

A GUIDE TO SERVICE AND EMOTIONAL SUPPORT ANIMALS IN LOUISIANA



**DISABILITY RIGHTS
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Service Animals

What is a service animal?

Under the Americans with Disabilities Act (ADA), a service animal is defined as "a dog that has been individually trained to do work or perform tasks for an individual with a disability. The task(s) performed by the dog must be directly related to the person's disability."

What does "perform work or tasks" mean?

The dog needs to be trained to take a specific action when required to assist the person with a disability. For instance, a person with diabetes may have a dog trained to alert them when their blood sugar reaches high or low levels. A person with depression may have a dog trained to remind them to take their medication. Or, a person who has epilepsy may have a dog trained to detect the onset of a seizure and then help them stay safe during the seizure.

Source information for this publication can be found at:

ADA Requirements: Service Animals

Last updated: February 28, 2020

<https://www.ada.gov/resources/service-animals-2010-requirements/>

Handler's Responsibilities

- Under the ADA, service animals must be harnessed, leashed, or tethered, unless the person's disability prevents using these devices or these devices interfere with the service animal's safe, effective performance of tasks
 - In that case, the person must maintain control of the animal through voice, signal, or other effective controls
- The animal must be housebroken
- The animal should be vaccinated in accordance with local and state laws
- If a service animal behaves in an unacceptable way and the person with a disability does not control the animal, a business or other entity does not have to allow the animal onto its premises.
 - Examples of unacceptable behavior for a service animal include uncontrolled barking, jumping on other people, or running away from the handler

Service Animals

Do service animals need to be specially trained?

No. People with disabilities are not required to use a professional service dog training program and have the right to train the dog themselves.

Do service animals need to wear a special patch, vest, or harness?

No. The ADA does not require service animals to wear a vest, ID tag, or specific harness.

Examples of Service Animals

- Guide dogs or seeing eye dogs
- Hearing or signal dogs
- Psychiatric Service Dogs:
 - A dog that has been trained to perform tasks that help individuals with disabilities to detect the onset of psychiatric episodes and lessen their effects. Tasks performed by psychiatric service animals can include reminding the handler to take medicine, providing safety checks or room searches, or turning on lights for persons with Post Traumatic Stress Disorder, interrupting self-mutilation by persons with dissociative identity disorders, and keeping disoriented individuals from danger
- Sensory Signal Dogs or Social Signal Dog
 - Trained to assist a person with autism
- Seizure response dog

Miniature Horses

- Establishments covered by the ADA must modify their policies to permit miniature horses where reasonable.
- The ADA has four assessment factors to assist establishments in determining whether miniature horses can be accommodated in their facility. The assessment factors are:
 1. whether the miniature horse is housebroken;
 2. whether the miniature horse is under the owner's control;
 3. whether the facility can accommodate the miniature horse's type, size, and weight; and
 4. whether the miniature horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility

Other Support & Therapy Animals

- Emotional Support Animals or Comfort Animals are not considered service animals under the ADA, even though they are often used as part of a medical treatment plan as therapy animals
- Support animals do not have special training to perform tasks that help people with disabilities
 - They provide companionship, relieve loneliness, and sometimes help with depression, anxiety, and certain phobias
- Therapy animals provide people with therapeutic contact, most often in a clinical setting, to improve their physical, social, emotional, and/or cognitive functioning
- These animals are not restricted to working with people with disabilities and are not covered by federal laws protecting the use of service animals

Handler's Rights

Public Places

- A service animal must be allowed to go with the handler to any place in the building or facility where members of the public, program participants, customers, or clients are allowed
- A business with a "no pets" policy may not exclude a service animal
- When a person with a service animal enters a public space or place of public accommodation, the person cannot be asked about the nature or extent of his disability. **Only two questions may be asked:**
 - **Is the animal required because of a disability?**
 - **What work or task has the animal been trained to perform?**
- These questions should not be asked if the animal's service tasks are obvious
 - For example, the questions cannot be asked if the dog is seen escorting an individual who is blind or has low vision, pulling a person's wheelchair, or helping with stability or balance to an individual with a visible mobility disability
- **A public accommodation or facility may not ask for proof or documentation that the animal has been certified, trained, or licensed as a service animal**
- Local laws that ban specific breeds of dogs don't apply to service animals
- Even if people accompanied by pets are required to pay fees, a place of public accommodation or public entity cannot ask an individual with a disability to pay a surcharge
- Public entities may not require anything of people with service animals that isn't required of individuals in general, with or without pets
 - If a public entity normally charges individuals for damages they caused, an individual with a disability may be charged for damage caused by their service animal

Handler's Rights

Employment

Employers must give reasonable accommodations

- Permitting an individual with a disability to have a service animal or an emotional support animal accompany them to work can be considered an accommodation

For a service animal or an emotional support animal, if the disability is not obvious and/or the reason the animal is needed is not clear, an employer may request documentation to establish the existence of a disability and how the animal helps the individual perform his or her job

- Documentation may include a detailed explanation of how the animal would help the employee in completing job tasks and how the animal is trained to behave in the workplace
- A person seeking an accommodation can suggest that the employer allow the animal to accompany them to work on a trial basis

Both service and emotional support animals may be banned from the workplace if they create either an extreme hardship or a direct threat in the workplace.

