

SERVICE DOG INFORMATION

Service dogs are defined as dogs that are individually trained to do work or perform physical tasks for people with disabilities.

While federal Service Dog law is written to protect individuals with disabilities and their complete, unrestricted public access with their well-trained and skilled canine partners, it also has provisions to protect businesses from Dogs with questionable behaviors.

Individuals with a disability have the right to have their Service Dog accompany them anywhere members of the public are allowed to be, but business owners and patrons have rights, too.

Dogs whose sole function is to provide comfort or emotional support do not qualify as a Service Dog under the ADA and are not entitled to public access.

If a dog doesn't perform task work, it is not a Service Dog – it is an Emotional Support dog and is not entitled to unrestricted access.

Service Animals Must Be Under Control

Service Dogs in Public Should:

- **Focus on their handler at all times unless doing trained task work.**
- **Possess a stable, even temperament** without anxiety, reactivity or aggression.
- **Walk nicely on a leash** with no tension, unless the dog's task work requires tension.
- **Remain quietly by their handler's side when their handler stops without wandering.**
- **Lay quietly under the table or beside their handler's chair without getting up or moving around excessively.**

Changing positions is fine; moving around and standing is not acceptable.

- **Ignore distractions.**
- **Be quiet at all times unless performing specific, trained task work.**
Service Dogs should be seen by the public and not heard.
- **Appear professional, well-groomed and well-taken care of.**
- **Keep his or her nose to his or her self at all times.**
- **Respond quickly and readily to the handler's commands, cues or directions.**
- **Be able to do pertinent task work to mitigate their handler's disability.**

Under the ADA, a Service Dog must be harnessed, leashed, or tethered while in public.

Generally, dogs are to have all 4 paws on the floor.

Exceptions might include medical alert dogs in a chest pack.

Business Management or Staff **cannot**:

- ✓ Ask about the person's disability ✓ Require medical documentation
- ✓ Require a special identification card or training documentation for the dog
- ✓ Ask that the dog demonstrate its ability to perform the work or task

Business Management or Staff **may**:

- ✓ Ask if the dog is required because of a disability
- ✓ Ask what tasks or work the dog has been trained to perform

Service Dogs in Public Should NOT:

- Urinate or defecate inappropriately.
If a dog isn't house trained, she doesn't belong in public.
- Whine, bark, grumble, growl or make other noises.
- Pick food or objects up off the floor or steal (or even show much interest in) food or items that are sitting out.
- Sit at a table. Sit on a chair. Feed or water from the table.
- Wander or move widely out of heel position unless cued to by their handler.
- Break "stays," "unders," or other fixed-position behaviors.
- Be anxious, antsy, agitated or aggressive in any way, shape, form or fashion.
- Stink or appear unkempt/ungroomed in any way.
- Engage with other dogs, people, children or distractions unless allowed to do so by their human partner.
- Jump, scratch excessively, mouth or exhibit other "out of control" behavior.

While federal law does require businesses to permit access for all legitimate Service Dog teams, they're not required to deal with dogs that aren't ready for public access and that federal law allows them (the business) to quietly ask the handler to remove the dog from the premise.

If a dog's **behavior** infringes on the ability of other patrons to have a nice dining experience, then a **business may be perfectly within their right legally to ask the team to leave.**

The goal is not to challenge access, but to require appropriate dog behaviors.

Possible 'script' to be used with a misbehaving Service Dog Team might include:

"We appreciate the value of Service Dogs and have respect for the Teams and for our patrons. Your dog's behaviors are inconsistent with appropriate Service Dog's behaviors and we would like you to remove your dog because the dog ...

- ✓ *is a direct violation of appropriate Service Dog behaviors.*
- ✓ *is preventing our other patrons from enjoying their time here*
- ✓ *is altering the way we prefer to do business*
- ✓ *is not covered by the requirements of the ADA (i.e. 'comfort or emotional support dog).*

You are welcome to enjoy our products and/or services without your dog."

Depending upon your local laws you might refer to...

- Fire Department/Marshall disallows any blockage of aisle ways.
- Health Department possible violations.



This information has been prepared by Hawaii Fi-Do based upon the U.S. Department of Justice Civil Rights Division – Disability Rights Section of the ADA 2010 Revised Requirements and information from [‘Things Service Dogs in Public Should and Should Not Do’](#) by [Kea Grace](#).