

Service Animals

What Everyone Needs to Know

OFFERED BY:
**NEVADA DISABILITY ADVOCACY
and LAW CENTER**

THE PROTECTION AND ADVOCACY SYSTEM FOR NEVADA





Nevada Disability Advocacy & Law Center (NDALC) is a private, statewide non-profit organization that serves as Nevada’s federally-mandated protection and advocacy system for human, legal, and service rights for individuals with disabilities. NDALC was designated as Nevada’s protection and advocacy system by the Governor in March, 1995.

Services provided by NDALC include, but are not limited to: information and referral services, education, training, negotiation, mediation, investigation of reported or suspected abuse/neglect, legal counsel, technical assistance, and public policy work.

NDALC has offices in Las Vegas, Reno, and Elko with services provided statewide. All services are offered at no cost to eligible individuals in accordance with NDALC’s available resources and service priorities.

While this publication is intended to provide basic information, it is not legal advice. Attempts were made to ensure its accuracy but readers should direct questions concerning their specific situations to the Nevada Disability Advocacy & Law Center (NDALC), or a legal aid agency, or a private attorney.

All websites and other contact information were verified as of January 2018.

Why Should I Consider a Service Dog?

Studies show that persons given service dogs gain functional independence and psychological benefits within six months.

As reported in the Journal of Psychology, by researchers J. Eddy and L.A. Hart.

Service dogs have the ability to help their owners physically and emotionally integrate back into the community with added mobility and confidence.

Individuals that used service dogs had significantly greater episodes of social acknowledgments.



What is a service animal?

- Service animals are defined as dogs, or miniature horses, that are individually trained to work or perform tasks for people with disabilities.
- Examples include but are not limited to:
 - Guiding people with visual impairments
 - Alerting people who are deaf or hard of hearing
 - Reminding a person with a mental health diagnosis to take prescribed medications
- Service animals are working animals, not pets.
The work or task a dog has been trained to provide must be directly related to the person's disability.
- Professional training is not required by the ADA. A person with a disability may train his/her own service animal.



- Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.
- Service animals in training are not considered service animals under the ADA. However, Nevada State law prohibits denial of goods or services to individuals with service animals in training. (NRS 651.075 – 1 (c)).

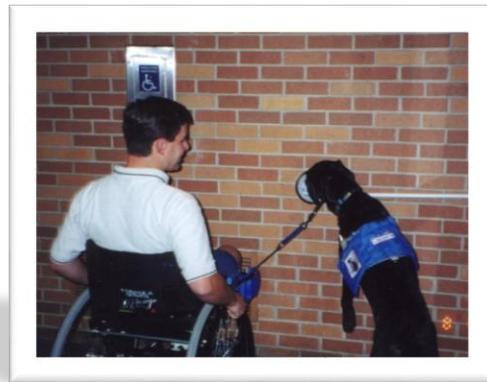


Service Animals Must Be Under Control

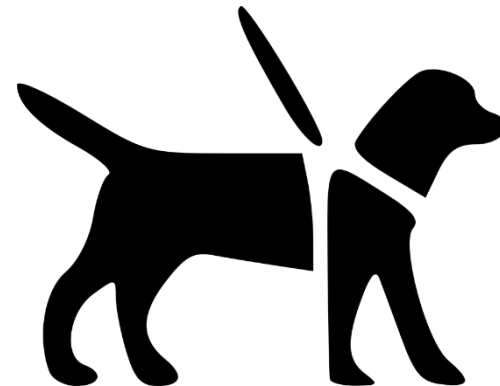
- Under the ADA, service animals must be harnessed, leashed or tethered, unless these devices interfere with the service animal's work, or the individual's disability prevents using such a device.
- When a control device cannot be used due to a disability, the handler must maintain control of the service animal through voice, signal, or other effective controls.

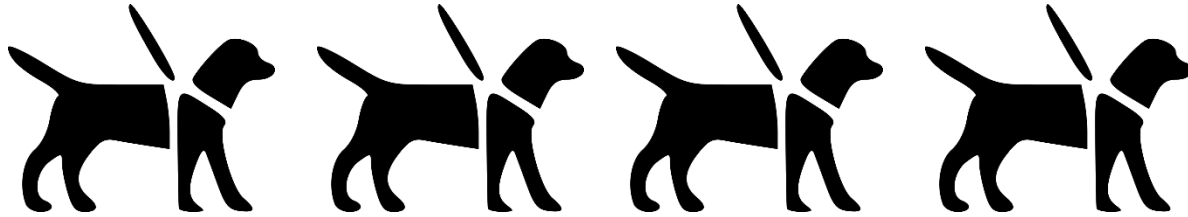
Inquiries, Exclusions, Charges, and Other Specific Rules Related to Service Animals

- When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff may ask two questions:
 1. Is the dog a service animal required because of a disability?
 2. What work or task has the dog been trained to perform?
- Staff cannot ask about the person's disability, require medical documentation, require a special identification card, or any training certification.
- Staff cannot ask that the dog demonstrate its ability to perform the work or task.



- Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals.
- A person with a disability cannot be asked to remove the service dog from the premises unless:
 1. The dog is out of control and the handler does not take effective action to control it, or
 2. The dog is not housebroken.
- When there is a legitimate reason to ask that a service animal be removed, Staff must offer the person with the disability an opportunity to obtain goods or services without the animal's presence.

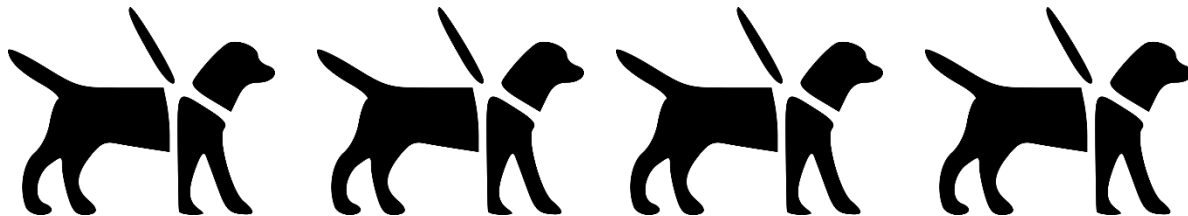




- People with disabilities who use service animals cannot be isolated from other patrons, treated less favorably than other patrons, or be charged fees that are not charged to other patrons without services animals. In addition, if a business requires a deposit or fee to be paid by patrons with pets, it must waive the charge for service animals.
- If a business (such as a hotel) normally charges guests for damage that they cause, a customer with a disability may also be charged for damage caused by himself/herself or the service animal.
- Staff are not required to provide care, food, or water for a service animal.
- Establishments that sell or prepare food must allow service animals in public areas even if state or local health codes prohibit animals on the premises.

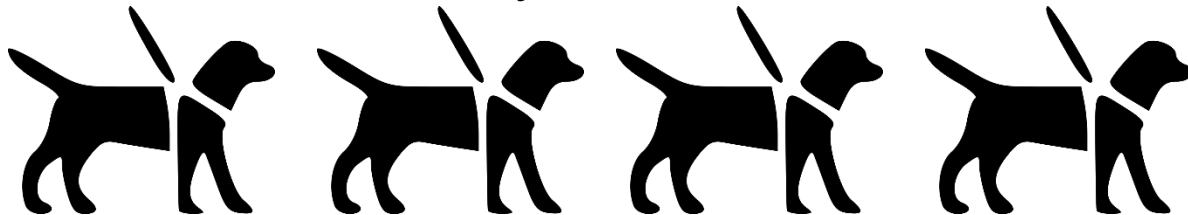
Washoe County Health District

- Washoe County 080.200: Governing the Sanitation of food establishments states:
 - A. *“Except as otherwise provided in this section, live animals, including birds and turtles, are not allowed on the premises of a food establishment or on adjacent areas under the control of the holder of the permit for the operation of the food establishment. Edible fish decorative fish in aquariums, shellfish or Crustacea on ice under refrigeration, and shellfish and Crustacea in a display tank may be present on the premises of a food establishment if food, equipment, utensils, lines or unwrapped articles designed for a single-service or single use are not contaminated.”*



080.200: Animals on premises, prohibited, exceptions

- B. Dogs accompanying security or police officers are permitted in offices, storage areas and dining areas. Sentry dogs may be permitted to run loose in outside fenced areas for security reasons. Service animals accompanying people with disabilities or trainers who are training service animals are permitted in dining or sales areas.*
- C. Service animals are not allowed in shopping carts, on benches, seats or tables of a food establishment.*
- D. Food handlers must not care for or handle any pets while on duty.*
- E. Live or dead fish bait must be stored separately from food or food products in retail stores.*
- F. Therapy and comfort animals are not allowed in food establishments.*
- G. Nothing in this section shall be construed, or in conflict, with Americans with Disability Act.*



What are my responsibilities as a service dog handler?

- The handler has the responsibility of ensuring the safety of their dog while at home, school, at work, and/or in public settings.
- The handler, with rare exceptions, should keep their dog on a leash/tether outside of the home.
- A handler needs to respect the rights of others. Some people are afraid of dogs, are allergic, or are religiously opposed to contact with a dog – maintain control of your dog and keep him/her at your side.
- A service dog should be housebroken and toilet only in appropriate areas, and the handler is responsible for cleaning up after the dog relieves himself/herself.
- Do not allow your dog to sniff people or store shelves, restaurant tables, or other peoples' belongings.
- A service dog should not initiate contact with people without direct permission from the handler, or bark/growl, or make disruptive noises.
- The handler is responsible for cleaning up any mess the dog makes, and repair/replace any property that may be accidentally damaged.
- It is unlawful for a person to fraudulently misrepresent an animal as a service animal (NRS 426.805).



