



ADA COMPLIANCE

CAN YOUR FACILITY ACCOMMODATE A MINIATURE SERVICE HORSE OR SERVICE DOG?

Under Title III of the Americans with Disabilities Act (ADA), a dog and *now even a miniature horse*, can meet the legal definition of a service animal. This is not to be confused with an *emotional support* or *therapy* animal. Business owners and their employees should know the difference.

Service Animal: A service animal is an animal that has been **trained** to perform **work** or **tasks** for the benefit of a person with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. Examples include: pulling a wheelchair, alerting deaf or hearing-impaired to the presence of other people or sounds, retrieving dropped items, pressing an elevator button, preventing or interrupting impulsive or destructive behaviors or seizures, detecting blood sugar levels.

Emotional Support Animal: Also called therapy or **comfort** animals, these animals have not been trained to perform work or tasks. They provide a benefit just by being present and thus are not classified as true service animals under ADA rules. **A note from a doctor stating an individual has a disability is not adequate to classify their animal as a service animal.**

Public accommodations (*e.g. hotels, restaurants, theatres, stores*), are allowed to **ask only two questions** to determine if an animal is a service animal:

- 1) **Do you need the animal because of a disability?**
- 2) **What work or tasks has the animal been trained to perform?**

The second question is key: If the person is unable to identify the work or task(s) the animal has been trained to perform, then the animal is not a service animal. The *work* or *service* performed by the animal must be directly related to the individual's disability and the individual must clearly state what services the animal performs.

Service animals are not required to wear a vest, ID tag, or specific gear; proof of professional training, certification, or licensure is not a requirement for accommodation, in fact, animals may be trained by their owners; and lastly, no additional fees can be charged for the animal's presence on the property, unless the animal caused property damage.

Allow the professionals at Robert E. Harris Insurance Agency to keep you up-to-date on the latest risk management and ADA-compliance news. Call us for a complimentary consultation.

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