

Definition of Service Animals, Emotional Support Animals, Assistance Animals and Therapy Animals



1. General

- a. As of March 15, 2011, only dogs are recognized as Service Animals under [titles II and III of the ADA](#). A Service Animal is defined as 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 considered to be Service Animals.
- b. 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 impairments, and helping individuals with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.
- c. Emotional support animals, comfort animals, and therapy dogs are not Service Animals as defined under Title II and Title III of the ADA. 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 performed to mitigate a disability.
- d. Generally, a public entity or private business shall modify policies, practices, or procedures to permit the use of a Service Animal by an individual with a disability, and must **allow Service Animals to accompany people with disabilities in all areas of the facility where the general public is normally permitted to go**. For example, in a hospital it would be inappropriate to exclude a Service Animal from areas such as patient rooms, clinics, cafeterias, or examination rooms. However, it may be appropriate to exclude a Service Animal from operating rooms or burn units where the animal's presence may compromise a sterile environment.



- e. Allergies and fear of dogs are not valid reasons for denying access or refusing service to people dependent on Service Animals. If employees, fellow travelers, or customers are afraid of Service Animals, a solution may be to allow enough space for that person to avoid getting close to the Service Animal. Most allergies to animals are caused by direct contact with the animal. A separated space might be adequate to avoid allergic reactions. If a person is at risk of a significant allergic reaction to an animal, it is the responsibility of the public entity or private business to find a way to accommodate both the individual dependent on the Service Animal and the individual with the allergy.
- f. Exceptions - A public entity or private business may ask an individual with a disability to remove a Service Animal from the premises if:
 - a. the animal is out of control and the animal's handler does not take effective action to control it; or
 - b. the animal is not housebroken.

2. Excluding Service Animals.

- a. Generally, title II and title III require public entities and private businesses to permit Service Animals to accompany people with disabilities in all areas where members of the public are allowed to go. However, if a public entity or private business properly excludes a Service Animal under § 36.302(c)(2), it shall give the individual with a disability the opportunity to obtain goods, services, and accommodations without having the Service Animal on the premises.

3. Service Animal Under Handler's Control.

- a. A Service Animal shall be under the control of its handler at all times. A Service Animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the Service Animal's safe, effective performance of work or tasks, in which case the Service Animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).

4. Care or supervision.

- a. A public entity or private business is not responsible for the care or supervision of a Service Animal.

5. Inquiries

- a. When it is not obvious what service an animal provides, a public entity or private business may ask if the animal is required because of a disability and what work or task the animal has been trained to perform. Only two questions shall be asked of the individual with a Service Animal:



- Is this animal required because of a disability? and
- What work or task has this animal been trained to perform?
- b. Generally, a public entity or private business may not make these inquiries about a Service Animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility impairment).
- c. A public entity or private business shall not ask about the nature or extent of an individual's disability or ask for medical documentation, require a special identification card or proof that the Service Animal has been trained, licensed or certified, demand that the Service Animal wear an identifying vest, or ask that the dog demonstrate its ability to perform the work or task it was trained to perform.
- d. Access to areas of a public accommodation.
- e. Individuals with disabilities shall be permitted to be accompanied by their Service Animals in all areas of a place of public accommodation where members of the public, program participants, clients, customers, patrons, or invitees, as relevant, can go.
- f. Surcharges. A public entity or private business shall not ask or require an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets. However, if a public entity or private business normally charges individuals for the damage they cause, an individual with a disability may be charged for damage caused by his or her Service Animal.

