

# Service Animals in Michigan Frequently Asked Questions (FAQs)



This resource was developed by the Michigan Department of Civil Rights (MDCR) with information from the U.S. Department of Justice's [Frequently Asked Questions about Service Animals and the ADA](#) and [ADA.gov](#) website.

The ADA authorizes the U.S. Department of Justice to provide technical assistance to those with rights or responsibilities under the Act. For additional questions related to the ADA and service animal access, [contact the U.S. Department of Justice to speak with an ADA Specialist](#).

For information on Michigan's Voluntary Service Animal Identification program, please contact MDCR at 1-800-482-3604 or [MDCR-ServiceAnimals@Michigan.gov](mailto:MDCR-ServiceAnimals@Michigan.gov).

**Filing a Complaint:** Individuals who believe they have been illegally denied access or service because of their disability or use of a service animal may [file a complaint with the Michigan Department of Civil Rights \(MDCR\)](#) at 1-800-482-3604 or by visiting our website at [www.Michigan.gov/MDCR](http://www.Michigan.gov/MDCR).

**Disclaimer:** This document provides general information on service animal access under the Americans with Disabilities Act (ADA) and Michigan law. It should not be construed as a formal legal opinion or advice.

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## Accessibility Notice:

This document has been reviewed for accessibility. If you require an alternative format, please contact [MDCR's ADA Coordinator](#) at 313-456-3832 or [PowellN@Michigan.gov](mailto:PowellN@Michigan.gov).

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## Definitions & General Requirements:

### Q1: What is a qualifying disability under the ADA?

**A:** Disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities.

**Major life activities** can include walking, working, sleeping, eating, caring for one's self, etc. They may also include **major bodily functions** such as functions of the immune system, normal cell growth, digestive system, bladder, brain, etc.

**Episodic impairments** (i.e. seizures) or impairments that are in remission (i.e. cancer), can also be considered disabilities if they would substantially limit a major life activity when active.

With the exception of ordinary eyeglasses or contact lenses, the ameliorative effects of **mitigating measures** such as medication, a wheelchair, etc. may not be taken into account when determining whether an individual's impairment is substantially limiting. For example, someone with diabetes that is well-managed by medication would still qualify as having a disability under the ADA.

**More Info:** [Definition of disability, Section 12102 of the Americans with disabilities act of 1990, 42 USC § 12102, and 28 CFR § 36.104](#)

### Q2: What is a service animal?

**A:** A service animal is a dog or miniature horse individually trained to do work or perform tasks that are directly related to and mitigate the handler's disability. For example, a service animal may be trained to navigate for someone who is blind, retrieve items for someone in a wheelchair, or lead someone with PTSD to a safe location during an episode.

All other species of animal, trained or untrained, are not recognized as service animals in Michigan and are not required to be admitted into covered entities under the ADA such as grocery stores, state and local government facilities, hotels, hospitals, etc.

**More Info:** [Definitions, 28 CFR § 36.104 – Service animal](#)

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### Q3: Are there specific requirements for miniature horses?

**A:** Yes. The ADA provides 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 compromise legitimate safety requirements necessary for the safe operation of a facility.

**More Info:** [28 CFR § 36.302\(c\)\(9\) – Miniature horses](#)

### Q4: Can other animals like emotional support, companion, and therapy animals be considered service animals?

**A:** No. These terms describe assistance animals that are not trained to perform a specific task but may provide other therapeutic benefits. Unlike service animals, emotional support, companion, and therapy animals can include different species other than dogs or miniature horses.

Only trained service animals are required to be admitted into public places covered by the ADA.

**Emotional support and companion animals** are not trained to perform a specific job or task that mitigates their handler's disability. It is the animal's presence that provides disability-related benefits. While not covered under the ADA for public access, these animals may be requested as housing accommodations under the Fair Housing Act (FHA). [For more information on the FHA, contact the U.S. Department of Housing and Urban Development \(HUD\).](#)

**Therapy animals** are invited into places of public accommodation to provide stress relief or other therapeutic benefits to individuals with or without disabilities. For example, therapy animals may be invited into hospitals to provide emotional support and companionship to patients. Access and training requirements for therapy animals are not legally mandated and may be at the discretion of the entity (i.e. the hospital).

