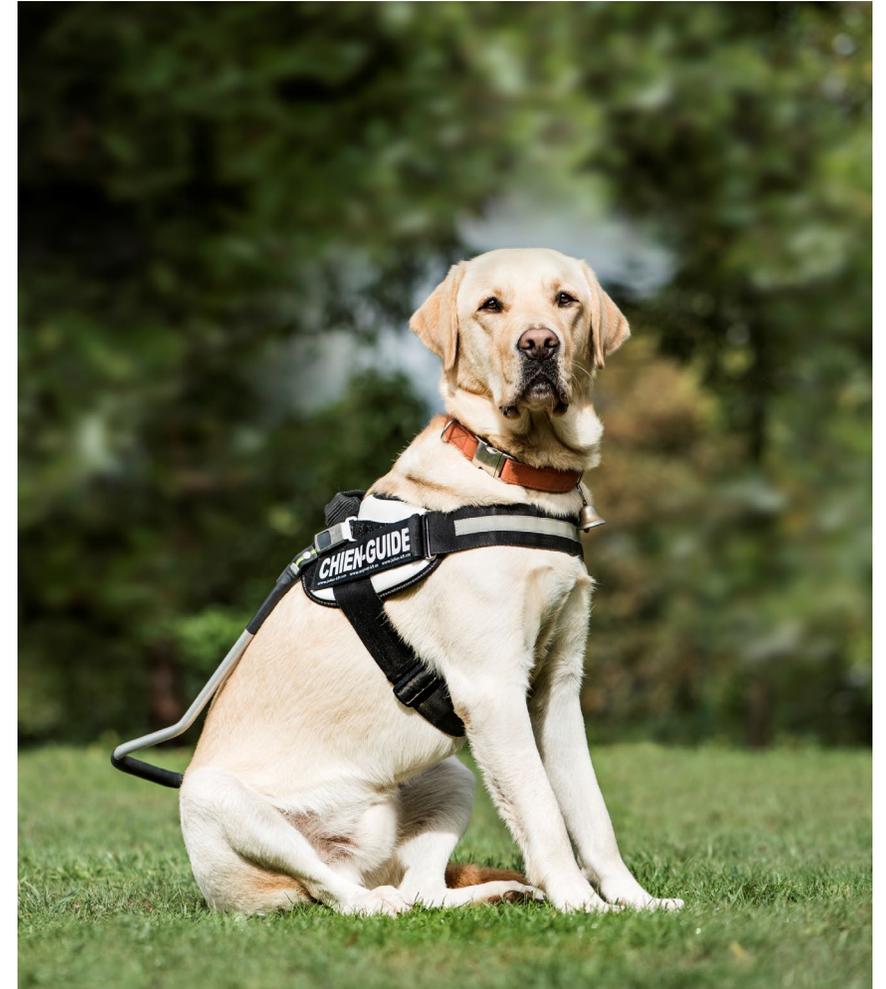
Question: How can I tell if an animal is really a service animal?

- Registration
- Proof of disability
- Harness/vest
- Certification
- Paperwork
- Identification cards
- Patches
- Documentation from doctor
- Proof of training



Answer:

- Registration
- Proof of liability
- Harness/vehicle
- Certification
- Paperwork
- Identification cards
- Leashes
- Documentation from doctor
- Proof of training



Is It a Service Animal?

Registration – Proof of disability – Harness or vest – Certification – Paperwork – Identification cards – Patches – Documentation from doctor – Proof of training



Credible verbal assurance and actual witnessed behaviors are the only criteria for evaluating legitimacy of service animals



Seeking Credible Verbal Assurance

There are only two questions you can ask when someone's need for a service animal is not obvious:

