



## Service Animals and Assistance Animals

The right for a person with a disability to live and travel with the aid of a service animal or assistance animal is protected by a combination of federal laws that vary based on factors like the type of animal and location.

### Differences Between Service Animals and Assistance Animals

Service Animal	Assistance Animal
Service animal has a specific definition and meaning under applicable federal laws.	This is a broad term that can refer to assistance animals, support animals, emotional support animals, therapy animals, companion animals, etc.
<ul style="list-style-type: none"><li>• <b>Dog</b> of any breed or size</li></ul>	<ul style="list-style-type: none"><li>• Could be <b>any species</b></li></ul>
<ul style="list-style-type: none"><li>• <b>Trained</b> to perform a task related to a person's disability</li></ul>	<ul style="list-style-type: none"><li>• <b>Necessary to mitigate the effects</b> of a physical or mental disability</li></ul>
Generally, can accompany people with disabilities in their <b>homes</b> and all areas where the <b>public</b> , participants in programs, services, or activities, or invitees are permitted.	Must be permitted in areas like a person's <b>home</b> , <b>workplace</b> , and <b>K-12 schools</b> .

### Rules About Service Animals

- To verify a service animal, generally it is permissible to ask only two questions:
  - 1) Is the dog a service animal required because of a disability?
  - 2) What work or task has the dog been trained to perform?
- Local rules on dog licenses and vaccinations can be applied to service dogs.
- A service dog cannot be banned or prohibited based on its breed or size.
- Service animals are not required to be certified or to wear a vest or other ID.
- Miniature horses may qualify as a reasonable modification and be treated in the same manner as a service animal.



## Service Animals and Assistance Animals

### Federal Laws Relating to Service Animals and Assistance Animals

- Americans with Disabilities Act (ADA)
- Section 504 of the Rehabilitation Act
- Fair Housing Act (FHA)
- Air Carrier Access Act (ACAA)
- Individuals with Disabilities Education Act (IDEA)

Where Are Service Animals & Assistance Animals Protected?*		
Location (Potential Applicable Law)	Service	Assistance
Businesses and Public Accommodations (ADA Title III)	✓	
K-12 Education (ADA Title II or III, Sec. 504, or IDEA)	✓	✓
Higher Education (ADA Title II or III, or Sec. 504)	✓	
Government Spaces (ADA Title II or Sec. 504)	✓	
Health Care Facilities (ADA Title II or III, or Sec. 504)	✓	
Housing (FHA or Sec. 504)	✓	✓
Places/Programs Receiving Federal Funds (Sec. 504)	✓	
Public Transportation (ADA Title II) & Airplanes (ACAA)	✓	
Workplaces (over 15 employees) (ADA Title I)	✓	✓

\* May depend on specific facts and circumstances. Additional resources should be consulted.

### When Service Animals and Assistance Animals Can Be Prohibited

- If they are not harnessed/leashed or controlled by voice/hand signals, etc.
- If they are out of control in public – e.g., growling, biting, excessive barking.
- If the animal is not housebroken [applies to public spaces, not housing].
- If the animal's presence or behavior would fundamentally alter the nature of the service, program, or activity.
- If the animal poses a direct threat to the health or safety of others.
- Where there is a legitimate safety requirement necessary for the safe operation of the service, program, or activity.