

Service Animal Frequently Asked Questions (FAQs)



These FAQs are a general guide for those with questions about the Americans with Disabilities Act (ADA) and Michigan service animal legislation. For specific questions or further information, please call the State of Michigan ADA Compliance Office at 517-335-1565 or e-mail MDCR-ServiceAnimals@Michigan.Gov.

Q. What is a service animal?

A: The ADA defines a service animal as a guide dog, signal dog, or other animal individually trained to provide assistance to a person 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 state or local government.

Service animals perform some of the functions and tasks that the person with a disability cannot perform for him or herself. Guide dogs are one type of service animal, used by some people who are blind. This is the type of service animal with which most people are familiar. Service animals also help people with other kinds of disabilities in their daily activities. Some examples include:

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

A service animal is not a pet.

Q. I have a comfort animal, an emotional support animal or a therapy dog. Isn't that a service animal?

A: No, it is not. Emotional support animals, comfort animals, and therapy dogs are not service animals under Title II and Title III of the ADA. The tasks performed by a service animal must be directly related to the individual's disability. It does not matter if you have a note from a doctor stating that you have a disability and need the animal for emotional support. A doctor's letter does not turn an animal into a service animal. While comfort animals are often used as part of a medical treatment plan, **they are not considered service animals under the ADA**. They do not have special training to perform tasks that assist people with disabilities, and are not limited to working with people with disabilities. Therefore, comfort animals are not covered by federal laws protecting the use of service animals.

Q. What other animals are considered service animals?

A: In addition to the provisions about service dogs, the revised ADA regulations have a new, separate provision about miniature horses that have been specifically trained to do work or perform tasks for people with disabilities.

Q. Are there specific requirements pertaining to miniature horses as service animals?

A: Yes, a miniature horse generally ranges in height from 24 inches to 34 inches measured to the shoulders and generally weighs between 70 to 100 pounds. The regulations set out four assessment factors to assist entities in determining whether miniature horses can be accommodated in a facility:

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 a facility.

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

A: If you are not certain whether an animal is a service animal, you **may** ask the person with the animal **ONLY** these questions:

1. **Is the animal a service animal required because of a disability, and**
2. **What work or task has the animal been trained to perform?**

You **may not** ask about a person's disability, require medical documentation, require a special identification card or training documentation for the service animal or ask that the service animal demonstrate its ability to perform the work or task.

Q. Does Michigan require my service animal to be registered, certified or licensed?

A: No. Mandatory registration of service animals is not permissible under the ADA. Michigan has a **voluntary** identification card and patch available for a service animal upon request through the Michigan Department of Civil Rights. Email: MDCR-ServiceAnimals@Michigan.Gov.

Q. Must a service dog be on a leash?

A: Under the ADA, service dogs must be harnessed, leashed, or tethered, unless the devices interfere with the service dog's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

Q. Are businesses allowed to question me or refuse to give me service?

A: The business may ask you **only** the two questions listed earlier.

Service animals may go anywhere the public has access as long as they are well behaved. You are allowed to have your service animal with you in your apartment, hotel room, stores, theaters, restaurants, on beaches, airplanes, etc., without having to pay extra fees or deposits.

Q. What if a business refuses to provide service or allow me in with my service animal?

A: You may file a complaint with the Michigan Department of Civil Rights at **1-800-482-3604** or send an e-mail to MDCRServiceCenter@Michigan.Gov.

Q. Is a business owner responsible for the animal while the person with a disability is in the business?

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

Q. May I take a service animal into a food establishment?

A: Yes. Establishments that sell or prepare food must allow service animals in public areas even if state or local public health codes prohibit animals on the premises.

Q. May a person be asked to leave if the service animal is being disruptive?

A: Yes. Someone with a service animal may be asked to remove the animal from the premises if:

1. The animal is out of control and the handler does not take effective action to control it, or
2. The animal is not housebroken. If the service animal has had an accident the owner/handler is responsible for cleaning the area where the accident occurred.

When there is a legitimate reason to ask that a service animal be removed, staff must offer the person with the disability the opportunity to obtain goods or services without the animal's presence.

Q. What if a service animal does damage while in my business?

A: A public entity or private business is not responsible for the care or supervision of a service animal. If a public entity or private business normally charges individuals for damage they cause, the service animal handler may be charged for damage caused by the service animal.

Q. What if a customer or employee in my business is allergic to dogs or horses?

A: Allergies to dogs or horses is not a valid reason for denying access or refusing service to people using service animals. When a person who is allergic to dog or horse dander and a person who uses a service animal must spend time in the same room or facility, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.

Q. Must a service animal be trained by someone certified or licensed?

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

Q. How do I find a certified or licensed trainer?

A: Service animal trainers are not required to have training or certification. Many just have years of experience. Some voluntarily join the Association of Professional Dog Trainers at <https://apdt.com> or the Certification Council of Professional Dog Trainers at <http://www.ccpdt.org>.

Q. My application for an identification card and patch for my service animal must be notarized. Why?

A: Michigan law requires an affidavit with your application saying your animal is qualified to be a service animal. An affidavit requires that you swear to the truth of the document, as well as to your signature, before the notary. As the issue of imposter animals has become more prevalent, Michigan legislators increased the penalties for abusing service animal laws. Notarization is one more protection for people with legitimate service animals.

Q. Where can I get my application notarized? Will it cost anything?

A: Notaries can be found, usually at no charge, at your bank or credit union. County, city and township offices have notaries; a service fee may be charged. Michigan Secretary of State offices do not provide notary services. Michigan Department of Civil Rights offices provide notary services at no charge.

