

Part 1 of 2

The local uproar created by a single veteran with a comfort animal that entered a restaurant to eat a few weeks ago, continues with a lot of disinformation. The conversation started with an ADA activist (lack of identification on her part compels me to list her as such) attempting to mediate between the veteran and the restaurant owner.

As more information was gathered, another meeting was held in the Veterans hall and was comprised mostly of veterans and spouses. It is with these concerns in mind that these frequently asked questions of the American Disability Act is reprinted here in two parts. Not all of the questions and answers are pertinent to the local problem, but they are all included to further acquaint the reader with the scope of the law.

The following questions and answers were excerpted from the American Disability Act website and are reprinted here in a condensed format to better educate the general public.

The highlighted questions or answers are the editor's, which pertain to at least some of the local problems encountered. For more info, log on the website at www.ada.gov or call 800-514-0301 (Voice) and 800-514-0383 (TTY), M-W, F 9:30 am – 5:30 pm, Th 12:30 pm – 5:30 pm (Eastern Time) to speak with an ADA Specialist. Calls are confidential.

What is a service animal?

A. Under the 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 "do work or perform tasks" mean?

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

Are emotional support, therapy, comfort, or companion animals considered service animals under the ADA?

A. No. These terms are used to describe animals that provide comfort just by being with a person. Because they have not been trained to perform a specific job or task, they do not qualify as service animals under the ADA.

If someone's dog calms them when having an anxiety attack, does this qualify it as a service animal?

A. It depends. The ADA makes a distinction between psychiatric service animals and emotional support animals. If the dog has been trained to sense that an anxiety attack is about to happen and take a specific action to help avoid the attack or lessen its impact, that would qualify as a service animal. However, if the dog's mere presence provides comfort, that would not be considered a service animal under the ADA.

Does the ADA require service animals to be professionally trained?

A. No. People with disabilities have the right to train the dog themselves.

Are service-animals-in-training considered service animals under the ADA?

A. No. Under the ADA, the dog must already be trained before it can be taken into public places.

GENERAL RULES

What questions can a covered entity's employees ask to determine if a dog is a service animal?

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

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

A. No.

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

A. The handler is responsible for caring for and supervising the service animal, which includes

toileting, feeding, and grooming and veterinary care.

Can a person bring a service animal with them as they go through a salad bar or other self-service food lines?

A. Yes. Service animals must be allowed to accompany their handlers to and through self-service food lines. Similarly, service animals may not be prohibited from communal food preparation areas, such as are commonly found in shelters or dormitories.

Can hotels assign designated rooms for guests with service animals, out of consideration for other guests?

A. No. A guest with a disability who uses a service animal must be provided the same opportunity to reserve any available room at the hotel as other guests without disabilities. They may not be restricted to “pet-friendly” rooms.

Can hotels charge a cleaning fee for guests who have service animals?

No. Hotels are not permitted to charge guests for cleaning the hair or dander shed by a service animal. However, if a guest’s service animal causes damages to a guest room, a hotel is permitted to charge the same fee for damages as charged to other guests.

Can people bring more than one service animal into a public place?

A. Generally, yes. Some people with disabilities may use more than one service animal to perform different tasks. For example, a person who has a visual disability and a seizure disorder may use one service animal to assist with way-finding and another that is trained as a seizure alert dog. Other people may need two service animals for the same task, such as a person who needs two dogs to assist him or her with stability when walking. Staff may ask the two permissible questions (See Question 7) about each of the dogs. If both dogs can be

accommodated, both should be allowed in. In some circumstances, however, it may not be possible to accommodate more than one service animal.

Does a hospital have to allow an in-patient with a disability to keep a service animal in his or her room?

A. Generally, yes. Service animals must be allowed in patient rooms and anywhere else in the hospital the public and patients are allowed to go. They cannot be excluded on the grounds that staff can provide the same services.

What happens if a patient who uses a service animal is admitted to the hospital and is unable to care for or supervise their animal?

A. If the patient is not able to care for the service animal, the patient can make arrangements for a family member or friend to come to the hospital to provide these services, as it is always preferable that the service animal and its handler not be separated, or to keep the dog during the hospitalization. If the patient is unable to care for the dog and is unable to arrange for someone else to care for the dog, the hospital may place the dog in a boarding facility until the patient is released, or make other appropriate arrangements. However, the hospital must give the patient the opportunity to make arrangements for the dog's care before taking such steps.

Must a service animal be allowed to ride in an ambulance with its handler?

A. Generally, yes, if space allows and the animal does not interfere with the emergency medical staff's ability to treat the patient.

CERTIFICATION AND REGISTRATION

Does the ADA require that service animals be certified as service animals?

A. No.

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

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

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

A. Yes. Service animals are subject to local dog licensing and registration requirements.

My city requires me to register my dog as a service animal. Is this legal under the ADA?

A. No.