

U.S. Department of Justice
Civil Rights Division
Disability Rights Section



COMMONLY ASKED QUESTIONS ABOUT SERVICE ANIMALS IN PLACES OF BUSINESS

1. Q: What are the laws that apply to my business?

A: Under the Americans with Disabilities Act (ADA), privately owned businesses that serve the public, such as restaurants, hotels, retail stores, taxicabs, theaters, concert halls, and sports facilities, are prohibited from discriminating against individuals with disabilities. The ADA requires these businesses to allow people with disabilities to bring their service animals onto business premises in whatever areas customers are generally allowed.

2. Q: What is a service animal?

A: The ADA defines a service animal as any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability. If they meet this definition, animals are considered service animals under the ADA regardless of whether they have been licensed or certified by a state or local government.

Service animals perform some of the functions and tasks that the individual with a disability cannot perform for him or herself. Guide dogs are one type of service animal, used by some individuals who are blind. This is the type of service animal with which most people are familiar. But there are service animals that assist persons with other kinds of disabilities in their day-to-day activities. Some examples include:

- _ Alerting persons with hearing impairments to sounds.
- _ Pulling wheelchairs or carrying and picking up things for persons with mobility impairments.
- _ Assisting persons with mobility impairments with balance.

A service animal is not a pet.

3. Q: How can I tell if an animal is really a service animal and not just a pet?

A: Some, but not all, service animals wear special collars and harnesses. Some, but not all, are licensed or certified and have identification papers. If you are not certain that an animal is a service animal, you may ask the person who has the animal if it is a service animal required because of a disability. However, an individual who is going to a restaurant or theater is not likely to be carrying documentation of his or her medical condition or disability. Therefore, such documentation generally may not be required as a condition for providing service to an individual accompanied by a service animal. Although a number of states have programs to certify service animals, you may not insist on proof of state certification before permitting the service animal to accompany the person with a disability.

4. Q: What must I do when an individual with a service animal comes to my business?

A: The service animal must be permitted to accompany the individual with a disability to all areas of the facility where customers are normally allowed to go. An individual with a service animal may not be segregated from other customers.

5. Q: I have always had a clearly posted "no pets" policy at my establishment. Do I still have to allow service animals in?

A: Yes. A service animal is not a pet. The ADA requires you to modify your "no pets" policy to allow the use of a service animal by a person with a disability. This does not mean you must abandon your "no pets" policy altogether but simply that you must make an exception to your general rule for service animals.

6. Q: My county health department has told me that only a guide dog has to be admitted. If I follow those regulations, am I violating the ADA?

A: Yes, if you refuse to admit any other type of service animal on the basis of local health department regulations or other state or local laws. The ADA provides greater protection for individuals with disabilities and so it takes priority over the local or state laws or regulations.

7. Q: Can I charge a maintenance or cleaning fee for customers who bring service animals into my business?

A: No. Neither a deposit nor a surcharge may be imposed on an individual with a disability as a condition to allowing a service animal to accompany the individual with a disability, even if deposits are routinely required for pets. However, a public accommodation may charge its customers with disabilities if a service animal causes damage so long as it is the regular practice of the entity to charge non-disabled customers for the same types of damages. For example, a hotel can charge a guest with a disability for the cost of repairing or cleaning furniture damaged by a service animal if it is the hotel's policy to charge when non-disabled guests cause such damage.

8. Q: I operate a private taxicab and I don't want animals in my taxi; they smell, shed hair and sometimes have "accidents." Am I violating the ADA if I refuse to pick up someone with a service animal?

A: Yes. Taxicab companies may not refuse to provide services to individuals with disabilities. Private taxicab companies are also prohibited from charging higher fares or fees for transporting individuals with disabilities and their service animals than they charge to other persons for the same or equivalent service.

9. Q: Am I responsible for the animal while the person with a disability is in my business?

A: No. The care or supervision of a service animal is solely the responsibility of his or her owner. You are not required to provide care or food or a special location for the animal.