ANIMAL CATEGORY COMPARISON	SERVICE ANIMALS	EMOTIONAL SUPPORT ANIMALS	THERAPY ANIMALS	COMPANION ANIMALS
Rights as outlined by the ADA allowing Service Animals into public places including food establishments	✓	✗	✗	✗
Needs to tolerate a wide variety of environments and people	✓	✓	✓	✓
Specifically trained to assist just one individual with a disability needs	✓	✗	✗	✗
Primary function is to provide emotional support to one individual	✗	✓	✗	✗
Provides support and comfort to many people	✗	✗	✓	✗
Allowed to ride in shopping carts or sit on tables and chairs	✗	✗	✗	✗



COMPARISONS AT A GLANCE

* Comparisons are for general guidance only



Service animal – means any dog or miniature horse individually trained to do work and/or perform tasks for the benefit of an individual with a disability.

Emotional support animal – are animals that provide comfort and support in forms of affection and companionship for an individual with various mental and/or emotional conditions.

Therapy animal – is an animal, usually a dog that is trained to provide affection, comfort, and love to people in hospitals, retirement homes, nursing homes, disaster areas, etc.

Companion animal – is an animal, usually a dog that does not “work” by doing specific tasks for a person with a disability, but instead provides companionship for an individual with or without a disability.



The above is not intended to be legal advice.

Miniature Horses

- The ADA provides a separate provision about miniature horses that have been individually trained to do work, or perform tasks for people with disabilities.
- 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:
 1. Whether the miniature horse is housebroken;
 2. Whether the miniature horse is under the handler'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.



RESOURCES

ADA Information Line

800-514-0301 (voice) and 800-514-0383 (TTY)

M-W, F 9:30 a.m. - 5:30 p.m., Th 12:30 p.m. - 5:30 p.m. (Eastern Time)
to speak with an ADA Specialist. All calls are confidential.

United States - Department of Justice (DOJ), Office of Civil Rights (OCR)

You may file an ADA complaint alleging disability discrimination against a State or local government, or a public accommodation (including, for example, a restaurant, doctor's office, retail store, hotel, etc.) online, by mail, or fax.

To file an ADA complaint by mail:

US Department of Justice

950 Pennsylvania Avenue, NW

Civil Rights Division

Disability Rights Section – 1425 NYAV

Washington, D.C. 20530

Voice: 800-514-03301

TTY: 800-514-0383

To file an ADA complaint by fax: 202-307-1197

To file an ADA complaint online: <https://www.ada.gov/complaint/>

Website: https://www.ada.gov/filing_complaint.htm

Nevada Equal Rights Commission (NERC)

NERC works with the federal Equal Employment Opportunity Commission (EEOC) to investigate and bring suit for complaints of discrimination in the workplace. NERC also has jurisdiction in Nevada to investigate allegations of discrimination in housing and places of public accommodations.

Northern Nevada Office
1325 Corporate Blvd.
Room 115
Reno, NV 89502
Voice: 775-823-6690
Fax: 775-688-1292

Southern Nevada Office
1820 East Sahara Avenue, Ste 314
Las Vegas, NV 89104
Voice: 702-486-7161
Fax: 702-486-7054

Relay Nevada 711
Toll Free: 800-326-6868
Website: <http://detr.state.nv.us/nerc.htm>

Nevada State Bar Lawyer Referral and Information Service (LRIS)

If you want to file a lawsuit, the LRIS can provide referrals to attorneys who specialize in the appropriate area of law.

Voice: 702-382-0504

Nevada Relay: 711

Toll Free: 800-789-5747

Website: <https://www.nvbar.org/lawyerreferral/lawyer-referral-information-service/>

Washoe County Health District

For information on the Washoe County regulations on animals in food establishments go to Washoe County website at

<https://www.washoecounty.us/health/>

Voice: 775-328-2400



Southern Office

2820 W Charleston Blvd, Suite B11
Las Vegas, NV 89102
Phone: (702) 257-8150 or 1-888-349-3843
Nevada Relay: 711
Fax: (702)-257-8170
lasvegas@ndalc.org

Northern Office

1875 Plumas Street, Suite 1
Reno, NV 89509
Nevada Relay: 711
Phone: (775) 333-7878 or 1-800-992-5712
Fax: (775) 786-2520
reno@ndalc.org

Elko Office

905 Railroad Street, Suite 104B
Elko, NV 89801
Nevada Relay: 711
Phone: (775) 777-1590 or 1-800-992-5715
Fax: (775) 753-1690
elko@ndalc.org

Website

www.ndalc.org