

# Handout

MOD's Quarterly Tea on Service Animals for Public-Serving Entities

## Examples of assessing whether to allow an animal in

These examples are written as a conversation between a member of staff at a public-serving entity and a member of the public entering the area with an animal.

### 1. Standard service animal

Situation: Person entering the building with a dog on a leash

Speaker	Conversation
Staff:	Excuse me, is this dog a service animal required because of a disability?
Person with dog:	Yes
Staff:	What work or tasks is the dog trained to perform?
Person with dog:	Medication reminders
Staff:	Thank you. You're welcome to bring the dog in.

### 2. Psychiatric service animal (plenty of detail)

Situation: Person entering the building with a dog wearing a service animal vest.

Speaker	Conversation
Staff:	Excuse me, is this a service dog needed because of a disability?
Person with dog:	Yes
Staff:	Can you tell me what tasks or work the dog is trained to do?
Person with dog:	She helps me with PTSD
Staff:	Can you tell me what specific actions the animal is trained to take?
Person with dog:	She protects my space in crowds, licks my hand to warn of the start of a panic attack, applies deep pressure to shorten an attack, and leads me to the exit if I need to get out
Staff:	Thank you, she's welcome to come in with you

### 3. Psychiatric service animal (same as example 2 but less detail)

Situation: Person entering the building with a dog wearing a service animal vest.

Speaker	Conversation
Staff:	Excuse me, is this dog a service animal required because of a disability?
Person with dog:	Yes
Staff:	Can you tell me what tasks or work the dog does?
Person with dog:	She helps me with a mental health disability
Staff:	Can you tell me what specific actions the animal is trained to take?
Person with dog:	She makes space in crowds, does interrupts, and finds the exit
Staff:	Thank you, she's welcome to come in with you

Note: this may be a bit more realistic: remember that this person may get asked these questions several times per day every day and it may be quite unpleasant for them to talk about panic attacks or other PTSD symptoms.

#### 4. ESA

Situation: Person entering with dog on leash

Speaker	Conversation
Staff:	Excuse me, is this a service dog needed because of a disability?
Person with dog:	Yes
Staff:	Can you tell me what tasks or work the dog does?
Person with dog:	He reduces my anxiety.
Staff:	Can you tell me what specific actions he is trained to take?
Person with dog:	He comforts me. I have a letter from my doctor that I need him because of my anxiety.
Staff:	I'm sorry, the doctor's letter doesn't help unless it describes specific tasks the dog is trained to do. Only service animals are allowed in and this sounds like an emotional support animal rather than a service animal. I can show you the DOJ guidance if you like that explains that animals that simply provide comfort are not considered service animals. You're welcome to come in without the dog. Perhaps there is somewhere you can safely leave it.
Person with dog:	OK

Note: People may sometimes answer yes to the first question when in fact it is not a service dog. It's not usually productive to focus on whether this was an intentional lie – people who have just got an ESA may be unclear on the difference. Instead, focus on evaluating whether the animal meets the service animal definition.

#### 5. Cat

Situation: A person is walking up to me with a cat on a leash

Speaker	Conversation
Staff:	Hello, I'm sorry no animals are allowed in here except service animals.
Person with cat:	But my cat is a service animal, it is trained to give me reminders.
Staff:	I'm sorry but both the Massachusetts law and the federal Americans with Disabilities Act define service animals as only a dog or a miniature horse. A cat, even if trained, doesn't meet the definition. So, while we welcome you coming in, you will not be able to bring your cat in.

#### 6. Obvious guide dog

A person enters not looking around or focusing on their surroundings and is being led via a rigid handle by a dog with a vest clearly marked guide dog.

It's obvious that this is a guide dog so no conversation is needed. The member of staff lets the patron walk in without interruption.

#### 7. Obvious disability, but not obvious service animal

Situation: A person enters in a wheelchair with a dog on leash but it is not clear if the dog is a pet, emotional support animal, or a service dog as it is not doing any obvious work.

Speaker	Conversation
Staff:	Hello, excuse me, may I just check if this is a pet or a service animal?

Person with dog:	He's a service animal. He helps with dressing and picking things up.
Staff:	Great, then he's welcome to come in. Thanks

Notes:

- When asking the first question, we don't need to say "needed because of a disability" because it is obvious this person has a disability.
- It is the entity's choice whether to ask the two questions or just let someone in. We just want you to know you are allowed to ask the questions as long as it is not obvious the animal is doing work to help with a disability.