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### **Q5: If someone's dog calms them when they are having an anxiety attack, does this qualify it 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 a specific action to help avoid the attack or lessen its impact, that would 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.

### **Q6: Where are service animals allowed to go?**

**A:** Under the ADA, state and local governments, businesses, and nonprofit organizations that serve the public generally must allow service animals to accompany people with disabilities in all areas of the facility where the public is allowed to go.

See the [Lawful Exclusion & Exemptions](#) section for information on exceptions to service animal access.

**More Info:** [28 CFR § 36.302\(c\)\(7\) – Access to areas of a public accommodation](#)

### **Q7: Are service animals in-training considered service animals in Michigan?**

**A:** No. Service animals must already be trained before they are required to be admitted into public places that do not allow pets or other animals.

Entities may voluntarily choose to allow service animals in-training as long as doing so would not violate additional state or federal laws.

Although the ADA does not apply to service animals in training, effective March 28, 2023, [Public Act 75 of 2022 - Service Animals in Training](#) (PDF) requires service animals in-training to be admitted into places of public accommodation located in Michigan if they are accompanied by an animal trainer or raiser for the purpose of training or socializing the animal. MDCR does not have jurisdiction over complaints regarding service animals in training, therefore complaints should be directed to local law enforcement.

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### **Q8: Does the ADA require service animals to be professionally trained?**

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

Persons with disabilities are responsible for ensuring that their animal is sufficiently trained and under control. Animals that do not meet these requirements may be removed or reported for service animal fraud. In addition, poorly trained animals may be unreliable to their handler as a medical aide.

### **Q9: What questions can an entity ask under the ADA to determine if an animal is a service animal?**

**A:** If an animal's trained work or task is not readily apparent, an entity **may ask** the following questions to determine the type and training status of the animal:

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

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

Individuals who refuse to answer the two questions may have their animal's access denied. However, in these instances, the handler must be given an opportunity to receive goods or services without the animal present.

**More Info:** [28 CFR § 36.302\(c\)\(6\) - Inquiries](#)

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### Q10: May a service animal be removed?

**A:** Yes. A service animal may be removed for either of the following reasons:

1. The animal is out of control and the handler does not take effective action to control it.
2. It is not housebroken.

If the animal has had an accident, the 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 individual with a disability the opportunity to obtain goods or services without the animal present.

It is a best practice for covered entities to record important details when a service animal is removed, such as in an incident report. This can be helpful in cases where it is determined that a specific animal must be banned or reported due to repeated behavioral issues or other concerns.

**More Info:** [28 CFR § 36.302\(c\)\(2\) – Exceptions, and 28 CFR § 36.302\(c\)\(3\) – If an animal is properly excluded](#)

### Q11: What does “under control” mean?

**A:** A service animal must be well-behaved in entities covered by the ADA. They must not be allowed to wander away from their handler, jump up on others, obstruct busy walkways, etc. Under control also means that a service dog should not be allowed to bark repeatedly in a lecture hall, theater, library, or other quiet place. However, a service dog that barks just once, or barks because someone has provoked it, would generally not be considered out of control.

An animal whose behavior is aggressive could be considered a direct threat to the health or safety of others. These animals should be reported to local law enforcement or other appropriate agencies that respond to complaints of dangerous animals.

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### Q12: Must a service animal be on a leash?

**A:** Generally, yes. Service animals must be harnessed, leashed, or tethered with two exceptions:

1. These devices would interfere with the service animal's work or task.
2. The handler's disability prevents the use of these devices.

In these instances, the handler must still maintain control of their animal through vocal commands, hand signals, or by some other effective means.

**More Info:** [28 CFR § 36.302\(c\)\(4\) – Animal under handler's control](#)

## Identification & Registration:

### Q13: Do service animals have to wear a special vest, patch, color, ID tag, or harness identifying them as service animals?

**A:** No. The ADA does not require any specific identification, color, or vest for trained service animals.

Individuals who have been required to obtain service animal identification or register their service animal report this to the Michigan Department of Civil Rights (MDCR) at 1-800-482-3604 to [file a complaint](#).

### Q14: Does Michigan require my service animal to be registered or certified as a service animal?

**A:** No. Mandatory registration of service animals is not permitted under the ADA and cannot be required as a condition for entry into covered entities.

