

Service Animals Allowed



A SERVICE ANIMAL IS NOT A PET!

Service animals are allowed in any business which operates as a public accommodation



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www.ada.gov or call

1-800-514-0301 (voice)

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For additional information, you may also visit the Governor's Council on Disability's website at

<http://disability.mo.gov>

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INTRODUCTION

This booklet contains information about the federal law, Americans with Disabilities Act of 1990 (ADA) and the 2010 Revised Regulations. The ADA prohibits discrimination on the basis of disability in employment, programs and services provided by state and local governments, goods and services provided by private companies, and in commercial facilities.

Also covered in this booklet is the federal law ADA, Title II, State and local government, Title III, Public Accommodations which also includes U.S. Dept. of Justice document "Commonly Asked Questions about Service Animals in Places of Business", 28 Code of Federal Regulations (CFR), Subpart C, Part 36.302 Modifications in policies, practices, or procedures and general information about service dogs assisting people with disabilities and common mistakes made by businesses.

People with disabilities accompanied by a service dog/animal have been covered by federal law since 1990. Although there are approximately 20,000 service dogs in our nation, there will be significant increase of service dogs in the next five years.

Guide dogs are only one of many types of service animals that assist people with multiple disabilities. Service animals are not pets.

Many people with disabilities are utilizing service animals to maintain their independence in the community. The Americans with Disabilities Act provides protection and guidelines in the use of service animals in public places and work places.

The Air Carrier Access Act allows for emotional support animals for the flying public that has a disability and the Fair Housing Act (and Section 504) allows for emotional support animals as reasonable accommodations in housing. Emotional support animals are not allowed in public places.

It is pertinent for businesses to recognize that customers with disabilities represent two hundred and twenty billion dollars in disposable income in the USA and three trillion dollars in the global market.

What is a Service Dog/Animal?

"A service animal is any dog that is individually trained to do work or perform tasks that benefit an individual with a disability".

--Americans with Disabilities Act 1990, Title III 2010 Revised Regulations-36.104

There is a provision for miniature horses who meet certain requirements to be allowed.

The ADA protects the rights of people with disabilities to be accompanied by their service animals. Service animals may be identified as "assistance animal/dog", "support animal/dog", or "helper dog".

United States Service Dog History

Guide dogs were introduced in the United States in the late 1920's. Forty years later, dogs were trained to alert people with hearing impairment to sounds (hearing dogs). During the early 1970's, dogs were trained to retrieve items for people with mobility impairments (wheelchair users). The first "seizure alert" dog was introduced in the late 1980's. Since the enactment of the American's with Disabilities Act (ADA) 1990, doors opened for innovative animal trainers to train animals to assist many types of disabilities. Today there are approximately 20,000 service dogs working in the U.S. with the numbers rising in the next decade.

Service animals are considered a health care option and assisting resource, for example instead of or in conjunction with: wheelchair, cane, hearing aide.. Many service dogs receive specialized training through service dog training centers and cost up to \$40,000. A service dog is not just any dog!

Here is a partial list of service dogs.

GUIDE DOG or DOG GUIDE-assist people with visual impairments.

MOBILITY DOG-retrieve items, open doors, push buttons, also assisting people with disabilities with walking, balance and transferring from place to place.

HEARING DOG-assist people with a hearing impairment to sounds.

SEIZURE ALERT/SEIZURE RESPONSE also known as **MEDICAL ALERT**-alerts to oncoming seizures and is trained to respond to seizures such as get help or stay with the person.

MEDICAL ALERT/MEDICAL RESPONSE-alerts to oncoming medical conditions, such as: heart attack, stroke, diabetes, epilepsy, panic attack, anxiety attack or post traumatic stress disorder.

NOTE: Not all people accompanied by a service animal have visible disabilities such as: hearing, epilepsy, visual, heart disease and physiological/emotional conditions.

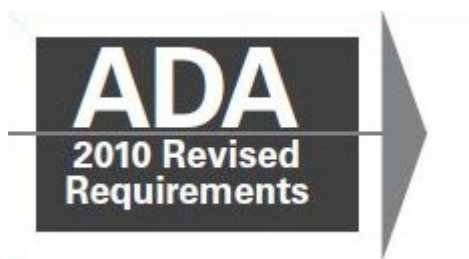
Service animals are individually trained to perform task for people with disabilities.



U.S. Department of Justice

Civil Rights Division

Disability Rights Section



Service Animals

The Department of Justice published revised final regulations implementing the Americans with Disabilities Act (ADA) for title II (State and local government services) and title III (public accommodations and commercial facilities) on September 15, 2010, in the Federal Register. These requirements, or rules, clarify and refine issues that have arisen over the past 20 years and contain new, and updated, requirements, including the 2010 Standards for Accessible Design (2010 Standards).

