ALASKA STATE COMMISSION FOR HUMAN RIGHTS
HOW TO ENSURE YOU ARE IN COMPLIANCE WITH
AS 18.80.230 AND TITLE III ADA: SERVICE ANIMALS

Individuals with disabilities may use service animals for a variety of reasons. This provides an overview of how Title III of the American with Disabilities Act and Alaska Statute 18.80.230 govern the rights of a person requiring a service animal.

► What is a Service Animal?

A service animal is any dog or miniature horse that is **individually trained to do work or perform tasks for the benefit of an individual with a physical or mental disability.** The work or tasks performed by a service animal must be directly related to the individual's disability. As an example, the work can include helping an individual with a psychiatric or neurological disability by preventing or interrupting impulsive or destructive behaviors, or calming an individual with posttraumatic stress disorder during an anxiety attack.

► What is not a Service Animal?

Emotional support animals, comfort animals, and therapy dogs are not service animals under Alaska State and Federal law. Other species of animals, either trained or untrained, are not service animals. A doctor's note stating the person needs to have the animal for emotional support is not sufficient to determine the animal is a service animal.

Alaska state and federal laws are clear that service animals are allowed in places of public accommodation. A service animal must be allowed to accompany the handler to any place where members of the public, customers, or clients are allowed. Even if the business or public program has a "no pets" policy, it may not deny entry to a person with a service animal.

When a person with a service animal enters a place of public accommodation, the person cannot be asked about the nature or extent of his disability. **Only two questions may be asked to the handler:**

- 1. Is the animal required because of a disability?
- 2. What work or task has the animal been trained to perform?

These questions should not be asked if the animal's service tasks are obvious, such as a guide dog for the visually impaired, pulling a person's wheelchair, or a dog being used to aid mobility. A business or facility is **not allowed to ask for a demonstration of the tasks** the service animal is trained to perform.

A business or facility is not allowed to ask for documentation or proof that the animal has been certified, trained, or licensed as a service animal nor is a service animal required to wear a vest or other items identifying it as a service animal. Local laws that prohibit specific breeds of dogs do not apply to service animals. A business or facility may not ask an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees. Entities cannot require anything of people with service animals that they do not require of individuals in general, with or without pets. If a public accommodation normally charges individuals for the damage they cause, an individual with a disability may be charged for damage caused by his or her service animal.

HANDLER'S RESPONSIBILITIES:

The handler is responsible to care for, control and supervise the service animal. If a service animal behaves in an unacceptable way and the person with a disability does not control the animal, a business or other entity is not required to allow the animal onto its premises. A business or other entity may exclude a service animal when the animal's behavior poses a direct threat to the health and safety of others or if the animal disrupts the business.

- Examples of unacceptable behavior: uncontrolled barking, jumping on other people, growling at other people, or running away from the handler.
- Examples of control: use of a harness, leash, or other tether. However, in cases where either the handler is unable to hold a leash because of a disability or its use would interfere with the service animal's safe, effective performance of work or tasks, the service animal must be under the handler's control by some other means, such as voice control.
- The animal must be housebroken. A business or facility is not required to provide for the care or supervision of a service animal, including cleaning up after the animal. The animal should be vaccinated in accordance with state and local laws.

► Transportation

A person traveling with a service animal cannot be denied access to transportation, even if there is a "no pets" policy. The customer is not required to provide advance notice that the customer will be traveling with a service animal. The laws apply to both public and private transportation providers.

► Reaction/Response of Others

Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. If a person is at risk of a significant allergic reaction to a service animal, it is the responsibility of the business or government entity to find a way to reasonably accommodate both individuals.

Were you the victim of discrimination? Need to file a complaint? Looking for guidance on a discrimination issue? Contact the Alaska State Commission for Human Rights: (907) 274-4692, or (800) 478-4692, or hrc@alaska.gov, or humanrights.alaska.gov; or the U.S. Equal Employment Opportunity Commission at (800) 669-4000 or www.eeoc.gov.