6. Other Types of Service/Support Animals

- a. Psychiatric service dogs- are service dogs that aid people with psychiatric disabilities, such as severe depression, anxiety disorders, and post-traumatic stress disorder (PTSD). A psychiatric Service Animal must not only respond to an owner's need for help, the dog must also be trained to recognize or anticipate the individuals need for help in the first place. Examples of work or tasks that psychiatric service dogs perform include:
 - Turning on lights in unfamiliar locations to prevent a handler's panic attack or dissociative episode when entering the room.
 - blocking or redirecting persons in dissociative episodes from wandering into danger (for example, traffic), and preventing or interrupting impulsive or destructive behaviors, such as self-mutilation).
 - Performing nightmare interruption techniques.
- b. Miniature horses.
 - A public forum shall make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or



- perform tasks for the benefit of the individual with a disability. In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, a public entity or private business shall consider, the type, size, and weight of the miniature horse and whether the facility can accommodate these features;
- Whether the handler has sufficient control of the miniature horse; Whether the miniature horse is housebroken; and Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements.
- c. **Other Support or Therapy Animals** - While Emotional Support Animals or Comfort Animals are often used as part of a medical treatment plan as therapy animals, they are not considered Service Animals under the ADA. These support animals provide companionship, relieve loneliness, and sometimes help with depression, anxiety, and certain phobias, but do not have special training to perform tasks that assist people with disabilities as protected under Titles II and III of the ADA
- **Therapy Animals** - Therapy animals provide people with therapeutic contact, usually in a clinical setting, to improve their physical, social, emotional, and/or cognitive functioning. Therapeutic animals are not considered Service Animals and, as such, are not protected under Titles II and III of the ADA.
 - **Emotional Support Animals** - Many individuals—both with and without disabilities—derive emotional support and comfort from dogs and other animals that are not specially trained to perform specific tasks directly related to a psychiatric disability. The ADA considers such “emotional support animals” to be distinct from psychiatric service dogs, and treats them differently. The ADA does not grant Emotional Support Animal owners the same right of access to public places that it gives to individuals who use psychiatric service dogs. That means that under the ADA, a movie theater, for example, must allow psychiatric service dogs to accompany their owners into the movie auditorium but can refuse to admit individuals with an Emotional Support Animal. The Difference Between a Psychiatric Service Dog and an Emotional Support Animal is not always clear—to staff within public forums, and even to some people with disabilities—whether an animal accompanying an individual with a psychiatric disability or impairment is performing a psychiatric service or “merely” providing emotional support. The key distinction to remember is that a psychiatric service animal is actually trained to perform certain tasks that are directly related to an individual's psychiatric disability. The dog's primary role is not to provide emotional support. It is to assist the owner with the accomplishment of vital tasks they otherwise would not be able to perform independently. By contrast, an Emotional Support Animal is a pet that is not trained to perform specific acts directly related to an individual's psychiatric disability. Instead, the pet's owner simply derives a sense of well-being, safety, or calm from the dog's companionship and physical presence. The companionship of an Emotional Support Animal can have genuine therapeutic benefits for individuals with psychiatric disabilities



and less severe psychiatric impairments. But unless the dog is also trained to work—to independently recognize and respond to its owner’s psychiatric disability—the dog does not qualify as a psychiatric service dog and does not receive the protections of the ADA. For example, people with social phobia might only feel safe enough to leave their home for food or medication if their dog accompanies them. Such a dog would be considered an Emotional Support Animal. If, however, the same person is prone to dissociative episodes when they leave home, and their dog is trained to recognize and respond to the onset of such an episode by nudging, barking, or relocating the individual to a safe location, then the dog would be considered a psychiatric service dog.

Education - Service animals in public schools (K-12)¹³ – The ADA permits a student with a disability who uses a service animal to have the animal at school. In addition, the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act allow a student to use an animal that does not meet the ADA definition of a service animal if that student’s Individual Education Plan (IEP) or Section 504 team decides the animal is necessary for the student to receive a free and appropriate education. Where the ADA applies, however, schools should be mindful that the use of a service animal is a right that is not dependent upon the decision of an IEP or Section 504 team.

- Emotional support animals, therapy animals, and companion animals are seldom allowed to accompany students in public schools. Indeed, the ADA does not contemplate the use of animals other than those meeting the definition of “service animal.” Ultimately, the determination whether a student may utilize an animal other than a service animal should be made on a case-by-case basis by the IEP or Section 504 team.

