

Welcoming Your Customers

WHO USE SERVICE ANIMALS

A Service Animal is any dog or miniature horse that is trained to do work or perform tasks for an individual with a disability.

WHAT BUSINESSES NEED TO KNOW:

Are Service Animals allowed in my place of business?

Yes, they are allowed in all businesses including those that serve food.

What questions can I ask a person with a Service Animal?

Is the animal a Service Animal?

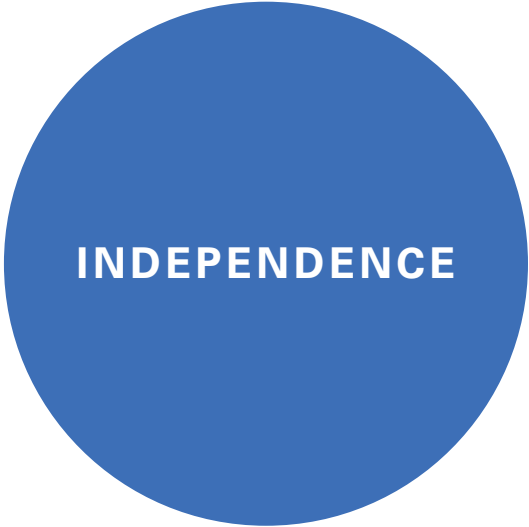
What has the animal been trained to do for the individual?

What am I responsible for when Service Animal is present?

Only to treat the person the same as any other customer.

Is there any required identification for Service Animals?

No. A Service Animal may wear a vest, harness or display an ID, but this is not required.



Download additional resources, and find more information on-line at www.ncdhhs.gov/serviceanimals.



ADDITIONAL INFORMATION

What is a Service Animal?

A service animal as defined by the Americans with Disabilities Act is as follows:

“**Service animal** means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual’s disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.” (Service Animal as defined by the ADA, Title III, subpart A 36.104 definitions, July 2010)

In addition to the provisions about Service Dogs, the U.S. Department of Justice’s revised ADA regulations have a new, separate provision about miniature horses that have been individually trained to do work or perform tasks for people with disabilities. (Miniature horses generally range in height from 24 inches to 34 inches measured to the shoulders and generally weigh between 70 and 100 pounds.) Entities covered by the ADA must modify their policies to permit miniature horses where reasonable. The regulations set out four assessment factors to assist entities in determining whether miniature horses can be accommodated in their facility. The assessment factors are (1) whether the miniature horse is housebroken; (2) whether the miniature horse is under the owner’s control; (3) whether the facility can accommodate the miniature horse’s type, size, and weight; and (4) whether the miniature horse’s presence will not compromise legitimate safety requirements necessary for safe operation of the facility.

The ADA limits the definition of Service Animals to dogs and miniature horses.

Therapy dogs, emotional support dogs and companion dogs are not Service Animals as defined by the ADA.

In North Carolina, this law also applies to animals in training to become Service Animals. Training organizations and people training a Service Animal have the same access rights as people with disabilities using a Service Animal. The animal must wear a collar and leash, harness or cape that identifies it as a Service Animal in Training. The trainer is liable for any damage caused by the animal while in a place of business.



FREQUENTLY ASKED QUESTIONS

for Businesses regarding access for Service Animals

What Questions can I ask of a person with a Service Animal?

There are only two questions you can ask the handler/owner of a Service Animal.

- 1. Is the animal a Service Animal required for a disability?
- 2. What work or task related to the individual's disability has the animal been trained to perform?

You may not ask the handler about the nature of his or her disability.

How can I be sure that the animal is a Service Animal and not a pet?

The animal must be accepted unless it displays unruly or aggressive behavior, relieves itself in an inappropriate area, or appears unmanaged by its handler.

In general, a Service Animal will not normally behave in public as an untrained pet would behave. A trained animal will appear calm and comfortable and will usually sit, stand or lay quietly beside the handler but may also provide an alert to the handler.

Can I charge a deposit or fee for a Service Animal?

No. Under ADA guidelines, neither a deposit nor a surcharge can be imposed on an individual with a disability. However, customers with disabilities may be charged if the animal causes damage while visiting the facility as long as it is the regular practice to charge people without disabilities for the same type of damages.

What rules apply to Service Animals in businesses such as barbershops or nail salons, which are required to pass health inspections?

Establishments that provide services to the public must allow Service Animals in all public areas.

Are Service Animals allowed in my place of business?

Yes. A Service Animal must be allowed to accompany the individual to all areas of the facility where customers are normally allowed to go. An individual with a Service Animal may not be segregated from other customers. If another customer in the business has an allergy to animals, it is acceptable to separate the two customers to separate areas of the business.

Is there any required identification for Service Animals?

No. There is no requirement for the Service Animal to wear special gear or have identification. Sometimes handlers will carry identifying paperwork, and some animals wear harnesses due to the nature of their work, but it is NOT required that they do so.

What is the difference in a Service Animal and a therapy animal, support animal or companion animal?

A Service Animal is trained to perform a specific task for an individual with a disability. A therapy animal, support animal or companion animal provides comfort and/or companionship to an individual. These non-service animals are not afforded the same privileges in public places.

Can my business be sued for damages, held liable, or fined for refusing entry to a person with a Service Animal?

Yes. You may not discriminate against a person with a disability or his or her Service Animal and will be held to the federal, state and civil laws governing your business.

Treat the person the same as any other customer.

What can I do if the Service Animal exhibits disruptive behavior?

A Service Animal must be under the control of the handler at all times. A Service Animal must not show aggression toward people or other animals. A Service Animal does not bark, growl or whine unless trained to do so as a warning sign to the handler. A Service Animal does not solicit food or other items from the general public. A Service Animal's work does not disrupt the normal course of business. If any of these instances occur, you are allowed to ask the handler and animal to leave the business or refuse entry to the business. You are still expected to provide the handler access to the product or service that he or she has visited your business to receive.

Should I suspect that a young dog/puppy/miniature horse or that a small dog is not a Service Animal?

No. A young dog/puppy/miniature horse may be in training, and, while it must also be identified or declared as a Service Animal in Training, it is afforded the same rights and privileges as a fully trained/adult Service Animal. A small dog may be trained for seizure alert or other medically necessary service. Refer to the questions you may ask of a person with a Service Animal.

What am I responsible for when a Service Animal is present?

The business is not responsible for the feeding or care of the Service Animal. It is acceptable to offer water to the animal if you choose to do so, but always ask permission of the handler first. Please do not pet the Service Animal. These animals are working animals and are not to be touched unless permission is given by the handler.

I have a "No pets policy". Do I still have to allow Service Animals?

Yes. Under ADA guidelines, a Service Animal is a working animal, not a pet. A "no pets policy" does not apply to Service Animals.

What rules apply to Service Animals in restaurants?

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.

