

*This document consists of information taken directly from the ADA.gov [BETA page on service animals](#).



GOVERNOR'S COMMISSION ON DISABILITY

www.gcd.state.nm.us

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The Governor's Commission on Disability provides technical assistance on the ADA and other disability-related laws. We also provide training for all audiences and advocacy for individuals with disabilities facing barriers in life and work.

Service Animals

The ADA explains what businesses and state/local governments must do to make sure that they do not discriminate against a member of the public with a disability who uses a service animal.

Generally, businesses and non-profits that are open to the public as well as state/local governments must allow service animals to go most places where the public can go. This is true even if they have a "no pets" policy.

About Service Animals

Service animals are:

- Dogs (and miniature horses when reasonable)
- Any breed and any size of dog, ONLY a miniature horse
- Trained to perform a task directly related to a person's disability

Service animals are not:

- Required to be certified or go through a professional training program
- Required to wear a vest or other ID that indicates they're a service dog
- Emotional support or comfort dogs, because providing emotional support or comfort is not an active task related to a person's disability

If the dog's mere presence provides comfort, it is not a service animal under the ADA. But if the dog is trained to perform a task related to a person's disability, it is a service animal under the ADA. For example, if the dog has been trained to sense that an anxiety attack is about to happen and take a specific action to help avoid the attack or lessen its impact, the dog is a service animal.

Examples of Service Animal Tasks

A person who uses a wheelchair may have a dog that is **trained to retrieve objects for them.**

A person with depression may have a dog that is **trained to perform a task to remind them to take their medication.**

A person with PTSD may have a dog that is **trained to lick their hand to alert them to an oncoming panic attack.**

A person who has epilepsy may have a dog that is **trained to detect the onset of a seizure and then help the person remain safe during the seizure.**

Where Service Animals Can Go

Generally, service animals are allowed to be with their person, even in places that don't allow pets. For example, service dogs can go into:

- Restaurants
- Shops
- Hospitals
- Schools
- Hotels

EXAMPLE: A restaurant offers indoor and outdoor seating. A woman arrives at the restaurant with her service dog and asks to sit inside. The restaurant cannot require the woman to dine outside because of her service dog.

The ADA also applies to certain types of housing, including:

- Housing at public and private universities
- Public housing programs run by state, county, and city governments
- Emergency shelters

Other laws apply to housing

The **Fair Housing Act** applies to many types of housing, both public and privately owned, including housing covered by the ADA. Under the Fair Housing Act, there may be different rules that apply when a resident or applicant with a disability uses a service animal or other animal to assist with their disability. The U.S. Department of Housing and Urban Development is responsible for administering the Fair Housing Act. Learn more at the [U.S. Department of Housing and Urban Development](#) or [contact your Regional Fair Housing and Equal Opportunity Office](#).

Other laws apply to airplanes

The Air Carrier Access Act, not the ADA, protects the rights of people with disabilities in air travel. For information or to file a complaint, contact the U.S. Department of Transportation, Aviation Consumer Protection Division: 202-366-2220.

Other rules apply to employment

The [Equal Employment Opportunity Commission](#) (EEOC) is responsible for administering the ADA in employment settings.

Asking if a Dog is a Service Animal

If you are working at a business or state/local government facility and it is unclear to you whether someone's dog is a service dog, **you may ask for certain information using two questions.**

You may ask:

- Is the dog a service animal required because of a disability?
- What work or task has the dog been trained to perform?

You are *not* allowed to:

- Request any documentation that the dog is registered, licensed, or certified as a service animal

- Require that the dog demonstrate its task, or inquire about the nature of the person's disability

Because service animals are not required to wear vests, a dog that is wearing a vest is not necessarily a service animal. The dog still needs to be trained to perform a task for a person with a disability to be a service animal.

When a Service Animal Can Be Kept Out

A business or state/local government does not need to allow a service animal if the dog's presence would fundamentally alter the nature of the goods, services, programs, or activities provided to the public.

What does *fundamentally alter* mean?

In most settings, a service animal will not fundamentally alter the situation. But in some settings, a service dog could change the nature of the service or program. For example, it may be appropriate to keep a service animal out of an operating room or burn unit where the animal's presence could compromise a sterile environment. But in general, service animals cannot be restricted from other areas of the hospital where patients or members of the public can go.

Asking Someone to Remove Their Service Animal

A business or state/local government can ask someone to remove their service animal if:

- The dog is not housebroken.
- The dog is out of control, and the person cannot get the dog under control.

State and Local Laws

State/local governments can:

- Require service dogs to be licensed and vaccinated, if all dogs are required to be licensed and vaccinated
- Offer *voluntary* service dog registration programs

State/local governments can't:

- Require certification or registration of service dogs
- Ban a service dog based on its breed

Learn More About the ADA and Service Animals

The following technical assistance documents provide more helpful information about service animals:

- [Frequently Asked Questions about Service Animals and the ADA](#)
- [ADA Requirements: Service Animals](#)