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



TASKS: Must be a VERB, not a passive action

- **Retrieve and carry items:** Medicine, assistive devices, water
- **Mobility:** Bracing, stabilizing, counterbalance
- **Hearing alert:** Doorbell, fire alarm, phone
- **Medical alert:** Diabetes, seizure, allergens, blood pressure, cortisol, nightmares, medicine reminder
- **Medical rescue:** Find help, dial 911, find medicine, place head under handler's head
- **Grounding:** Interrupt behaviors, tactile stimulation, deep pressure therapy, lick, tap
- **Perimeter checks and room clearing:** Checking for presence of people or weapons
- **Self care assistance:** Opening and closing washer/dryer, fridge, bathroom stall, doors, pull blankets on/off, pull blinds, remove socks or other clothing items
- **Cover:** Blocking, "watch my six," alert to approaching person
- **Guiding:** Bathroom, work, store, safe route, watch traffic

Service Animal Expectations

- **Housebroken**
- **Always under handler's control**
 - Harnessed, leashed, or tethered, unless the individual's disability prevents using these devices or these devices interfere with the service animal's tasks
 - In that case, the individual must maintain control of the animal through voice, signal, or other effective controls
- **No required or forbidden equipment**
- **Must meet local safety requirements**
 - Licensing
 - Vaccination
 - Registration



Care and Supervision

- Individuals with disabilities are **responsible for the care and supervision** of their service animals.
- If a person is **incapacitated or unconscious**, they cannot keep their animal under control.
- If a service animal is with someone other than the person for whom they've been trained to support, **they are not on the job.**



Causes for Service Animal Exclusion

May exclude if:

- Disruptive or out of control **and** handler does not take effective action to control it
- Damages property
- Direct threat to health or safety (not housebroken)
- Fundamental alteration

If animal is excluded:

- Must be based on **actual** behavior or history, not fears or generalizations about how an animal or breed might behave
- Must offer goods and services to the person without the animal present



Training Service Animals

- Trained by handler
- Trained by an organization
 - Expensive (\$7,000+)
 - Demand outpaces supply

Service animals in training are protected by state law.



Other Montana Laws

Definition	Accommodation Law	Driving Law	Service Dog Fraud
<p>“Service animal” has the same meaning as the ADA.</p>	<p>A person with a disability has the right to be accompanied by a service animal or a service animal in training with identification without being charged extra for the service animal</p> <p><u>Service Animals in Training</u></p> <ul style="list-style-type: none"> • wear a leash, collar, cape, harness, or backpack that identifies in writing that the animal is a service animal in training. • identification must be visible and legible from a distance of at least 20 feet. 	<p>Driver must yield the right-of-way to a blind pedestrian accompanied by a guide dog.</p> <p>Failure to do so is a misdemeanor punishable of a fine up to \$25</p>	<p>A person cannot misrepresent an animal as their service animal or service-animal-in-training.</p> <ul style="list-style-type: none"> • Will receive a written warning. • Continue to misrepresent the animal to gain special privileges. <p>Violation is a misdemeanor.</p> <p>1st Offense = \$50 2nd Offense = \$75-\$200 3rd+ Offense = \$100-\$1,000</p> <p>May also be required to do community service for disability organization.</p>

Assistance Animals

ADA: Service
Animals

Other Assistance
Animals

Miniature
Horses

Service
Dogs

Emotional
Support
Animals

Therapy
Animals

Other Types of Assistance Animals (Not Service Animals!)

Emotional support or comfort animals

- Provide comfort, companionship, emotional support, or other benefits to an individual simply by being *present*, but are **not trained** to *do* anything specific

Therapy animals

- Trained to provide comfort or socialization to **general populations** (for example, in pediatric hospital units or nursing homes); **not trained** to serve a specific individual

Because service animals must “**do work or perform tasks**,” and the provision of emotional support, well being, comfort, or companionship **do not constitute work or tasks** for the purposes of the “service animal” definition, **emotional support and therapy animals are not service animals.**

Your Experiences

- What experiences have you had with service animals or emotional support animals?
- What difficulties do you encounter?
- What questions do you still have?

We're here to help.



Emily Shuman



Email@RockyMountainADA.org



RockyMountainADA.org



1-800-949-4232



9:00 a.m. – 4:00 p.m. MT
Monday – Friday