Handler's Rights

Housing

- Under the Fair Housing Act (FHA), a landlord or homeowner's association must provide reasonable accommodation to people with disabilities so that they have an equal opportunity to enjoy and use a place of residence
- **Emotional support animals that do not qualify as service animals under the ADA may qualify as reasonable accommodations under the FHA**
- When a person with a disability uses a service animal or an emotional support animal, a reasonable accommodation can include waiving a no-pet rule or a pet deposit
 - **This animal is not considered a pet**
- A landlord or homeowner's association cannot ask a housing applicant about the existence, nature, and extent of their disability
 - An individual with a disability who requests a reasonable accommodation can be asked to provide documentation so that the landlord or homeowners' association can properly review the accommodation request
 - They can ask the person to certify, in writing,
 - (1) that the tenant or a member of his or her family is a person with a disability;
 - (2) the need for the animal to assist the person with that specific disability; and
 - (3) that the animal actually assists the person with a disability
- The ADA may apply in the housing context as well, for example with student housing
 - **Where the ADA applies, requiring documentation or certification would not be permitted with regard to an animal that qualifies as a "service animal"**

Handler's Rights

Education

Service animals in public schools (K-12):

- The ADA permits a student with a disability who uses a service animal to have the animal at school
- Additionally, the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act permits a student to use an animal that does not meet the ADA definition of a service animal if that student's Individual Education Plan (IEP) or Section 504 team finds the animal is necessary for the student to receive a free and appropriate education
- Where the ADA applies, schools should be aware that the use of a service animal is a right that is not dependent upon the decision of an IEP or Section 504 team
- Emotional support animals, therapy animals, and companion animals are rarely allowed to accompany students in public schools
 - The ADA does not cover the use of animals other than those meeting the definition of "service animal"
 - The decision whether a student may use an animal other than a service animal should be made on a case-by-case basis by the IEP or Section 504 team

Service animals in postsecondary education settings:

- Under the ADA, colleges and universities must allow people with disabilities to bring their service animals into all areas of the space that are open to the public or to students
- Colleges and universities can have a policy asking students who use service animals to contact the school's Disability Services Coordinator to register as a student with a disability
- Colleges cannot require any documentation about the training or certification of a service animal
 - They can require proof that a service animal has any vaccinations required by state or local laws that apply to all animals

Handler's Rights

Transportation

- Even if there is a “no pets” policy, a person traveling with a service animal cannot be denied access to transportation
- The person with a service animal cannot be forced to sit in a particular spot; no additional fees can be charged because the person uses a service animal; and the person does not have to provide advance notice that they will be traveling with a service animal
- These rules apply to both public and private transportation providers and include subways, fixed-route buses, Paratransit, rail, light-rail, taxicabs, shuttles and limousine services

Handler's Rights

Air Travel

The Air Carrier Access Act (ACAA) provides the rules for flying with a service animal:

- Under the ACAA, a service animal is as a dog, regardless of breed or type, that is individually trained to do work or perform tasks for the benefit of a qualified individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability
- Airlines are not required to recognize emotional support animals as service animals and will treat them as pets
- Psychiatric service animals are treated the same as other service animals that are individually trained to do work or perform a task for the benefit of a qualified individual with a disability
- Airlines are permitted to limit service animals to dogs
- Airlines are permitted to require passengers to submit a completed Training Form hardcopy or electronic version of the Department's "U.S. Department of Transportation Service Animal Air Transportation Form" as a condition of transportation
- Airlines are permitted to require individuals traveling with a service animal on flights eight hours or longer to remit a completed hardcopy or electronic version the Department's "U.S. Department of Transportation Service Animal Relief Attestation" as a condition of transportation
- Airlines are permitted to require a service animal to fit on their handler's lap or within its handler's foot space on the aircraft
- Airlines are permitted to require a service animal to be harnessed, leashed, or otherwise tethered in areas of the airport that they own, lease, or control, and on the aircraft
- Airlines are prohibited from refusing to transport a service animal based solely on breed or generalized physical type, as distinct from an individualized assessment of the animal's behavior and health
- Airlines are not permitted to require a passenger with a disability to physically check-in at the airport, rather than using the online check- in process, on the basis that the individual is traveling with a service animal
 - Airlines may require a passenger with a disability seeking to travel with a service animal to provide the service animal form(s) at the passenger's departure gate on the date of travel
- Airlines may require a person traveling with a service animal to provide a U.S. Department of Transportation Service Animal Air Transportation Form, and if applicable, a U.S. Department of Transportation Service Animal Relief Attestation up to 48 hours in advance of the date of travel if the passenger's reservation was made prior to that time

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For more information go to <https://www.transportation.gov/sites/dot.gov/files/2020-12/Service%20Animal%20Final%20Rule.pdf>