

## **Camden County Library District Policy Manual**

### **Section 2. Operating Policies Subsection 18. Policy on Service Animals**

The Camden County Library District welcomes service animals and animals invited for special programs to enter the Library building.

"Service animal" is defined by the Americans with Disabilities Act (ADA) as any service 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. The work or tasks performed by a service animal must be directly related to the individual's disability. A service animal is limited to the animals defined under the ADA and does not include any other species of animal, wild or domestic, trained or untrained. A service animal does not include an animal used or relied upon for crime deterrence, emotional support, well-being, comfort, or companionship.

Library staff has the right to ask the animal's handler (1) Is this a service animal and (2) what is the animal's function for them. The handler is not required to provide documentation about the service animal or to prove a disability. Service animals are not required to be licensed or certified or to be identified by a special harness or collar. Service animals must be on a leash or harness at all times unless the use of a leash or harness interferes with the animal's effective performance of its task. If the animal cannot be leashed or harnessed, it must be under the handler's control via voice, signals, or other effective means at all times. The animal's handler is solely responsible for the supervision and care of the service animal and must be in full control of the animal at all times. Therefore, owners must keep the service animal directly with them at all times.

The Library retains the discretion to exclude or remove a service animal from Library property if:

- The service animal is out of control, and/or the service animal's handler does not effectively control the service animal's behavior
- The service animal is not housebroken
- The service animal poses a direct threat to the health or safety of others that cannot be eliminated by reasonable modifications
- Permitting the service animal would fundamentally alter the nature of the service, program, or activity (such as a program with live animals)

The animal's handler will be responsible for any damage to Library or personal property and any injuries to individuals caused by the service animal. Anyone using a service animal on Library property will hold the Camden County Library District harmless and indemnify the Library from such damages.

## **FREQUENTLY ASKED QUESTIONS**

Many people with disabilities use a service animal in order to participate fully in everyday day life. Dogs can be trained to perform many important tasks to assist people with disabilities , such as providing stability for a person who has difficulty walking, picking up items for a person who uses a wheelchair, preventing a child with autism from wandering away, or alerting a person who has hearing loss when someone is approaching from behind. The Camden County Library District recognizes and allows the use of service animals that conform to the following rules.

The ADA requires State and local government agencies, businesses, and non-profit organizations (covered entities) that provide goods or services to the public to make "reasonable modifications" in their policies, practices, or procedures when necessary to accommodate people with disabilities. The service animal rules fall under this general principle. Accordingly, entities that have a "no pets" policy generally must modify the policy to allow service animals into their facilities. This policy provides guidance on the ADA's service animal provisions and should be read in conjunction with the publication ADA Revised Requirements: Service Animals. The Camden County Library District will conform to all requirements under ADA for the use of service animals in Library Facilities.

## **DEFINITION OF SERVICE ANIMAL**

### **What is a service animal?**

A: Under the ADA, a service animal is defined as a dog that has been individually trained to do work or perform tasks for an individual with a disability. The task(s) performed by the dog must be directly related to the person's disability.

### **What does "do work or perform tasks" mean?**

A: The dog must be trained to take a specific action when needed to assist the person with a disability. For example, a person with diabetes may have a dog that is trained to alert him when his blood sugar reaches high or low levels. A person with depression may have a dog that is trained to remind her to take her medication. Or, a person who has epilepsy may have a dog that is trained to detect the onset of a seizure and then help the person remain safe during the seizure.

### **Are emotional support, therapy, comfort, or companion animals considered service animals under the ADA?**

A: No. These terms are used to describe animals that provide comfort just by being with a person. Because they have not been trained to perform a specific job or task, they do not qualify as service animals under the ADA. However, some State or local governments have laws that allow people to take emotional support animals into public places. You may check with your State and local government agencies to find out about these laws.

### **If someone's dog calms them when having an anxiety attack, does this qualify as a service animal?**

A: It depends. The ADA makes a distinction between psychiatric service animals and emotional support animals. If the dog has been trained to sense that an anxiety attack is about

to happen and take specific action to help avoid the attack or lessen its impact, that will qualify as a service animal. However, if the dog's mere presence provides comfort, that would not be considered a service animal under the ADA.

**Does the ADA require service animals to be professionally trained?**

A: No. People with disabilities have the right to train the dog themselves and are not required to use a professional service dog training program.

**Are service-animals-in-training considered service animals under the ADA?**

A: No. Under the ADA, the dog must already be trained before it can be taken into public places. However, some State or local laws cover animals that are still in training.

**GENERAL RULES**

**What questions can a covered entity's employees ask to determine if a dog is a service animal?**

A: In situations where it is not obvious that the dog is a service animal, staff may ask only two specific questions: (1) Is the dog a service animal required because of a disability? and (2) What work or task has the dog been trained to perform? Staff are not allowed to request any documentation for the dog, require that the dog demonstrate its task, or inquire about the nature of the person's disability.

**Do service animals have to wear a vest or patch, or special harness identifying them as service animals?**

A: No. The ADA does not require service animals to wear a vest, ID tag, or specific harness.

**Who is responsible for the care and supervision of a service animal?**

A: The handler is responsible for caring for and supervising the service animal, which includes toileting, feeding, grooming, and veterinary care. Covered entities are not obligated to supervise or otherwise care for a service animal.

**Can people bring more than one service animal into a public place?**

A: Generally, yes. Some people with disabilities may use more than one service animal to perform different tasks. For example, a person who has a visual disability and a seizure disorder may use one service animal to assist with way-finding and another that is trained as a seizure-alert dog. Other people may need two service animals for the same task, such as a person who needs two dogs to assist him or her with stability when walking. Staff may ask the two permissible questions (See Question 7) about each of the dogs. If both dogs can be accommodated, both should be allowed in. In some circumstances, however, it may not be possible to accommodate more than one service animal. For example, in a crowded area of the Library, only one dog may be able to fit under the table. The only other place for the second dog would be in the aisle, which would block the space between tables. In this case, staff may request that one of the dogs be left outside.

