

## **LAWS THAT PROTECT THE RIGHTS OF PEOPLE WITH DISABILITIES WHO HAVE TRAINED SERVICE ANIMALS**

THE FEDERAL CIVIL RIGHTS LAW, THE AMERICAN'S WITH DISABILITIES ACT (ADA), TITLE III, 28CFR SEC. 36.104, DEFINES A SERVICE ANIMAL AS ANY ANIMAL THAT IS INDIVIDUALLY TRAINED TO DO WORK OR PERFORM TASKS FOR A PERSON WITH A DISABILITY (THE DISABILITY MIGHT NOT BE VISIBLE). BY LAW, A SERVICE ANIMAL IS NOT CONSIDERED A PET. MOST SERVICE ANIMALS ARE DOGS, THEY CAN BE ANY BREED OR SIZE, AND ARE NOT LEGALLY REQUIRED TO WEAR SPECIAL EQUIPMENT OR TAGS. THE ADA DOES NOT REQUIRE PROOF OR "CERTIFICATION" OF THE SERVICE DOG'S TRAINING, ALTHOUGH THE DOG MUST SATISFY THE DEFINITION OF A SERVICE DOG, WHICH IS AN ANIMAL TRAINED TO DO SPECIFIC TASKS FOR THE BENEFIT OF PEOPLE WITH PHYSICAL OR MENTAL IMPAIRMENTS.

FEDERAL (E.G. 28 CFR SEC 36.302) AND STATE LAWS PROTECT THE RIGHTS OF INDIVIDUALS WITH DISABILITIES TO BE ACCOMPANIED BY THEIR TRAINED SERVICE ANIMALS IN TAXIS, STORES, RESTAURANTS, DOCTOR'S OFFICES, SCHOOLS, PARKS, HOTELS, AND OTHER PUBLIC PLACES. FEDERAL LAWS WHICH PROTECT INDIVIDUALS WITH DISABILITIES INCLUDE THE ADA, THE FAIR HOUSING AMENDMENTS ACT (1988), THE AIR CARRIER ACCESS ACT (1986), AND OTHER REGULATIONS.

STATE AND LOCAL LAWS\* WHICH PROTECT THE RIGHTS OF INDIVIDUALS WHO HAVE DISABILITIES TO BE ACCOMPANIED BY THEIR SERVICE ANIMALS CAN USUALLY BE FOUND ON THEIR GOVERNMENT WEBSITE.

IF FEDERAL AND STATE OR LOCAL LAW CONFLICT, THE LAW THAT PROVIDES GREATER PROTECTION FOR THE INDIVIDUAL WITH THE DISABILITY WILL PREVAIL. FOR EXAMPLE, IF STATE LAW GRANTS ACCESS ONLY BY SERVICE DOGS THAT DO GUIDE WORK, AND THE SERVICE DOG IN QUESTION PERFORMS WORK OTHER THAN GUIDE WORK, FEDERAL LAW WILL APPLY. THE PERSON WITH THE DISABILITY MUST BE PERMITTED ACCESS WITH THE SERVICE DOG.

THE PERSON WHO IS ACCOMPANIED BY THE SERVICE ANIMAL IS RESPONSIBLE FOR ITS STEWARDSHIP (BEHAVIOR, CARE, AND WELL-BEING), MUST OBEY ANIMAL WELFARE LAWS (SUCH AS LEASH, CRUELTY, OR OTHER SIMILAR REGULATIONS), AND IS LIABLE FOR ANY DAMAGE DONE BY THE SERVICE ANIMAL.

**For more information about service animals, visit the  
Delta Society® National Service Dog Center® on Delta  
Society's website: [www.deltasociety.org](http://www.deltasociety.org)**