Public Accommodation of Service Animals and Emotional Support Animals

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Title III of the Americans with Disabilities Act (ADA) prohibits disability discrimination in places of public accommodation, which includes businesses that are open to the public.
Service animal and emotional support animal accommodation has become an issue for businesses as an increasing number of individuals have begun using emotional support animals.
The ADA limits the definition of “service animals” to animals that are individually trained to work or perform tasks for a person with a disability.
Liability: The Question Is
Is the animal trained to work or perform tasks?
Or does the animal provide comfort when needed?
Businesses are required to permit service animals to accompany disabled individuals anywhere members of the public are permitted
Emotional support, comfort, or companionship are NOT tasks that protects an individual’s right to enter a place of public accommodation with an animal.
Under the ADA, therapy dogs and comfort animals are not service animals.
Responsibilities:

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The disabled individual must control and care for the animal
For comfort animals, liability may fall on business owner
Accommodating Others:

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Individuals’ allergies or fear of animals are not valid reasons for denying a service animal access to the business premises.
Allowable Questions:

Is the animal required for a disability?

What task is the animal trained to perform?
Legal Decision vs. Business Decision

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