While there are individuals and organizations that offer service animal identification and registration, these items and documents do not provide any legal privileges or protections under the ADA. Furthermore, the Department of Justice has stated that they do not recognize these items as proof that an animal is a service animal. A service animal is legally protected under the ADA due to its behavior and disability-related training, not a specific patch, ID card, training certification, registration letter, or doctor's statement.

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### **Q15: Michigan offers a voluntary registration program for people with disabilities who use service animals. Is this legal?**

**A:** Yes. Entities such as state and local governments may offer voluntary registration to service animal handlers. Such programs may be used for a public purpose or offer benefits like a free patch.

Under [MCL § 37.303](#), the Michigan Department of Civil Rights (MDCR) provides a voluntary patch and ID card to qualifying applicants with disabilities and their trained service animals. Voluntarily registering with MDCR does not entitle accepted applicants to any benefits other than free service animal identification in the form of a patch and ID card. The application for obtaining voluntary service animal identification is available at [www.Michigan.gov/ServiceAnimals](http://www.Michigan.gov/ServiceAnimals).

### **Q16: If I have a qualifying disability under the ADA, will registering my dog with MDCR make it a “legal” service animal?**

**A:** No. A service animal is only legally protected under the ADA and in Michigan once it has completed its training and performs work or a task that mitigates its handler’s disability. If a dog has not been trained in work or a task that mitigates the handler’s disability or if the animal is not under control in public places, it may be removed or reported for fraud regardless of identification or registration.

Those who knowingly submit a fraudulent affidavit to MDCR in order to obtain voluntary service animal identification may be found guilty of a misdemeanor.

See the [Fraudulent Service Animals](#) section for information on fraudulent registration and representation of service animals in Michigan.

## **Vaccinations & Licensing:**

**Q17: My city requires that all dogs be vaccinated, registered, and/or licensed. Does this apply to my service animal?**

**A:** Yes. Service animals are not exempt from local animal control, public health, licensing, and animal registration requirements.

**Q18: Are service animals exempt from Michigan dog licensing fees?**

**A:** Yes. While service dogs must be licensed like other dogs in Michigan, they are not subject to dog licensing fees under [MCL § 287.291](#).

## **Dog Breeds:**

**Q19: Can service dogs be denied access based solely on their breed?**

**A:** No. The ADA does not restrict service animals by breed. Therefore, service animals may not be excluded based on assumptions or stereotypes about their breed or how they 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 specific animal may be excluded. If an animal is excluded for such reasons, staff must still offer their goods or services to the person without the animal present.

**Q20: 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.

**More Info:** [28 CFR § 36.208 – Direct threat](#)

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### Public Accommodations:

#### **Q21: Who is responsible for the care and supervision of a service animal?**

**A:** The handler, or their designated aide, is responsible for the animal's care and supervision which includes toileting, feeding, grooming, veterinary care, etc.

**More Info:** [28 CFR § 36.302\(c\)\(5\) – Care or supervision](#)

#### **Q22: May service animals be taken into food establishments?**

**A:** Yes. Establishments that sell or prepare food must allow service animals into public areas even if state or local public health codes prohibit animals on the premises. However, service animals are not required to be provided plates, utensils, access to shopping carts, or other items provided for customer use only.

The Michigan Department of Agriculture and Rural Development (MDARD) and Michigan Department of Civil Rights (MDCR) have developed a helpful resource on [Animals in Food Establishments](#) which provides guidance on service animals for grocery stores, restaurants, and other food establishments.

#### **Q23: Can places of public accommodation designate a pet-friendly room or table for individuals with service animals?**

**A:** No. In general, people with disabilities must have the same opportunity to use any available room or table as other guests without a disability. They may not be restricted to "pet-friendly" areas or outdoor spaces (i.e. patios).

#### **Q24: Can places of public accommodation charge additional cleaning fees to individuals who use service animals?**

**A:** No. Hotels and other places of public accommodation are not permitted to charge individuals additional fees for cleaning the hair or dander shed by a service animal.

However, if a guest's service animal causes damage, the entity may charge the same fee for damages as charged to other individuals.

