



# California Independent Grocers Association

• REPRESENTING INDEPENDENT GROCERS IN CALIFORNIA •

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## Service Animals and the American with Disabilities Act (ADA)

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The Department of Justice published revised final regulations implementing the American with Disabilities Act, changing portions of Title III (public accommodations and commercial facilities) on September 15, 2010.

Effective March 15, 2011, only dogs are recognized as service animals under Title III. **Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities.** Examples of such work or 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, or calming a person with Post Traumatic Stress disorder (PTSD). Service animals are working animals, not pets. **Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.**

Under the ADA, all entities that serve the public generally must allow service animals to accompany people with disabilities in all areas of the facility where the public is normally allowed to go. Also under the ADA, service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevent using these devices. In that case, the individual must maintain control of the animal through voice, signal or other effective controls.

When it is not obvious what service an animal provides, only limited inquiries are allowed. **Staff may ask two questions:** (1) is the dog a service animal required because of a disability, and (2) what work or task has the dog been trained to perform. Staff cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog perform the work or task as a demonstration.

**In addition to the provisions about service dogs, The Department's revised ADA regulations have a new, separate provision about miniature horses that have been individually trained to do work or perform tasks for people with disabilities.** Miniature horses generally range in height from 24 to 34 inches measure to the shoulders and generally weigh between 70 and 100 pounds. The regulations set out four assessment factors to assist entities in determining whether miniature horses can be accommodated in their facility: (1) whether the miniature horse is housebroken; (2) whether the miniature horse is under the owner's control; (3) whether the facility can accommodate the miniature horse's type, size, and weight; and (4) whether the miniature horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility.

For more information about the ADA, visit [www.ADA.gov](http://www.ADA.gov) or telephone (800) 514-0301.