

Service Animals & Assistance Animals

Rights, access, responsibilities, policies, procedures, and setting-specific rules.

Rights, access, responsibilities, and setting-specific rules across ADA public access, employment, housing, air travel, and South Carolina. General education - not legal advice.

1. ADA Public Access - What Qualifies?

Under the ADA, a service animal is a dog individually trained to do work or perform tasks directly related to a person's disability. Emotional support, comfort, companionship, or presence alone is not a service-animal task under ADA public-access rules. The ADA separately requires covered entities to consider qualifying miniature horses under specified assessment factors.

When the service role is not obvious, staff may ask only:

- Is the dog a service animal required because of a disability?
- What work or task has the dog been trained to perform?

Staff generally may not:

- Ask the person to disclose the nature or diagnosis of the disability.
- Demand a certification, registration card, training record, special ID, vest, or doctor's letter as a condition of ADA public access.
- Require the dog to demonstrate its task.
- Charge a pet fee or surcharge because a service animal is present; ordinary damage charges may apply on the same basis as for other guests.

2. Control, Removal, Breed, and Care

- The dog generally must be harnessed, leashed, or tethered unless the handler's disability or the dog's work makes that impractical; another effective method of control must then be used.
- A covered entity may ask that a dog be removed if it is not housebroken or is out of control and the handler does not take effective action.
- ADA public access cannot be denied solely because of breed. Safety decisions must be individualized.
- The handler generally remains responsible for feeding, toileting, grooming, veterinary care, and supervision.

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3. Restaurants, Hotels, Healthcare, and Conflicting Needs

- Restaurants and retail: service dogs generally may accompany the handler where customers are permitted, including self-service food areas.
- Hotels: a hotel generally may not confine a guest with a service dog only to designated pet rooms or impose pet fees.
- Healthcare: service dogs generally may accompany patients and visitors in public/patient areas. Highly sterile areas such as operating rooms may be different when legitimate safety requirements would be compromised.
- Allergies or fear of dogs generally do not justify automatic exclusion. Covered entities should seek a practical way to accommodate both people when possible.

4. Employment - A Different ADA Analysis

ADA public-access questions do not control the workplace. In employment, use of a service or assistance animal may be considered as a reasonable accommodation. The employer and employee should engage in an individualized process. If disability and need are not obvious, an employer may request reasonable disability-related documentation; unrelated medical records should not be demanded. An employer does not have to provide an accommodation that would impose an undue hardship.

5. Housing - Use a Setting-Specific Analysis

The Fair Housing Act may require a reasonable accommodation involving an assistance animal when the statutory conditions are met. If disability and disability-related need are not apparent, a housing provider may request reliable disability-related information. Requests can be denied in limited circumstances, including individualized direct-threat or significant-property-damage concerns that cannot be reduced by another reasonable accommodation, or where the accommodation would impose an undue financial/administrative burden or fundamentally alter operations. Recheck current HUD guidance and applicable state/local law before a high-stakes housing decision.

6. Air Travel - DOT Rules Are Separate

For U.S. air travel, DOT defines a service animal as a dog individually trained to do work or perform tasks for a qualified person with a disability. Emotional-support animals are not service animals under the DOT rule. Airlines may require the current U.S. DOT Service Animal Air Transportation Form, and for flight segments of eight hours or more may also require the Service Animal Relief Attestation Form. Current DOT rules also address advance submission, control, space, behavior, and individualized safety concerns.

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7. South Carolina

South Carolina law provides additional protections involving assistance/service animals and animals in training. State rules should be read together with the federal rule that applies to the setting. South Carolina Title 47, Chapter 3, Article 15 is known as Layla's Law and addresses service animals and service animals in training, including interference, injury, restitution, and misrepresentation provisions.

8. Model Front-Line Policy

- Welcome first. If the service role is obvious, do not interrogate the person.
- Ask only if needed. For ADA public access, use the two permissible questions when the role is not apparent.
- Do not demand credentials. No mandatory federal service-dog ID, certification, or registration exists for ADA public access.
- Watch conduct, not breed. Address actual control, housebreaking, or individualized safety issues.