



## Service Animals and The Law

### **Americans with Disabilities Act**

The Americans with Disabilities Act (ADA) requires state and local government agencies, businesses, and non-profit organizations (i.e., ADA covered entities) that provide goods and services to the public to make reasonable modifications in their policies, practices, or procedures to accommodate people with disabilities. The ADA's service animal rules fall under this general principal.

### **Service Animal Defined**

According to the U.S. Department of Justice's (DOJ) [FAQ about Service Animals and the ADA](#), a "service animal" is a dog that has been individually trained to do work or perform tasks on behalf of an individual with a disability. The tasks the dog performs must be directly related to the person's disability.

Emotional support, therapy, comfort, or companion animals are not considered service animals under the ADA. Such animals provide comfort by being with a person, but because they have not been trained to perform a specific job or task, they do not qualify as service animals.

The DOJ's ADA regulations also recognize as service animals 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 inches to 34 inches, measured to the shoulders, and weigh between 70 and 100 pounds.

## Where Service Animals are Allowed

The DOJ's regulations require places of public accommodation to modify their policies, practices, or procedures to permit an individual with a disability to use a service animal (28 CFR § 36.302). Specifically, ADA covered entities must permit a service animal to accompany an individual with a disability in all areas where members of the public are normally allowed to go. A service animal can be excluded from the premises if it is not (1) in its handler's control or (2) housebroken.

Where it is not obvious what services an animal provides, staff at ADA covered entities can ask the individual only two questions: (1) Is the animal required because of a disability? (2) What work or task has the animal been trained to perform? Staff cannot (1) ask about the individual's disability, (2) require medical documentation, or (3) ask that the animal demonstrate its ability to perform the work or task. Nor can they require (1) documentation or proof that the animal has been certified, trained, or licensed as a service animal or (2) the individual to pay a surcharge. Individuals may be charged for damage the animal causes.

With respect to miniature horses, ADA covered entities must modify their policies to permit, where reasonable, miniature horses that are service animals. To determine whether a miniature horse can be accommodated in their facility, staff must consider whether the horse is housebroken and under the owner's control; whether the facility can accommodate the horse's type, size, and weight; and whether the horse's presence compromises legitimate safety requirements necessary for the facility's safe operation.

## Connecticut Law on Accommodating Guide and Assistance Dogs

Under Connecticut law, it is a discriminatory practice to deny any blind, deaf, or mobility-impaired person or any person training a dog as a guide dog for the blind or assistance dog for the deaf or mobility-impaired who is accompanied by the animal, full and equal access to any place of public accommodation, resort, or amusement. Such a person may keep the guide or assistance dog with him or her at all times in such place at no extra charge, as long as the dog wears a harness or an orange-colored leash and collar and is in the person's direct custody. A person is liable for any damage done to the premises or facilities by a guide or assistance dog ([CGS §§ 46a-44 & 46a-64](#)).

## Misrepresentation of a Service Animal

Connecticut does not have a law addressing the misrepresentation of a service animal. At least 19 other states have enacted laws that make it unlawful for a person to misrepresent an animal as a service animal or otherwise fraudulently represent oneself as having a right to be accompanied by a service animal. These states include Maine, New Hampshire, New Jersey, and New York, among others.

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OLR Reports:  
[2017-R-0255](#), Misrepresentation of a  
Service Animal  
[2014-R-0025](#), Service Dogs and the Law

U.S. DOJ publication:  
[ADA Revised Requirements: Service  
Animals](#)