## 8. Not on leash

Situation: Person entering with a dog not on a leash

Speaker	Conversation
Staff:	Excuse me, is this a service dog needed because of a disability?
Person with dog:	Yes
Staff:	Great. What tasks or work does the dog do?
Person with dog:	He monitors my glucose levels
Staff:	I notice the dog is not on a leash. I understand that dogs who can perform their work while on a leash are supposed to be kept on a leash at all times in public places. If you keep a leash on, the dog is welcome to accompany you inside.
Person with dog:	OK, I have a carrier for him. It's just so hot and my back is getting tired.
Staff:	We do have air conditioning inside, if that helps. Either a carrier or a leash would be fine – the dog just needs to be physically constrained in some way all the time they are in here. Do you have a way to do that that will work for you?
Person with dog:	OK, I'll go back to the car and get a leash
Staff:	Thanks!

Note: It's not your responsibility to solve practicalities for them if they have come unprepared, but being human can help maintain a cooperative atmosphere.

## 9. Voice control

Situation: Person entering with a dog not on a leash

Speaker	Conversation
Staff:	Excuse me, is this a service dog required because of a disability?
Person with dog:	Yes
Staff:	Great. What tasks or work does the dog do?
Person with dog:	He picks things up for me and opens doors
Staff:	I notice the dog is not on a leash. I understand dogs who can perform their work while on a leash are supposed to be kept on a leash at all times in public places. If you keep a leash on, the dog is welcome to accompany you inside.
Person with dog:	He can't do his work if he's leashed
Staff:	OK. Can you tell me how you keep him under control?
Person with dog:	He is under voice control
Staff:	OK. Thanks, he's welcome to come in

## Psychiatric Service Animal versus ESA tasks

Depending on the description given, it can sometimes be a bit unclear if an animal is a psychiatric service animal or an emotional support animal. Remember that the DOJ says that a dog that just provides comfort is not a service animal. A service animal has been trained to respond to commands or signals by taking actions that mitigate the symptoms or limitations of a disability.

Here are some examples of psychiatric service tasks:

- Apply pressure to pressure points to shorten the duration of a panic attack
- Wake me from night terrors (PTSD)
- Interrupts & redirects me when I exhibit OCD compulsive behaviors
- Trained to sit directly in front of me to provide distance from a crowd
- Leads me to the nearest exit when I start having a panic attack

An emotional support animal might be described as follows:

- Makes me feel less anxious
- Keeps me calm
- Helps with my insomnia
- Makes me feel safe by just staying by me all the time
- It helps so much to have him around
- Cuddling him makes me feel better

The ESA may provide extremely valuable relief from symptoms of a disability, but is doing so through its presence rather than specific tasks it has been trained to do. Note if someone says, “my dog licks me when I am feeling anxious,” that could be an ESA or could be a poorly worded description of an SA task, so you can ask a clarifying question such as, “what work or tasks has the dog been specifically trained to perform?”

## Examples of handling behavior

### 10. Dog barking

Situation: During a theater performance a dog is barking

Speaker	Conversation
Staff:	Excuse me, can you please get your dog to stop barking
Person with dog:	Sure, I’m so sorry, I’m trying
Staff:	[After the dog barks a couple more times] Sorry if you can’t get the dog to stop barking, I’m going to have to ask you to remove it. It’s disrupting the performance.
Person with dog:	I have got some treats that might quiet him down, is it ok to give them to him?
Staff:	Sure!

## 11. Dog licking food

Situation: In a grocery store, a dog is sniffing and licking food on the shelves and knocking a few items onto the floor. A customer complains about it to a member of staff who then sees the behavior happen.

