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Chasing Their Tails: Are Service Animals Protected Under the American Disabilities Act?

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Imagine you are the owner of a valuable service animal, a German Shepherd, and you need to board the dog while you attend a conference. What rights, if any, does the German Shepherd have for protection under the American Disabilities Act (ADA) during your absence?

It's important to clarify that a service animal is a dog that is individually trained to do work or perform tasks for people with disabilities. According to the U.S. Department of Justice, such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, or performing other duties. It is not a pet. The work or task a dog has been trained to provide is directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

The ADA also requires that the service animal be under the control of its handler and be harnessed, leashed, or tethered. The individual must maintain control of the animal through voice, signal, or other effective control.

Let's go back to your dog that is being boarded in your absence. Perhaps you wish for the German Shepherd to have access to a horse barn on the property, under Title III of the ADA which states:

No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation.

Must the owners of the boarding establishment grant him access to the horse barn?

The ADA protects people with disabilities, but it does not protect service animals without their handlers or owners present. Unaccompanied animals, therefore, are not included in that protection.

As a result, for this service dog, the Title III rule does not apply. The purpose of the ADA is to ensure "disabled individuals access to places of public accommodation," and not to ensure access for unaccompanied service animals. Lucky for the horses, the German Shepherd is not protected under the ADA and does not have the right to enter their barn!

Even if the ADA did apply, there is no evidence that the German Shepherd is being discriminated against because of a disability. The pet owner would not be able to make a claim under the act.

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