## **CERTIFICATION AND REGISTRATION**

### **Does the ADA require that service animals be certified as service animals?**

A: No. Covered entities may not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal as a condition for entry.

There are individuals and organizations that sell service animal certification or registration documents online. These documents do not convey any rights under the ADA and the Department of Justice does not recognize them as proof that the dog is a service animal.

### **My city requires all dogs to be vaccinated. Does this apply to my service animal?**

A: Yes. Individuals who have service animals are not exempt from local animal control or public health requirements.

### **My city requires all dogs to be registered and licensed. Does this apply to my service animal?**

A: Yes. Service animals are subject to local dog licensing and registration requirements.

## **BREEDS**

### **Can service animals be any breed of dog?**

A: Yes. The ADA does not restrict the type of dog breeds that can be service animals.

### **Can individuals with disabilities be refused access to a facility based solely on the breed of their service animal?**

A: No. A service animal may not be excluded based on assumptions or stereotypes about the animal's breed or how the animal might behave. However, if a particular service animal behaves in a way that poses a direct threat to the health or safety of others, has a history of such behavior, or is not under the control of the handler, that animal may be excluded. If an animal is excluded for such reasons, staff must still offer their services to the person without the animal present.

### **If a municipality has an ordinance that bans certain dog breeds, does the ban apply to service animals?**

A: No. Municipalities that prohibit specific breeds of dogs must make an exception for a service animal of a prohibited breed unless the dog poses a direct threat to the health or safety of others. Under the "direct threat" provisions of the ADA, local jurisdictions need to determine, on a case-by-case basis, whether a particular service animal can be excluded based on that particular animal's actual behavior or history, but they may not exclude a service animal because of fears or generalizations about how an animal or breed might behave. It is important to note that breed restrictions differ significantly from jurisdiction to jurisdiction. In fact, some jurisdictions have no breed restrictions.

## **EXCLUSION OF SERVICE ANIMALS**

### **When can service animals be excluded?**

A: The ADA does not require covered entities to modify policies, practices, or procedures if it

would "fundamentally alter" the nature of the services, programs, or activities provided to the public. Nor does it overrule legitimate safety requirements. If admitting service animals would fundamentally alter the nature of a service or program, service animals may be prohibited. In addition, if a particular service animal is out of control and the handler does not take effective action to control it, or if it is not housebroken, that animal may be excluded.

**When might a service dog's presence fundamentally alter the nature of a service or program provided to the public?**

A: In most settings, the presence of a service animal will not result in a fundamental alteration. However, there are some exceptions. If a nearby patron has an allergy to the service animal, we may require the service animal to relocate to an area more than 10' from the person with an allergy.

**What does under control mean? Do service animals have to be on a leash? Do they have to be quiet and not bark?**

A: The ADA requires that service animals be under the control of the handler at all times. In most instances, the handler will be the individual with a disability or a third party who accompanies the individual with a disability. In the school (K-12) context and in similar settings, the school or similar entity may need to provide some assistance to enable a particular student to handle his or her service animal. The service animal must be harnessed, leashed, or tethered while in public places unless these devices interfere with the service animal's work or the person's disability prevents the use of these devices. In that case, the person must use voice, signal, or other effective means to maintain control of the animal. For example, a person who uses a wheelchair may use a long, retractable leash to allow her service animal to pick up or retrieve items. She may not allow the dog to wander away from her and must maintain control of the dog, even if it is retrieving an item at a distance from her. Or, a returning veteran who has PTSD and has great difficulty entering unfamiliar spaces may have a dog that is trained to enter a space, check to see that no threats are there, and come back and signal that it is safe to enter. The dog must be off-leash to do its job but may be leashed at other times. Under control also means that a service animal should not be allowed to bark repeatedly in the Library. However, if a dog barks just once or barks because someone has provoked it, this would not mean that the dog is out of control.

**What can staff do when a service animal is being disruptive?**

A: If a service animal is out of control and the handler does not take effective action to control it, staff may request that the animal be removed from the premises. This included defecating or urinating on the floor.

**MISCELLANEOUS**

**Are we required to allow service animals to be placed in a shopping cart?**

A: Generally, the dog must stay on the floor, or the person must carry the dog. For example, if a person with diabetes has a glucose-alert dog, he may carry the dog in a chest pack so it can be close to his face to allow the dog to smell his breath to alert him of a change in glucose levels.

**Is the Library District required to provide food or water for the service animal?**

A: No. Seating, food, and drink are provided for customer use only. The ADA gives a person with a disability the right to be accompanied by his or her service animal, but covered entities are not required to allow an animal to be fed or watered by the Library.

**In addition to the provisions about service dogs, the Department's ADA regulations have a separate provision about 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 generally weigh between 70 and 100 pounds.) Entities covered by the ADA must modify their policies to permit miniature horses where reasonable. The regulations set out four assessment factors to assist entities in determining whether miniature horses can be accommodated in their facility. The assessment factors are (1) whether the miniature horse is housebroken; (2) whether the miniature horse is under the owner's control; (3) whether the facility can accommodate the miniature horse's type, size, and weight; and (4) whether the miniature horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility.

FAQ was taken from Department of Justice guidelines for Service Animals - 2015 and [www.ADA.gov/service\\_animals2010.htm](http://www.ADA.gov/service_animals2010.htm)