10. Q: What if a service animal barks or growls at other people, or otherwise acts out of control?

A: You may exclude any animal, including a service animal, from your facility when that animal's behavior poses a direct threat to the health or safety of others. For example, any service animal that displays vicious behavior towards other guests or customers may be excluded. You may not make assumptions, however, about how a particular animal is likely to behave based on your past experience with other animals. Each situation must be considered individually.

Although a public accommodation may exclude any service animal that is out of control, it should give the individual with a disability who uses the service animal the option of continuing to enjoy its goods and services without having the service animal on the premises.

11. Q: Can I exclude an animal that doesn't really seem dangerous but is disruptive to my business?

A: There may be a few circumstances when a public accommodation is not required to accommodate a service animal--that is, when doing so would result in a fundamental alteration to the nature of the business. Generally, this is not likely to occur in restaurants, hotels, retail stores, theaters, concert halls, and sports facilities. But when it does, for example, when a dog barks during a movie, the animal can be excluded.

If you have further questions about service animals or other requirements of the ADA, you may call the U.S. Department of Justice's toll-free ADA Information Line at 800-514-0301 (voice) or 800-514-0383 (TDD).

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Service Dog Central

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Service Dog Certification -- Spotting Fake Certification/Registration/ID

Who does it hurt when you pass your pet off as a service dog when it isn't? Be sure to check out our article [On the Consequences of Fake and Undertrained Service Dogs](#)

Certification does not mean an individual dog is a service dog. Neither does registration or an official looking ID. There are several businesses selling fake certification, registration and IDs over the internet. All a person need do to get these products is pay a fee. Their dog is never tested and their disability is never verified. All the product really means is that the person was willing to pay money to get it.

If you question whether ID or certification is legitimate, a quick internet search of the name of the organization will reveal whether it is an agency that actually trains service dogs, or one that merely certifies, registers, or identifies any dog sight-unseen for a fee.

How can you tell a REAL service dog if ID cards and certificates are actually meaningless? The US Department of Justice permits businesses to ask two questions:

1. Is this a service dog required because of disability?
2. What is it trained to do to mitigate the disability?

Remember that "[a]nimals whose sole function is to provide emotional support, comfort, therapy, companionship, therapeutic benefits, or to promote emotional well-being are not service animals..." so a service animal must be specifically trained to DO something.

Additionally, if the animal behaves inappropriately, by disrupting business, behaving aggressively, interfering with other patrons or clients (say by sniffing them or jumping up on them), or toileting inappropriately, then it doesn't matter whether it is a service dog because you can still exclude it on the basis of "fundamental alteration" or "direct threat."

BE WARNED: when you see a fake certification, it is a STRONG indication that the dog is not a legitimate service dog. People with legitimate service dogs tend to be familiar with laws and know that certification is not required so long as the dog meets the legal definition. Those who purchase fake certification do so because they, or those they encounter, doubt their dog's real status and it is easier to purchase a fake document than to actually get their dog properly trained and evaluated by an expert.

Examples of certification/registration/ID for a fee schemes:

SARA (Service Animal Registry of America)
USARplus (United Service Animal Registry) *
Goldstar German Shepherds
SDA (Service Dogs America)
Registered Service Dog
SDCA (Service Dog Certification of America, aka Certify My Dog)
NSAR (National Service Animal Registry)
American Service Dogs
Service Dog ID
Certified Service Dog
National Association of Service Dogs
Service Dog Tags, aka emotionalsupportanimals dot org **
Free My Paws
CRTASA (Canadian Registry of Therapy Animals and Service Animals)
USSDR (United States Service Dog Registry) - registration is free, but they also sell official looking certificates and ID
emosdogtags ***
registmyserviceanimal

Note: Not a single service listed above tests the dogs they certify, register, or ID. They do nothing to verify the dog's training or the owner's disability. All that is required is that the purchaser fill out a form with the information for the certificate and where to mail it, and include payment ranging from \$35 to over \$200 depending on the package being purchased.

Here are some scary quotes from some of the sites above:

"Since 2003, Goldstar has certified over 1,300 dogs of various breeds, large, medium, and small."
"SDA recognizes that every person in America may have some form of disability."
"Get an SDA kit so your dog can accompany you everywhere you need."
"This is a site designed to assist disabled people in obtaining a valid certification and ID card for their service dog so that you can take it on public transportation, into public places such as restaurants, grocery stores, etc."
"Service Dog Certification of America recognizes that every person in The United States of America may have some form of disability."
"If your dog exhibits occasional nipping, Service Dog Certification of America recommends muzzling."

