



Service Animals and Outdoor Recreation
per Dept. of Justice (DOJ) 28 C.F.R. Part 35.136 –
this Rule also applies to Federal agencies under Section 504.

A **Service Animal** means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.

Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the handler's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. 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

NOT Service Animals: The following are **not** service animals: those whose sole purpose is to provide emotional support, well-being, comfort, or companionship, or to serve a crime deterrent. Therapy dogs visit nursing home residents, hospital patients, etc. Those are not individually trained assist one individual with a disability in their activities of daily living. Therefore therapy dogs are also not "service animals".

There is NO requirement for any type of service animal certification, registration, identifying vest or other standardized identification. Service Animals are only required to be "is individually trained to do work or perform tasks for the benefit of an individual with a disability". An individual with a disability may train their own service animal.

The person who has a service animal has rights and obligations.

- The right to be accompanied by the service animal
- The obligation to control the service animal in a manner that complies with the animal control laws of the area. "Control" = behavior appropriate to the setting.

Service animals are to be allowed in all areas: Individuals with disabilities are to be allowed to be accompanied by their service animals in all areas of a public entity's facilities and area where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go."

Never ask about the person's disability. Remember 85% of disabilities are unseen. No documentation that the animal is a service animal can be required.

2 questions that can be asked of a person with a service animal, if not obvious:

(1) if the animal is required because of a disability and
or

(2) what work or task the animal has been trained to perform

However, Asking the 2 questions above isn't helpful because there are no follow up questions that may be asked and there is no decision allowed to be made based on the individual's reply. So even if the tasks the dog was trained to carry out don't appear to be applicable in the situation, the service animal still cannot be denied. The result is that asking those questions is likely to only increase the level of tension between the employees and the visitors with no gain in the screening of service dogs.

Animal under handler's control. The DOJ rule requires: A service animal shall be under the control of its handler. A service animal shall have a harness, leash, or other tether, unless either the individual is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, (such as a seizure alert dog) in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).

A person with a disability may be asked to removed the service animal from the premises if

(1) the animal is out of control and the animal's handler does not take effective action to control it (for example, a dog that barks repeatedly during a program).

or (2) the animal is not housebroken.

If a service animal is properly excluded, the individual with a disability is to be given the opportunity to participate in the service, program, or activity without having the service animal on the premises. However the individual is responsible to seeing to the appropriate securement of their animal outside the location from which it has been excluded.

Suggested Process: If a dog is brought into an area where dogs are not otherwise allowed, the individual should be informed that dogs are not allowed in that area. At that point the person may state if the dog is a service animal. In that case the employee should inform the individual that the dog will be allowed to accompany the person in that location as long as the service dog is under the person's control and is housebroken. And that as a service animal there is also a requirement that the dog be on a leash, harness or tether unless that would interfere with the assistance function for which the dog trained, such as for a seizure alert dog.

Thereafter if the dog is not under control or it becomes obvious that it is not housebroken, the person is to be told their dog must be removed from that location. The person to whom the service animal belongs, not the Forest Service, is responsible for that removal, safe securement and care of that service dog after it has been removed. That person may return to the venue without their dog.

If the person has ordered food, or such and they decide they will not be returning to the venue after their dog is secured elsewhere, then that food should be packaged to go for the person or the \$ refunded, the person's choice.

Miniature Horses are also recognized by DOJ as service animals:

The criteria for allowing a Miniature Horse is different from that of Service dogs. A public entity shall make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.

Assessment factors. In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, a public entity shall consider:

- (1) The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
- (2) Whether the handler has sufficient control of the miniature horse;
- (3) Whether the miniature horse is housebroken; and
- (4) Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation. Any safety requirement must be based on actual risks and not on speculation.

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