

**Service Dogs and the Americans with Disabilities Act (ADA)
An Overview for Retail Businesses**

If you are a retail business owner or employee, you have likely encountered customers accompanied by dogs in your place of business. Many of these dogs perform specific disability-related functions, but in other situations, people may bring their personal pet into shops and other public spaces. As a business employee, it is often challenging to identify a legitimate service dog since people may falsely claim that their dog is a “certified service dog” in order to gain access with their animal to your restaurant, hotel, or store. This not only poses public health risks (to both humans and animals), but also does a disservice to individuals who are actually in need of their dog’s assistance to function and engage with the greater community. This quick resource guide is offered to help retail business employees navigate these potentially tricky situations, and to understand what is required of them under the federal ADA in regard to service animals in public. There may be additional state and local laws that are pertinent for businesses.

Service dogs

Service dogs are trained to perform quantifiable tasks (such as alerting a person with epilepsy of an impending seizure) to ease the challenges associated with their owner’s physical, psychiatric, intellectual, sensory, and/or developmental disability; *they are not pets*. Currently, there are no nationally or legally recognized service dog training, certification or identification standards, although service dogs should be individually trained to assist their owner with tasks that they could not otherwise do. Note: Emotional support dogs are NOT defined as service animals under the ADA.

What is required of me according to the ADA?

The ADA protects the rights of people with disabilities, including ensuring equal access with service dogs to most public places, such as restaurants, theaters, shops, hotels, dormitories, government agencies, and non-profit organizations (note: religious organizations are exempt from ADA requirements). The Air Carrier Access Act (ACAA) and the Fair Housing Act define “service animal” differently and allow for different questions and documentation requirements.

How can I tell if the dog is a “real” service dog?

The ADA does *not* require that specific equipment be used to handle service dogs (such as a harness), or that service dogs wear vests, bandanas, or ID cards/badges. However, trained service dogs should be calm, under control at all times, and attentive solely to their owner and his/her directives in public. You should never see an unruly service dog.

What can I ask?

According to the ADA, business employees are only allowed to ask the following two questions of a person with a dog:

- Is the dog a service animal required because of a disability?
- What work or tasks has the dog been trained to perform or provide?

Solely providing comfort or emotional support is not recognized as a task under the ADA. However, people with disabilities may have difficulties in succinctly articulating what physical tasks that dog is trained to perform, so staff should be trained to handle difficult situations with tact and compassion.

What can I NOT ask or request?

If a person with a dog enters your place of business, you are **not** legally allowed to:

- Inquire about the nature of the person's disability or condition
- Ask for service dog certification or other documentation
- Request that the dog perform any tasks (for example, as "proof" of service dog status)

What if a (service) dog becomes disruptive or unsafe in my place of business?

The ADA specifies that, if the dog is out of control and the handler does not attempt to rectify the situation, the staff may request that the dog leave the premises. If the handler wants to re-enter your business without his/her dog, you are required to serve them. In addition, if the dog "fundamentally alters" the nature of services (such as a sterile operating room), its presence in the setting may be prohibited as well.

For more information, please visit: www.ada.gov.