

When Is a Dog Not Just a Dog? Assistance Animals in Indiana

Federal law requires privately owned businesses serving the public to allow the use of assistance animals by persons with disabilities. Pursuant to the Americans With Disabilities Act, businesses must allow people with disabilities to bring their service animals onto business premises in whatever areas customers are generally allowed. For example, restaurants open to the public must allow service animals into dining areas or restrooms, but not into the kitchen or food prep areas where customers are not generally allowed.

So when is a dog not just a dog? Service animals are generally dogs, but a service animal can be any type of animal individually trained to provide assistance to an individual with a disability. Significantly, service animals need not be licensed or certified by any governmental entity or any organization. Service animals can perform an unlimited number of tasks, from guiding the blind, to picking up items for persons whose motions are restricted, to alerting an individual prior to a seizure or blood sugar crisis. All service animals are allowed into businesses open to the public, not just the more familiar “seeing eye dog.”

So how do I know a dog is not just a dog? Some service animals wear identification in the form of a harness or special collar. The owner of a business may inquire as to whether an animal is a service animal, however he/she cannot require proof of the customer’s disability or proof of any training or certification of the animal. The customer with a service animal may not be segregated, nor may the business owner require the customer pay a clean up fee. However, in the unusual case where a service animal poses a direct threat to the health or safety of others, it can be required to leave the business.

There are also state statutes that control the use of service animals. As under the federal law, people who are totally or partially blind, hearing impaired, or have a physical disability are entitled to be accompanied by a trained guide dog in any public accommodation. In addition, trainers of service animals are allow entitled to access public establishments with dogs who are in training. A refusal to allow such an animal to accompany a customer is a Class C infraction under Indiana law. Owners of rental properties may likewise not refuse to rent a property to a person with a disability who owns or uses a service animal.

In sum, businesses open to the public must allow customers to access their public areas while accompanied by their service animals. Business owners may ask whether an animal is indeed a service animal, but cannot require any proof of licensing or certification as a service animal, nor is it appropriate to ask intrusive questions concerning the nature of the customer’s disability. So when is a dog not just a dog? When he is man’s best friend *and* his helper.

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