

Under the Americans with Disabilities Act (ADA) businesses and organizations that serve the public must permit people who have a disability to bring their service animal into all areas of a facility where customers are normally permitted to go. Under the ADA, a person has a disability if they say they do. This federal law applies to all businesses that serve the public.

The ADA defines “service animal” as any guide dog, signal dog or other dog that is specifically and individually trained to do work or trained to perform tasks for a person who declares they have a disability. Under federal law only dogs are recognized as service animals under Titles II and III of the ADA. Under federal law a “service dog-in-training” does not have the same rights as a “fully trained” dog— however, in MN a “service dog-in-training” has the same access rights. In addition, a certified trainer has the same legal rights as a person who declares they have a disability.

A dog whose sole function is to provide comfort or emotional support does not by law qualify as a “service animal”. The ADA specifically focuses upon guide dogs, hearing dogs, and service dogs. The ADA does not recognize the concept of “assistance animal”, “therapy dog”, “emotional support dog” or “social dog”. By state and federal law these dogs are legally classified as pets and for safety reasons are not permitted in Ark Counseling. All other animals are also prohibited at Ark Counseling.

A business may only ask a “disabled” person two questions: 1) is the dog a “service dog” (as defined by law), and 2) what specific task(s) the dog has been trained to perform that is directly related to the person’s disability. The business may not ask the “disabled” person to prove their disability, that the dog is a “service dog” or ask that the dog demonstrate the task for which it is trained. The business owner cannot ask that the “service dog” (or require that it) wear a vest or other identifying item. However, the business may orally inform others that the dog is a “service dog” as defined in the American’s with Disabilities Act

The ADA requires:

1. The dog must always be on a leash and the leash must always be physically held by the disabled person (if they are physically able to hold items). “Service dogs” may not roam.
2. The dog must always be under the direct and immediate control of the disabled person, so it can render immediate assistance if there is need.

The ADA permits the dog to be immediately removed from the premises if:

the dog creates an “unsafe environment” or it is “disruptive” (i.e., barking, engaging other people, distracting behavior). The dog is not permitted to disrupt or distract from the psychotherapeutic purpose of the group. Other people on the business’ premises are not permitted to interact with the “service dog” because any interaction may interfere with the dog’s ability to provide immediate service if there is need.

If a dog is removed from the facility, because it is deemed “unsafe” or “disruptive”, the disabled person may remain in group.

Under the ADA, the US Department of Justice has issued guidelines regarding miniature horses. A person may choose a miniature horse rather than a service dog because of allergies, religious reasons, or due to a horse’s longer lifespan. Miniature horses may be permitted when reasonable, providing:

the miniature horse is housebroken
the miniature horse is under the direct control of the disabled person
the facility can accommodate the miniature horses’ type, size, and weight
the miniature horse’s presence will not compromise legitimate safety requirement necessary for the safe operation of the facility