"Your "canine helper" is moments away from becoming a Certified Service Dog through Service Dog Certification of America!"

"Yes, You Can Take Your Dog or Cat With You! It's no secret that many businesses simply aren't pet-friendly, even though most of the population is. A large number of our clients register their dogs (cats and other animals) as Certified Service Animals or Emotional Support Animals (ESAs) not just to accompany them into stores, restaurants, motels, or on airline flights (for no extra cost), but to successfully qualify for housing where pets aren't allowed."

At least one business, Free My Paws, has taken it to a new level. They put an expiration date on their ID cards so you have to buy new ones each year, to the tune of \$19.99. "In order to remain compliant with most transport administrations requirement that documentation be current within one year, we require our clients to renew their IDs each year. Note that the same rules may also apply to any Doctor's certificates you provide airlines when travelling. If you purchased your ID as part of a kit, an ID renewal is available for \$19.99 per annum (normally \$39.99)." It's interesting to note that regulatory law does not in fact require ID to be less than a year old, but the doctor's letter which accompanies an emotional support animal or psychiatric service animal must be less than a year old. You can read it for yourself in the regulatory law here: <http://airconsumer.ost.dot.gov/rules/20030509.pdf>

Ask yourself why the regulation requires a current doctor's letter. It's not to prove you've paid your annual fee for a meaningless ID card, but as evidence your treating physician still feels you qualify as disabled and require either an ESA or PSD. Since they don't require any sort of documentation to purchase their ID kits (ranging up to \$200), their card wouldn't meet the requirement of a current doctor's letter for those that must have documentation. Other than this specific case (a doctor's letter for an ESA or PSD), documentation is only required if the person's story is not credible. I personally fly all the time with my service dog, without issue and without showing ID, but he is a real service dog, and it does show in his behavior and demeanor.

Want to see more? A simple Google search turned up many businesses selling certification over the internet:
<http://www.google.com/search?sourceid=chrome&ie=UTF-8&q=service+dog+cert...>

How's this for honesty?

* We had a run in with this organization ourselves. They lifted several pages of copyrighted material from our site and published it as their own. UPDATE: for more on this business and their practices, see [USARplus claims defamation](#)

** We had a run in with this one too. Our forum has a no advertisement policy. When the owner of this business was banned for advertising, he joined again under a false name, pretending to be someone looking for a place to get ID for his service dog. When we told him these places were scams, he suddenly started promoting his own business, pretending he had done a search and just discovered his own site! IP addresses matched, so we know it was the same person.

*** This business also posted on the forum, pretending to be a customer in order to promote their business. They go even further. They have creatively redefined "service animal" under the ADA to be "The Definition of a Service Animal under the Americans With Disabilities Act and Guidance documents from the U.S. Department of Justice is any animal that provides unconditional love, comfort, serves as a crime deterrent [sic] or pehaps [sic] in some way enhances someones physical or mental health by their presence," which is in reality the exact OPPOSITE of the real definition, which says in part: "The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition." (Read the full definition here: <http://servicedogcentral.org/content/changes>)

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Business owners, take heed: this problem is becoming rampant as more and more people enter the market of selling certification, registration, and IDs (including laminated cards, collars, leashes, and vests) for service dogs to anyone, for a fee, and without any oversight. The lure of selling something that costs less than a buck to make (such as a certificate or ID card) for \$40 and more, is just too tempting to pass by.

Check out these news stories on this growing problem.

- Some pet owners try to skirt rules with fake service dogs
- SPECIAL ASSIGNMENT: Fake service dogs and the negative impact
- "Hear's" to Life! Blog
- Fake Service Dogs
- The Problem with Fake Service Dogs
- Loopholes allow for fake service dogs
- Critter talk: The great service dog scam!
- Dog owners purchasing fake service dog credentials (YouTube video)
- Cesar's Way Wrong About Service Dogs: Part 4 - Registries

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