

## Service Animal Clarification

The Health Department has had several inquiries about service animals being permitted in restaurants. The following points are taken from the U.S. Department of Justice websites addressing ADA (Americans with Disabilities Act) compliance:

- Only dogs (or miniature horses) are recognized as service animals under the ADA. Other agencies may designate animals as service animals, but restaurant operators are not required to accommodate these animals.
- The ADA requires businesses to allow people with disabilities to bring their service animals onto business premises in whatever areas customers are generally allowed. This includes dining areas but not the kitchen or any areas where food is prepared.
- Staff may ask 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?Common 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.
  - Calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack.
- **Staff cannot ask about the person's disability or require any documentation or identification.**
- Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.
- All service animals must be harnessed, leashed, or tethered unless these devices interfere with the service to be provided.
- Staff may ask that a service animal be removed if:
  - The animal's behavior poses a direct threat to the health or safety of others (such as displaying vicious behavior).
  - The animal is disruptive to the business (this does not include any fears over allergies or fear of dogs).
  - The animal does not meet the definition of a service animal as described above.
- When there is a legitimate reason to ask that a service animal be removed, staff must offer the person with the disability the opportunity to obtain goods or services without the animal's presence.
- People with disabilities who use service animals cannot be isolated from other patrons, treated less favorably than other patrons, or charged fees that are not charged to other patrons without animals.
- Staff are not required to provide care or food for service animals.

For more information, please visit [ada.gov/topics/service-animals](https://www.ada.gov/topics/service-animals) or call the Health Department at (435) 986-2584.