

Service Dogs & Other Animal Assistants



A PUBLICATION OF THE

**Developmental Disabilities
Council of Oklahoma**

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  @OKDDC

- An individual’s right to use service dogs is protected under the **Americans with Disabilities Act (ADA)**.
- A service animal must be **individually trained either by the person using the animal or a professional** trainer to complete specific tasks.
- A service dog may accompany their handler to **any building or facility where the public, program participants, customers, or clients are allowed**. This is not true for emotional support and therapy animals.
- Under the ADA, service animals are limited to dogs. However, entities must make reasonable policy modifications allowing for miniature horses if they have been individually trained to do work or perform tasks for individuals with disabilities.
- Persons using emotional support or therapy animals are not entitled to the same rights as service animals under the ADA.
- There is no national or state recognized certification, nor training standards for service animals.

According to the ADA, a service animal is individually trained to perform tasks for the benefit of an individual with a disability. This includes physical, sensory, psychiatric, intellectual and other mental disabilities.

	Service Dog	ESA	Therapy Animal
Protected under the ADA	X		
May live with owner in housing even if there is a “no pets” policy	X	X	
Visits places like hospitals and airports to provide therapeutic support to many people		X	X
Handlers encourage people to pet their dogs to encourage socializing		X	X
Are individually trained to perform specific task for person with disability	X		
Primary function is to provide daily, emotional support through companionship		X	
Subject to state laws on animal vaccinations	X	X	X

Handler’s Rights & Responsibilities

- Handlers can be asked only two questions regarding a service dog:
 - 1) Is this dog required because of a disability?
 - 2) What task has this dog been trained to do?
- Service dogs are not required to wear a vest or badge while working nor does the handler have to provide a special license.
- A doctor’s note does not transform a pet into a service animal.

- The animal should be vaccinated in accordance with state & local laws.
- The handler is responsible for the care and supervision of their service dog. If a service dog behaves poorly and the person with a disability does not control the dog, a business can prohibit the dog from entering the property. Uncontrolled barking, growling, jumping, or running away from the handler are examples of unacceptable behavior for a service dog.
- The animal must be housebroken.
- If a public accommodation (hotel or lodging) normally charges individuals for the damage they cause, an individual with a disability may be charged for damage caused by their service dog.
- Numerous laws prohibit employment discrimination because of a disability. Employers are required to provide reasonable accommodation. Allowing an individual with a disability to have a service dog or an emotional support animal accompany them to work may be considered a reasonable accommodation. Both animals can be excluded from the workplace if they pose a direct or undue hardship.

Emotional Support & Therapy Animals

- **Emotional support animals (ESA) and therapy dogs are not considered service animals under the ADA.** These support animals provide companionship, relieve loneliness, and sometimes help with depression, anxiety, and certain phobias, but do not have special training to perform tasks assisting people with disabilities.
- ESA are not required to undergo specialized training and are not limited to working with people with disabilities.
- **Most public settings do not have to accommodate an emotional support animal** - they have no more rights than a pet.
- Therapy animals provide people with therapeutic contact to improve their physical, social, emotional, and/or cognitive functioning. They are often used in hospitals and long term care facilities and after community-wide disaster events.
- The Air Carrier Access Act (1990) allows service dogs and ESA to fly in the aircraft cabin with their handlers, free of charge. For ESA, you may be asked to provide a letter from a physician. The Air Carrier Access Act does not allow “service animals in training” in the cabin because “in training” status indicates they do not yet meet the legal definition of service animal.
- In Oklahoma, a landlord may request “reliable supporting documentation” (**OK House Bill 3282, 2018**).

Housing

- The Fair Housing Act (FHA) protects a person with a disability from discrimination in obtaining housing and applies to landlords and homeowners associations.
- Emotional support animals may qualify as reasonable accommodations under the FHA. This may include waiving the pet deposit fee.



This is Charlie, service dog to Dr. Aparna Nair of the History of Science program at the University of Oklahoma. He is a rescue from the Norman pound and supports Dr. Nair on campus and at home with needs unique to her disability.

Thank you to Dr. Nair and Charlie for their participation.



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