



Rights and Responsibilities of People with Service Animals

Laws, Tips, and Resources

Melissa Allman



WORKING ANIMALS, EXPLAINED



A therapy animal

is specifically trained to provide comfort to a group of people (not the owner) such as nursing home residents, hospital patients or school children. Therapy animals have no rights to public access and may only go where invited to provide therapy visits.



An emotional support animal

(or ESA) is not trained to perform a specific job or task but provides comfort simply by being with their owner. People with disabilities are allowed to have emotional Support Animals in housing covered by the **Fair Housing Act**, including places like apartment complexes and condos, and they do not have to be dogs.



A service animal

is a dog that is trained to do work or perform tasks for a person with a disability, such as picking up objects or helping them get around. **Only service animals have full access to public spaces under the Americans with Disabilities Act and airlines through the Air Carrier Access Act.**



A guide dog

is a service animal that is trained to assist someone who is blind or visually impaired to navigate safely and independently around obstacles, over various types of terrain, and across streets.



A Seeing Eye® dog

refers specifically to a guide dog that has graduated from The Seeing Eye. While there are many guide dog schools, only dogs trained at our school can rightly be called Seeing Eye dogs.



Definitions and Distinctions

- A service animal is an animal that is individually trained to perform a task for a person with a disability
- Service animals are almost always dogs except in rare cases miniature horses
- Guide dogs are service animals
- Emotional support animals (ESA's) are allowed in housing but not in public places
- ESA's do not have to be dogs and are not necessarily trained to perform tasks



Laws That Protect Equal Access for People with Service Animals

- The Americans with Disabilities Act (ADA) is the federal law that generally gives people with service animals equal access to anywhere the public is allowed to go. Read more about the ADA and service animals at <https://www.ada.gov/topics/service-animals/>
- The New Jersey Law Against Discrimination (NJLAD) is the state law that includes protections for people with service animals and credentialed service animal trainers in New Jersey. Read the NJLAD at <https://www.njoag.gov/wp-content/uploads/2021/02/NJ-Law-Against-Discrimination.pdf>



What Can a Handler be Asked About Their Service Animal?

- Only Two Questions!
 - Is this a service animal needed for a disability?
 - What task is it trained to perform?
- **Important:** Questions about the diagnosis or disability are not allowed!

What Handlers Cannot be Asked to Do or Provide

- ID or certificates—they can be purchased without legitimate training
- Vests or patches—only task-related equipment is required
- Advanced notification that handler will be accompanied by a service animal—businesses sometimes think they are entitled to this
- Vaccination records for the dog—handlers must obey local and state laws concerning vaccination but entities not entitled to proof





Handler Responsibilities

- Handlers must maintain control of their dogs at all times in public places, E.G. no jumping, lunging, excessive vocalizing, blocking aisles
- Handlers must keep dogs leashed, harnessed, or tethered unless this equipment would interfere with the task, in which case voice commands or other means of control must be used
- Handlers must ensure their dogs are clean and well-groomed
- Service dogs must be housebroken
- A handler can be asked to remove a service dog that is not under control

Handlers must not be treated less favorably due to the presence of a service animal, E.G.

- Denying access to a service dog due to allergies, fear of dogs, or religious objections
- Making a handler sit outside at a restaurant due to the presence of their service dog or otherwise isolating the handler
- Requiring a handler to provide advanced notice that they will be accompanied by their service dog
- Charging fees and deposits due to the presence of a service dog
- Insisting that a handler stay on a pet floor in a hotel when they did not book a pet room



