

Gulf Coast Veterans Advocacy Council Inc.



501(c)3 Recognized Organization

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SIMPLIFICATION OF ADA LAWS CONCERNING SERVICE ANIMALS FACT SHEET

- Beginning on March 15, 2011, only dogs are recognized as service animals under title II (State and local government services) and title III (public accommodations and commercial facilities) of the ADA.
- A service animal is a dog that is individually trained to do work or perform tasks for a person with a disability.
- Generally, title II and title III entities must permit service animals to accompany people with disabilities in all areas where members of the public are allowed to go.

DEFINITION OF A "SERVICE ANIMAL"

Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities. Examples include but are not limited to, guiding people who are blind, alerting people who are deaf, protecting a person having a seizure, and calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack. Service animals are working animals, not pets. The task the dog has been trained to do must be directly related to the person's disability. Dogs that solely provide comfort or emotional support do not qualify as service animals under the ADA.

WHERE ARE SERVICE ANIMALS ALLOWED?

Under ADA, state and local governments, businesses and nonprofit organizations that serve the public generally must allow service animals to accompany people with disabilities in all areas of the facility where the public is normally allowed to go. For example, in a hospital it would be inappropriate to exclude a service animal from areas such as patient rooms, clinics,

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cafeterias, or examination rooms. However, they may be excluded from areas where the animal may compromise a sterile environment, such as operating rooms and burn units.

EXCLUSIONS, CHARGES AND RULES

- Service animals must be harnessed, leashed or tethered unless these devices interfere with the service animal's work or the individual's disability. The individual must maintain control of the animal through voice, signal or other means.
- When the individual's disability is not obvious, only limited inquiries are allowed. Two questions are permitted to be asked: (1) is the dog a service animal required because of a disability? (2) what work or task has the dog been trained to perform? Inquiring individuals **MAY NOT ASK**: about the person's disability, require medical documentation, require a special identification card or training documentation on the dog, or ask that the dog demonstrate its ability to perform the work or task.
- Allergies and fear of dogs are not valid reasons for denying access or refusing service to people with disabilities.
- A person with a disability cannot be asked to remove his service animal from the premises unless: (1) the dog is out of control and the handler does not take necessary actions to control the dog or (2) the dog is not housebroken. The business etc, must still offer the person with the disability the opportunity to obtain goods or services without the animal's presence.
- Establishments that sell or prepare food must allow service animals in public areas even if state or local health codes prohibit animals on the premises.
- People with disabilities who use service animals cannot be isolated from other patrons, treated less favorably than other patrons, or charged fees that are not charged to other patrons without animals. In addition, if a business requires a deposit or fees to be paid by patrons with pets, it must waive the charge for service animals.
- If a business such as a hotel normally charges guests for damage that they cause, a customer with disability may also be charged for damage caused by himself or his service animal.
- Staff are not required to provide care or food for a service animal.

For additional information about ADA visit: www.ADA.gov
or call (800) 514-0301 (voice) or (800) 514-0383 (TTY)

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