Overview

This publication provides guidance on the term “service animal” and the service animal provisions in the Department’s new regulations.

- Beginning on March 15, 2011, only dogs are recognized as service animals under titles II and III of the ADA.
- A service animal is a dog that is individually trained to do work or perform tasks for a person with a disability.

Generally, title II and title III entities must permit service animals to accompany people with disabilities in all areas where members of the public are allowed to go.

How “Service Animal” Is Defined

Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. 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. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

This definition does not affect or limit the broader definition of “assistance animal” under the Fair Housing Act or the broader definition of “service animal” under the Air Carrier Access Act.

Some State and local laws also define service animal more broadly than the ADA does. Information about such laws can be obtained from the State attorney general’s office.

Where Service Animals Are Allowed

Under the ADA, State and local governments, businesses, and nonprofit organizations that serve the public generally must allow service animals to accompany people with disabilities in all areas of the facility where the public is normally allowed to go. For example, in a hospital it would be inappropriate to exclude a service animal from areas such as patient rooms, clinics, cafeterias, or examination rooms. However, it may be appropriate to exclude a service animal from operating rooms or burn units where the animal's presence may compromise a sterile environment.

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 these devices. In that case, the individual must maintain control of the 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**, and **(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 training documentation for the dog, or 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. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, for example, in a school classroom or at a homeless shelter, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.
- A person with a disability cannot be asked to remove his service animal 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 the opportunity to obtain goods or services without the animal's presence.
- 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.
- People with disabilities who use service animals cannot be isolated from other patrons, treated less favorably than other patrons, or charged fees that are not charged to other patrons without 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 or his service animal.

Staff are not required to provide care or food for a service animal.

Miniature Horses

In addition to the provisions about service dogs, the Department's revised ADA regulations have a new, separate provision about miniature horses that have been individually trained to do work or perform tasks for people with disabilities. (Miniature horses generally range in height from 24 inches to 34 inches measured to the shoulders and generally weigh between 70 and 100 pounds.) 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. The assessment factors are (1) whether the miniature horse is housebroken; (2) whether the miniature horse is under the owner'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.

For more information about the ADA, please visit our website or call our toll-free number.

ADA Website

www.ADA.gov

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to speak with an ADA Specialist. All calls are confidential.

For persons with disabilities, this publication is available in alternate formats.

Duplication of this document is encouraged. July 2011

COMMONLY ASKED QUESTIONS ABOUT SERVICE ANIMALS IN PLACES OF BUSINESS

Q: What are the laws that apply to my business?

A: Under the Americans with Disabilities Act (ADA), privately owned businesses that serve the public, such as restaurants, hotels, retail stores, taxicabs, theaters, concert halls, and sports facilities, are prohibited from discriminating against individuals with disabilities. The ADA requires these businesses to allow people with disabilities to bring their service animals onto business premises in whatever areas customers are generally allowed.

Q: What is a service animal?

A: The ADA defines a service animal as any guide dog, hearing dog, or other dog individually trained to provide assistance to an individual with a disability. If they meet this definition, animals are considered service animals under the ADA regardless of whether they have been licensed or certified by a state or local government.

Service animals perform some of the functions and tasks that the individual with a disability cannot perform for him or herself. "Seeing eye dogs" are one type of service animal, used by some individuals who are blind. This is the type of service animal with which most people are familiar. But there are service animals that assist persons with other kinds of disabilities in their day-to-day activities. Some examples include:

- Alerting persons with hearing impairments to sounds.
- Pulling wheelchairs or carrying and picking up things for persons with mobility impairments.
- Assisting persons with mobility impairments with balance.
- A service animal is not a pet.

Q: How can I tell if an animal is really a service animal and not just a pet?

A: Some, but not all, service animals wear special collars and harnesses. Some, but not all, are licensed or certified and have identification papers. If you are not certain that an animal is a service animal, you may ask the person who has the animal if it is a service animal required because of a disability. However, an individual who is going to a restaurant or theater is not likely to be carrying documentation of his or her medical condition or disability. Therefore, such documentation generally may not be required as a condition for providing service to an individual accompanied by a service animal.

Although a number of states have programs to certify service animals, you may not insist on proof of state certification before permitting the service animal to accompany the person with a disability.

Q: What must I do when an individual with a service animal comes to my business?

