What is a service animal?

The Americans with Disabilities Act (ADA) defines service animals as *dogs* that are individually trained to do work or perform tasks for people with disabilities.

The dog does not need to be professionally trained, but must perform a task that is directly related to the person's disability.

The dog does not need to carry any special ID tag, vest, or other documentation, and does not have to be licensed or certified.

There is *no* restriction as to size, type, or breed of dog that may be used, but *only dogs* may be service animals under Titles II and III of the ADA, which cover state and local governments, businesses, and non-profit organizations that serve the public. This includes retail stores, restaurants, places of lodging, stadiums, recreational facilities, hospitals, libraries, courthouses, and more.

What is not a service animal?

Providing emotional support, well-being, comfort, or companionship *does not* constitute work or tasks for purposes of the ADA service animal definition.

Human Rights Commission
State of Alaska
1901 Bragaw St., Ste 300
Anchorage, AK 99508
(907) 274-4692

Toll-Free Complaint Hotline
(800) 478-4692

TTY/TDD (Hearing Impaired)
711 Relay Alaska

Rev. 1/3/2025

Alaska State Commission for Human Rights



Service Animals

Under Alaska Statute 11.76.130, it is a crime to interfere with the rights of a physically or mentally challenged person by intentionally preventing or restricting such an individual from being accompanied or assisted by a service animal in a common carrier, place of public accommodation, or other place to which the general public is invited.

Exclusion of a service animal

A person with a disability may be asked to remove his/her service animal from the premises if:

(1) the dog is out of control and the handler does not take effective action to control it, or
(2) the dog is not housebroken

Service animals may also be excluded:

(1) when admitting a service animal would fundamentally alter the nature of the goods, services, programs, or activities provided to the public
(2) if the animal poses a direct threat to the health or safety of others
(3) if there are legitimate safety requirements that cannot be met with the animal
(4) by religious institutions

Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals.



A service animal may not be excluded based on assumptions, stereotypes, fears, or generalizations about the animal's breed.

Questions staff may ask

Staff may not ask about the service animal when its need is obvious. If not obvious or already known, staff may ask only 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? (Note that staff may not ask the dog to demonstrate its task.)

Staff may not ask about the nature of a person's disability or require medical documents. Staff may also not require any documentation for the dog or its training.

Other federal laws

The definition of service animal under the ADA does not affect or limit the broader definition of "assistance animal" under the Fair Housing Act or the broader definition of "service animal" under the Air Carrier Access Act.

Therefore, an emotional support animal that does not qualify as a service animal under the ADA may still qualify as a permitted reasonable accommodation under the Fair Housing Act and the Air Carrier Access Act.



The Fair Housing Act (FHA)

The Fair Housing Act (FHA) applies to most types of housing, both public and private.

Under the FHA, persons with disabilities may request a reasonable accommodation for any assistance animal, including animals that provide emotional support. Note that there must be a nexus between the animal and the disability.

Assistance animals do not need to have any special certification, license, or even training. They may also be of any species, breed, or size.

In housing where the provider restricts pets or imposes conditions relating to pets (size, breed, deposits), providers must make exceptions for assistance animals because assistance animals are not pets.

A housing provider may contest whether the accommodation is reasonable.



The Air Carrier Access Act (ACAA)

The Air Carrier Access Act (ACAA) protects the rights of persons with disabilities in air travel by requiring that service animals, as well as emotional support animals, be allowed to travel with qualified individuals.