

Service Animal Policies that Affirm Civil Rights and Protect Against Fraud

The [Americans with Disabilities Act](#) and most state laws guarantee the rights of people with disabilities to travel with [service animals](#). However, the laws differ slightly for housing, air travel, and public transportation. In addition, a growing number of people are obtaining therapy dogs, emotional support animals, and some people just want to travel with their pets. And let's face it. ID cards, "service animal" vests and even official-looking certificates are easy to get, and in many cases, it's almost impossible to tell whether a customer's animal is a legally protected service animal or an untrained fraud. Guess right, and there's no problem. But guess wrong, and you could be putting the health and safety of your employees and customers at risk or breaking both state and federal law and facing fines, court costs and damages. And in most states, you could even be charged with a misdemeanor.

Although the issue of service animals may seem difficult, there are steps that businesses, agencies and transportation providers can take to protect the rights of disabled customers traveling with legitimate service animals while reducing the health and safety risks posed by people who want to bring their pets, therapy and emotional support animals along for the ride. And the first step is to create and publish a clear and comprehensive Service Animal Policy.

Having a simple and legally compliant Service Animal Policy will provide a number of benefits for your organization, for your employees and for your customers—including those who have service animals and those who do not. But it's not enough to hang a "Service Animals Welcome" sign on the front door. To be effective, your Service Animal Policy must address six key topics. Include them, and you're good to go. Leave any of them out, and you are at risk from people claiming that you denied their rights and from other people accusing you of not taking their health and safety seriously.

The 6 Elements Every Service Animal Policy Should Include

1 - The Summary Statement

Most people won't read past the first paragraph, so having a summary statement will ensure that everyone knows what's coming. To be effective, your Summary Statement should: 1) Affirm the right of people with disabilities accompanied by service animals to enter your business; 2) state the rules for anyone who wishes to bring any other type of animal into your establishment; and 3) identify any applicable federal or state service animal laws with which your policy is in compliance.

2 - Definitions

People are traveling with all sorts of animals that go by all sorts of terms: “service animal, emotional support animal, companion, therapy dog, etc.” Your policy should clearly define these terms along with any other terms that might help to eliminate confusion among staff or customers.

3 - Customer’s Rights

Your policy should clearly delineate your customer’s rights for traveling with service animals and whether or not other types of animals are permitted and under what conditions. The policy should also spell out any rules that your customers must follow when traveling. These details need to be specified because if they are not, there may be gray areas when you try to enforce the policy, and ultimately, you can be held legally and financially responsible for anything that is not clearly addressed.

4 - Limitations

There are circumstances when service can be denied. Your policy must spell these out so that there is no confusion when you seek to enforce the policy. For example: a business can deny access to a person traveling with a service animal when the animal is not under the physical or verbal control of the handler and/or when the animal poses a direct threat to the health and safety of other people. And in some instances, businesses are able to seek compensation from individuals whose service animals damage property or cause harm. By clearly spelling out these matters, your policy will help employees and customers alike to recognize when an animal’s behavior is acceptable and when it is not, and the grounds for taking action.

5 - Enforcement Procedures

Your policy should lay out the procedures that your staff will use to enforce the policy. For example: the ADA does not allow business owners to require documentation from an individual traveling with a service animal, but it does allow business representatives to ask two specific questions for determining whether or not an animal meets the legal definition of a service animal. By clearly enunciating your procedures, you will be alerting customers to what they can expect when entering your business, and you will be helping to ensure that your employees have clear guidance on what they can, and cannot, say and do when attempting to determine whether or not an animal is, in fact, a service animal.

6- Procedures for Reporting Policy Violations

Finally, your policy should provide an easy way for customers to report policy violations. By doing this, you will be encouraging your customers to contact you when they believe their rights have been denied, and that is far better, less time-consuming and less expensive than having them contact a regulator, a lawyer, the media or the police.

Does Your Organization Need a Service Animal Policy?

If your organization is open to the public, a comprehensive Service Animal Policy is an absolute must. Accessible Avenue can assist you by drafting the policy, training your personnel about the policy, and we can assist with messaging for your customers and clients. To learn more or request a quote, [Schedule a free consultation](#).