

Service Animals: Highlights for Local Health Departments

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1. A “service animal” may be a dog or a miniature horse.

Under federal law, a service animal is “any dog [or miniature horse] that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.”

- The work or tasks performed by a service animal must be directly related to the individual's disability. Does not include crime deterrence, companionship, or emotional support.
- Note that the federal definition does *not* extend to service animals in training but state law does.
- *May ask*: What work or task has the animal been trained to perform?
- *May NOT ask*: Do you have proof of the animal’s training? Do you have a registration tag issued by the state?

2. Disability is defined broadly.

Federal law protects a wide range of disabilities, including physical, sensory, psychiatric, intellectual, or other mental disability. Disability is defined as a physical or mental impairment that substantially limits one or more of the major life activities of the individual.

- *May ask*: Is the animal required because of a disability?
- *May NOT ask*: What is your disability?

3. A person with a disability who has a service animal must be allowed access to (a) government places, services and programs and (b) places of public accommodation.

Government places (such as health departments) and places of public accommodation (such as restaurants and schools) must allow a person with a disability to be accompanied by service animal wherever members of the public or invitees are allowed to go.

- May exclude if allowing animal will “fundamentally alter” the nature of the service, program, or activity
- May exclude if the animal is out of control or not housebroken

In health care settings, service animals should generally be allowed except in areas where human companions are generally restricted, such as intensive care units or operating rooms. The CDC does not recommend additional infection control measures. If a particular animal poses an actual, significant risk that cannot be eliminated, the provider may be able to exclude it.

4. Psychiatric service animals must be allowed, but emotional support animals may be excluded.

If a service animal senses that a person is about to have a psychiatric episode, such as a panic attack, and it is trained to respond with a specific action (such as nudging, barking, removing the individual) that helps avoid the episode or lessen its impact, then this would qualify as a service animal. If mere presence provides comfort, the dog would not be considered a service animal. In practice, it will be very difficult to make this determination. Remember that public health staff may ask whether the animal is required because of a disability and, if so, what work or task has the animal been trained to perform? If the individual's answers are consistent with the law, staff should not probe further.

5. The Food Code addresses live animals in regulated establishments.

Live animals are NOT permitted in food establishments except:

- Fish or crustacean in aquariums or display cases,
- Patrol dogs,
- Caged animals in non-food areas,
- Restrained dogs and cats in outdoor dining areas (if they do not pass through indoor areas), and
- Service animals in areas not used for food preparation.

A food employee may have a service animal. That employee may handle the animal but must wash hands after handling the animal before engaging in food preparation. Other employees must not handle the service animal.

6. Rabies laws apply to service dogs.

There is no exception in the state rabies laws or the compendium for service dogs.