

# ASSISTANCE IN ACTION



## A SUMMARY OF U.S. RIGHTS AND RESPONSIBILITIES FOR SERVICE ANIMALS AND THEIR PARTNERS

Individuals with disabilities who require the use of service animals have certain rights and protections under The Americans with Disabilities Act (ADA) and its regulations, the Air Carrier Access Act, and potentially under state and local law.<sup>1,2</sup>

Under the ADA, service animals are dogs that are individually trained to do work or perform tasks for people with disabilities. Their work or task must directly relate to their partner's disability. Animals whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.<sup>2</sup>



### Service animals must be under control.

The service animal's partner must maintain control of the animal (e.g. with a leash or harness) unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In such instances, the partner must maintain control through other means, such as voice or signal. The animal must also be housebroken. Note that an establishment can ask someone to remove a service dog from the premises if the animal is out of control or is not housebroken.<sup>2</sup>



### Access and service cannot be denied because of allergies, fear of dogs and food service.

Reasonable accommodation should be made if someone with allergies and the service animal need to be in the same space. At establishments that sell or prepare food, service animals must generally be allowed in public areas, even if state or local health codes prohibit animals on the premises. At hotels, any pet fees must be waived for service animals, though damage fees still apply.<sup>2</sup>



### Service animals can accompany their partners into public places.

U.S. state and local governments, businesses and nonprofit organizations that serve the public must allow service animals to accompany their partners in all areas of the facility where the public is allowed to go, with reasonable exceptions (e.g. where the animal's presence may compromise a sterile environment).<sup>2</sup>



### Service animals can accompany their partners in the cabin of aircraft, if health and safety requirements are satisfied.

Under the Air Carrier Access Act (ACAA), airlines are required to permit service animals onboard with their partners if the animal can be accommodated safely in the available space, and the animal does not pose a direct threat to the health and safety of others, disrupt the service or exhibit unacceptable behavior. The ACAA applies to all flights to, from and within the U.S., though airlines traveling to foreign countries are subject to that country's requirements regarding acceptance of service animals. Documentation may be required for psychiatric service animals or where their work is less conspicuous. Airlines are not required to accept unusual service animals, such as reptiles or rodents.<sup>3</sup>



### Limited inquiries are allowed by staff.

Staff may confirm if the animal is a service animal required because of a disability and ask what work or task the animal has been trained to perform. No documentation or demonstration is required.<sup>2</sup>



### Service animals and their partners should have equal treatment to other patrons.

People with disabilities who use service animals cannot be isolated from other patrons or treated less favorably.<sup>2</sup>

**All laws are subject to change. Within the U.S., be sure you understand the specific laws for your state. This summary has been provided for reference only and is not legal advice. Please review the [Code of Federal Regulations](#), [Americans with Disabilities Act](#) and [Air Carrier Access Act](#) for full details specific to your circumstances.**

#### References:

1. U.S. Department of Justice. Code of Federal Regulations. 2011. 2. U.S. Department of Justice. Americans with Disabilities Act: Service Animals. 2010. 3. U.S. Department of Transportation. Air Carrier Access Act. 2012.



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