Speaker	Conversation
Staff:	Excuse me, I need you to keep your dog under control. It's been licking food on the shelves and that isn't hygienic.
Person with dog:	Look, he's not doing anything.
Staff:	He seems to be doing well now. But we got a complaint from another customer. I need you to make sure he doesn't touch or lick any food. Can you assure me of that?
Person with dog:	Sure
Staff:	Thank you
Person with dog:	[As the staff reaches the end of the aisle, the dog grabs a snack bag off the shelf and starts chewing it] Drop! Drop! [The dog won't drop the food and the owner wrestles the ripped package from its mouth]
Staff:	Actually, this isn't going to work. Service animals are allowed here but they have to be kept under control, which includes not licking or touching the food. It doesn't look like he's following your commands and he's grabbing food, so I'm going to have to ask you to remove the dog. I do want to make sure you can do your shop. If you want to tie him up outside, I can take your shopping cart over to the service counter if you like, so you can finish your shop without the dog. Or if you're done I can have the cashier ring it up while you tie up the dog. What would work best?
Person with dog:	I've only got two more things to get, can't I just finish up?
Staff:	I'm sorry, I need you to remove the dog now. There are cycle racks just to the left outside that people often tie their dogs to. If you want to tie your dog up there, then you're welcome to continue shopping. As I said, I'm happy to keep an eye on your cart while you take him out.
Person with dog:	Ugh, OK, I'll go put him in the car.

## 12. Dog dangerous

Situation: Dog is snapping at kids – looks like someone might get bitten

Speaker	Conversation
Staff:	Sorry you'll have to remove your animal. We can't have it snapping at people. Please take it out and you may return without it.
Person with dog:	But he's a service animal, I need him!
Staff:	Can you follow me over here, please? I appreciate he's a service animal and if he was safe and under control we'd of course welcome him, but service animals that are not being kept under control or are threatening other's safety do not have to be allowed. He is growling and snapping at these kids, so I am asking you to remove him. Again, you are welcome to return without him or you can call us and we'll take your order over the phone.

Person with dog:	You can't do this! Service animals are protected by the ADA. You're breaking the law!
Staff:	I am happy to show you the Department of Justice guidance saying service animals can be removed if unsafe.
Person with dog:	I'm going to call the police!
Staff:	That is your choice. You might want to ask for the animal control officer as they might be most helpful.

## Examples of Service Animals in Training

### 13. Well behaved puppy

Situation: Person enters with a young puppy

Speaker	Conversation
Staff:	Excuse me, is this a service dog needed because of a disability?
Person with dog:	I'm training it as a service animal
Staff:	OK, great. Can I just check that the dog is housebroken and you can keep it under control
Person with dog:	Yup, he's pretty well behaved – doesn't jump or bark, he just needs more experience out in public
Staff:	OK, thanks. You can bring him in.

### 14. Just raising, not training

Situation: Person enters with a dog

Speaker	Conversation
Staff:	Excuse me, is this a service dog needed because of a disability?
Person with dog:	I'm training it as a service animal
Staff:	What work or tasks are you training it to do?
Person with dog:	Oh, I haven't got that far yet. I'm just socializing him.
Staff:	OK, great. Can I just check that the dog is housebroken, and you can keep it under control
Person with dog:	Yup, he's pretty well behaved – doesn't jump or bark, he just needs more experience out in public
Staff:	OK, thanks. You can bring him in.

Note: Once someone indicates the animal is a service animal in training, you do not need to ask the question about work or tasks, and it is unlikely that any answer would change how you handle the situation. However, some entities might choose to ask this question as a reminder to dog trainers that the intention of the law is to support people actively training and socializing future service animals.

### 15. Hygiene requirement

Situation: Ranger comes across person with dog walking on the reservation around a water reservoir where dogs are not allowed

Speaker	Conversation
Staff:	Excuse me, is this a service dog needed because of a disability?

Person with dog:	Yes. Well, it's in training.
Staff:	It's not yet trained; it's in training?
Person with dog:	Yeah
Staff:	OK. What are you training it to do here in this drinking water facility?
Person with dog:	I'm training her to walk at heel
Staff:	OK. I would like to remind you that service dogs in training are only allowed if they can behave and be kept under control as much as fully trained service dogs. That means the dog needs to stay on leash at all times. The water here is used as drinking water, which is why pets are not allowed. Service animals and those in training are allowed but it's really important that the dog does not go into the water or relieve itself within 20 yards of any water. Can you assure me that you can make that happen?
Person with dog:	I guess
Staff:	I should let you know that if you will not follow those rules, your dog will not be allowed in next time
Person with dog:	Ok. OK! I get it. I'll keep her on leash and not let her poop in the stream!
Staff:	OK. Thank you. Enjoy your walk.