



SAFETY DIRECTOR BULLETIN



SERVICE ANIMALS IN PUBLIC SETTINGS BEST PRACTICES

The U.S. Department of Justice defines service animals as “dogs that are individually trained to do work or perform tasks for people with disabilities.” Examples of qualifying work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, performing a task to calm a person with Post Traumatic Stress Disorder during an anxiety attack, or performing other duties. Service dogs are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person’s disability. Dogs or other animals whose sole function is to provide comfort or emotional support do not qualify as service animals under the Americans with Disabilities Act (ADA) or New Jersey’s service animal law. The “crime deterrent effect” of the animal’s presence would not constitute a service under this definition.

A popular misbelief about service dogs is that they must be trained by a professional trainer. In fact, according to the ADA, the dog can be trained by the potential future owner. While in training, the dog is not considered a service animal.

Generally, local governments, nonprofit organizations, and most privately-owned commercial facilities or businesses must permit service animals to accompany people with disabilities in all areas where members of the public are allowed to go. If the agency questions whether the dog is a service animal, it cannot require documented proof. They are also not allowed to require the dog to demonstrate its service or task, or inquire about the nature of the person’s disability. Only if the need for the service dog is not obvious, the entity is permitted to ask only two questions:

1. Is this dog required because of a disability?
2. What work or task has this service dog been trained to perform?

Under the ADA, service dogs must be harnessed, leashed, or tethered unless these devices interfere with the service animal’s work or the individual’s disability prevents using these devices. In that case, the individual must maintain control of the service dog through voice, signal, or other effective controls.

In addition to the provisions about service dogs, ADA regulations have a new, separate provision about miniature horses that have been individually trained to do work or perform tasks for people with disabilities. Entities covered by the ADA must modify policies to permit miniature horses where and when reasonable. The regulations set out four assessment factors to assist entities when determining whether miniature horses can be accommodated in their facilities; 1) whether the horse is housebroken, 2) whether the horse is under the owner’s control, 3) whether the facility can accommodate the horse’s size and weight, and 4) whether there are legitimate safety concerns regarding the operation of the facility.

Public employers and operators of public spaces may visit the following sites for more information:

US Dept. of Justice, [ADA Requirements: Service Animals](#)

US Dept. of Justice, [Frequently Asked Questions about Service Animals & the ADA](#)

NJ Attorney General, [5 Things to Know About Service & Guide Dogs in Public Settings](#)

Since the ADA does not explicitly list all of the possible disabilities or impairments for which service animals may be considered appropriate, it is recommended that your agency contact their attorney to discuss and review any policy governing service animals in the workplace and public facilities.