**More Info:** [28 CFR § 36.302\(c\)\(8\) – Surcharges](#)

## **Lawful Exclusion & Exemptions:**

**Q25: Are churches, temples, synagogues, mosques, and other places of worship required to allow service animals?**

**A:** No. Religious places of worship are specifically exempt from the ADA. However, the ADA may apply in certain circumstances involving religious facilities or organizations open to the public such as a hospital, school, etc.

**More Info:** [28 CFR § 36.102\(e\) – Exemptions and exclusions](#)

**Q26: When can a service animal be lawfully excluded from a place of public accommodation or public entity under the ADA?**

**A:** The ADA does not require places of public accommodation or public entities to modify policies, practices, or procedures if doing so would fundamentally alter the nature of the goods, services, programs, or activities provided to the public.

The ADA also does not overrule legitimate safety requirements. Modifications that would result in a direct threat to health or safety may be considered unreasonable if alternative accommodations would not eliminate the threat.

**More Info:** [Modifications in policies practices, or procedures, 28 CFR § 36.302\(a\) – General](#), and [28 CFR § 36.208 – Direct threat](#)

**Q27: When might the presence of a service animal result in a fundamental alteration or direct threat?**

**A:** This determination often needs to be made on a case-by-case basis. In most settings, the presence of a service animal would not result in a fundamental alteration, but there are exceptions. For example, it would be a fundamental alteration and a safety hazard for a service animal to accompany their handler into a hospital burn unit or operating room where their presence would compromise the sterile environment.

At a zoo, service animals can be restricted from areas where the animals on display are the natural prey or natural predators of dogs, where the presence of a dog would be disruptive, causing the displayed animals to behave aggressively or become agitated. They cannot be restricted from other areas of the zoo.

Public health rules prohibit dogs, including service dogs, in swimming pools. However, service animals must be allowed on the pool deck.

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### **Q28: What if someone is allergic to dogs or horses?**

**A:** An allergy to dogs or horses is not a valid reason to exclude individuals with disabilities who use 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 in some way, such as by assigning them to different locations within the room or different rooms within the facility.

### **Fraudulent Service Animals:**

### **Q29: Is it a crime in Michigan to represent or register a pet, emotional support, companion, therapy animal or other unqualified animal as a service animal or service animal in-training?**

**A:** Yes. Michigan classifies false representation of a service animal or service animal in-training as a misdemeanor.

It is also a misdemeanor to submit a fraudulent affidavit to MDCR's Voluntary Service Animal Identification program.

Instances of suspected fraud should be reported to local law enforcement.

### **Q30: What are the penalties for fraudulent representation or registration of a service animal?**

**A:** A person who knowingly violates either [MCL § 752.62](#) or [MCL § 37.307](#) may be punished in one or more of the following ways:

1. Imprisonment for not more than 90 days.
2. A fine of not more than \$500.
3. Community service for not more than 30 days.

## **Housing, Air Travel, & Employment:**

### **Q31: Do apartments, mobile home parks, dormitories, and other residential properties have to comply with the ADA?**

**A:** The ADA applies to housing programs administered by state and local governments, such as public housing authorities, and by places of public accommodation, such as public and private universities. In addition, the Fair Housing Act (FHA) applies to virtually all types of housing, both public and privately-owned, including housing covered by the ADA.

Under the FHA, housing providers are obligated to permit, as a reasonable accommodation, the use of animals that work, provide assistance, or perform tasks that benefit persons with disabilities, or provide emotional support to alleviate a symptom or effect of a disability.

For information about FHA requirements, contact the [U.S. Department of Housing and Urban Development \(HUD\)](#) and review [HUD's resource on Assistance Animals](#).

### **Q32: Do commercial airlines have to comply with the ADA?**

**A:** No. The Air Carrier Access Act (ACAA) is the Federal law that protects the rights of people with disabilities in air travel.

For information on service animal access on airlines, contact the [U.S. Department of Transportation \(DOT\), Aviation Consumer Protection Division](#) and review their [ACAA resource on Service Animals](#).

### **Q33: Do employers have to comply with the ADA in regard to employees or applicants that use a trained service animal?**

**A:** Title I of the ADA deals with employment and accommodations for staff and job applicants with disabilities. Reasonable accommodations for employment can and may include the use of a service animal.

For information on Title I and employment accommodations, contact the [Job Accommodation Network \(JAN\)](#) and review their resource on [Service Animals as Workplace Accommodations](#).