Examples of Places or Situations When Service Dogs Can Be Excluded



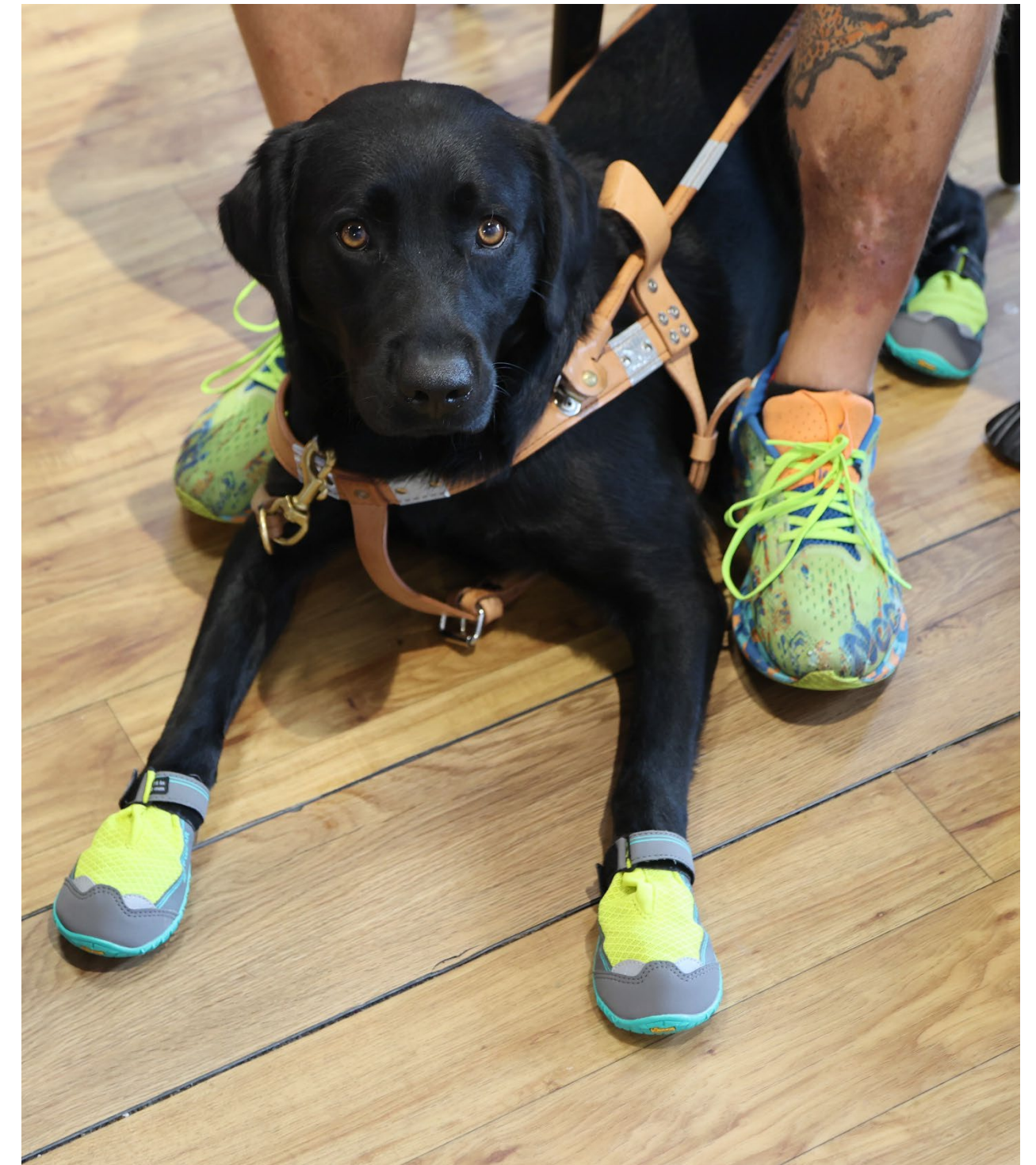
- Restaurants can prohibit dogs from sitting on or being fed on chairs or tables
- Dogs swimming in public pools is prohibited but service dogs must be allowed pool side
- Dogs can be prohibited from riding in store shopping carts
- Areas of a zoo where the dog is the natural prey or predator of animals in the exhibit, but not other areas of the zoo
- A boarding school or university dormitory specifically designated for people with allergies, but not other areas of the educational setting
- Sterile environments like an operating room, burn unit, or some ICUs, but not other health care settings



Data Tells the Story About Barriers To Equal Access for Guide Dog Handlers



- The Seeing Eye surveyed guide dog handlers in North America in 2023 and got over 500 responses. Here are some takeaways:
 - 22% were told their dogs must be wearing a vest to enter public places despite no legal requirement.
 - 54% were told they must show ID to enter a business.
 - Over 50% were told they could not enter with their dogs because other people accessing the business could have allergies.
 - Almost 50% were told at restaurants that they could only sit outside or far from other patrons with their dogs.
 - 37% were charged fees or deposits in settings such as hotels even though it is illegal in both countries.
 - Approximately 75% reported that within the past 5 years, they were prevented from safely working with their guide dogs inside businesses and other public places due to an increase in poorly behaved dogs in public.





Rideshare Denials Are Pervasive

- 75 percent of those surveyed use rideshares while working their dogs.
- Approximately 80% of guide dog handler rideshare users have experienced a denial of service due to the presence of their guide dogs.

Quick Checklist for When Someone Walks Into Your Business With An Animal

- Try not to lose sight of What you need to know. Is this a service animal?
- If it's not a dog or in rare cases a miniature horse, it isn't a service animal.
- If it is a dog, is it behaving appropriately ? E.G. not lunging, jumping, growling, blocking aisles, sitting on chairs, eating off tables?
- If it is not behaving, the law allows you to ask the person to remove the dog and come back and patronize your establishment without the dog.
- If it's not obvious what task the dog is doing, you can ask the two questions—Is this a service animal and what task is it trained to perform?
- Engage in productive dialogue. When a conversation becomes circular and escalates, go back to what you know about rights and responsibilities.



Why Does Equal Access for People with Service Animals Matter?

- People with disabilities are people first, just like you
- Service animals are not pets
- Service animals perform tasks that empower people with disabilities to go about their daily lives safely, independently, and confidently—going to work, school, your restaurant, and more
- It is about doing the right thing and not missing out on valuable and loyal patrons





Resources



The Seeing Eye Advocacy Center

www.seeingeye.org/advocacy



The Seeing Eye Advocacy App

Available for Apple/iOS and
Google/Android

THANK YOU



The Seeing Eye, Inc.
Advocacy@seeingeye.org