Air Travel



The [Air Carrier Access Act](#) (ACAA) requires airlines to allow service animals and emotional support animals to accompany their handlers in the cabin of the aircraft.

Service animals – For evidence that an animal is a service animal, air carriers may ask to see identification cards, written documentation, presence of harnesses or tags, or ask for verbal assurances from the individual with a disability using the animal. If airline personnel are uncertain that an animal is a service animal, they may ask one of the following:

1. What tasks or functions does your animal perform for you?
2. What has your animal been trained to do for you?
3. Would you describe how the animal performs this task for you?¹⁵

Emotional Support and psychiatric Service Animals – Individuals who travel with Emotional Support Animals or psychiatric Service Animals need to provide specific documentation to establish that they have a condition that requires an Emotional Support Animal and the reason the animal must travel with them. Individuals who wish to travel with their Emotional Support or psychiatric Service Animals should contact the airline ahead of time to find out what kind of documentation is required.

Examples of documentation that may be requested by the airline: Current documentation (not more than one year old) on letterhead from a licensed mental health professional stating (1) the passenger has a mental health-related disability listed in the Diagnostic and Statistical Manual of Mental Disorders (DSM IV); (2) having the animal accompany the passenger is necessary to the passenger's mental health or treatment; (3) the individual providing the assessment of the passenger is a licensed mental health professional and the passenger is under his or her professional care; and (4) the date and type of the mental health professional's license and the state or other jurisdiction in which it was issued.¹⁶ This documentation may be required as a condition of permitting the animal to accompany the passenger in the cabin.

Other animals – According to the ACAA, airlines are not required otherwise to carry animals of any kind either in the cabin or in the cargo hold. Airlines are free to adopt any policy they choose regarding the carriage of pets and other animals (for example, search and rescue dogs) provided that they comply with other applicable requirements (for example, the Animal Welfare Act).



Reaction/Response of Others

Federal Laws Granting the Right to Be Accompanied by an Emotional Support Animal

While the ADA governs the use of emotional support animals in public places, two other federal laws, the Air Carrier Access Act (ACAA) and [Fair Housing Act \(FHA\)](#), govern the use of Emotional Service Animals in housing or on commercial aircraft.

Housing

- Under the Fair Housing Act, an individual with a disability may be entitled to keep an Emotional Support Animal in housing facilities that otherwise do not allow pets. An Emotional Support Animal—which can include animals other than dogs—must be permitted as a reasonable accommodation when an individual requires the animal in order to have an equal opportunity to use and enjoy the housing. The assistance the animal provides must relate to the individual’s disability or mental health condition.

Airlines

- Under the Air Carrier Access Act (ACAA), a commercial airline must permit Emotional Support Animals other than dogs to accompany qualified passengers with a properly documented emotional disorder or condition provided by a mental health clinician on a flight. Airlines cannot require that a passenger traveling with a Service Animal provide written documentation that the animal is a Service Animal, but the same is not true for an Emotional Support Animal.

In both the housing and airline context, an individual with an emotional disorder or condition will likely need to acquire a special letter from a licensed mental health professional documenting the individual’s need for an Emotional Support Animal.

This definition does not affect or limit the broader definition of “assistance animal” under the Fair Housing Act or the broader definition of “service animal” under the Air Carrier Access Act.

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References

Air Carrier Access Act:

<https://www.transportation.gov/individuals/aviation-consumer-protection/service-animals-including-emotional-support-animals>

Americans with Disabilities Act:

https://www.ada.gov/service_animals_2010.htm

Housing and Urban Development and Fair Housing Act:

https://www.hud.gov/program_offices/fair_housing_equal_op/ReasonableAccommodations15#main-content

Humane Society of the United States:

<http://www.humanesociety.org/animals/resources/tips/assistance-animals-tenants-rights.html>