A: The service animal must be permitted to accompany the individual with a disability to all areas of the facility where customers are normally allowed to go. An individual with a service animal may not be segregated from other customers.

Q: I have always had a clearly posted "no pets" policy at my establishment. Do I still have to allow service animals in?

A: Yes. A service animal is not a pet. The ADA requires you to modify your "no pets" policy to allow the use of a service animal by a person with a disability. This does not mean you must abandon your "no pets" policy altogether but simply that you must make an exception to your general rule for service animals.

Q: My county health department has told me that only a seeing eye or guide dog has to be admitted. If I follow those regulations, am I violating the ADA?

A: Yes, if you refuse to admit any other type of service animal on the basis of local health department regulations or other state or local laws. The ADA provides greater protection for individuals with disabilities and so it takes priority over the local or state laws or regulations.

Q: Can I charge a maintenance or cleaning fee for customers who bring service animals into my business?

A: No. Neither a deposit nor a surcharge may be imposed on an individual with a disability as a condition to allowing a service animal to accompany the individual with a disability, even if deposits are routinely required for pets. However, a public accommodation may charge its customers with disabilities if a service animal causes damage so long as it is the regular practice of the entity to charge non-disabled customers for the same types of damages. For example, a hotel can charge a guest with a disability for the cost of repairing or cleaning furniture damaged by a service animal if it is the hotel's policy to charge when non-disabled guests cause such damage.

Q: I operate a private taxicab and I don't want animals in my taxi; they smell, shed hair and sometimes have "accidents." Am I violating the ADA if I refuse to pick up someone with a service animal?

A: Yes. Taxicab companies may not refuse to provide services to individuals with disabilities. Private

taxicab companies are also prohibited from charging higher fares or fees for transporting individuals with disabilities and their service animals than they charge to other persons for the same or equivalent service.

Q: Am I responsible for the animal while the person with a disability is in my business?

A: No. The care or supervision of a service animal is solely the responsibility of his or her owner. You are not required to provide care or food or a special location for the animal.

Q: What if a service animal barks or growls at other people, or otherwise acts out of control?

A: You may exclude any animal, including a service animal, from your facility when that animal's behavior poses a direct threat to the health or safety of others. For example, any service animal that displays vicious behavior towards other guests or customers may be excluded. You may not make assumptions, however, about how a particular animal is likely to behave based on your past experience with other animals. Each situation must be considered individually.

Although a public accommodation may exclude any service animal that is out of control, it should give the individual with a disability who uses the service animal the option of continuing to enjoy its goods and services without having the service animal on the premises.

Q: Can I exclude an animal that doesn't really seem dangerous but is disruptive to my business?

A: There may be a few circumstances when a public accommodation is not required to accommodate a service animal--that is, when doing so would result in a fundamental alteration to the nature of the business. Generally, this is not likely to occur in restaurants, hotels, retail stores, theaters, concert halls, and sports facilities. But when it does, for example, when a dog barks during a movie, the animal can be excluded.

American with Disabilities Act Definitions

Disability

The ADA defines disability as follows:

The term "disability" means, with respect to an individual-

- A. A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- B. A record of such an impairment; or
- C. Being regarded as having such an impairment.

- ADA Title III Technical Assistance Manual, III-100-2.700 [28 CFR §36.104]

Service Animal

The term "service animal" includes any dog individually trained to do work or perform tasks for the benefit of an individual with a disability.

- ADA Title III Technical Assistance Manual, III-4.2300 [28 CFR 36.301-36.310]

Private Entity

A private entity that owns, leases (or leases to), or operates a place of public accommodations.

- ADA Title III Regulations 36.104 [28CFR §36.104]

Public Entity

- 1. Any State or local government;
- 2. Any department, agency, special purpose district, or other instrumentality of a State or States or local government; or
- 3. Certain commuter authorities as well as AMTRAK.

- ADA Title II, Technical Assistance Manual, II-1.200 [28CFR §36.104-208]

Facility

Facility means all or any portion of buildings, structures, sites, complexes, equipment, rolling stock or conveyances, roads, walks, passageways, parking lots, or other real or personal property, including where the building, property, structure or equipment is located.

- ADA Title III Regulations 36.104 [28CFR §36.104]

Public Transportation

Public transportation means transportation by bus, rail, or any other conveyance (other than by aircraft) that provides the general public with general or special service (including charter service) on a regular and continuing bases.

- ADA Title III Regulations 36.104 [28CFR §36.104]

Is Your Business a Public Accommodation?

Public accommodation.

The following private entities are considered public accommodations for purposes of this title (III), if the operations of such entities affect commerce;

A) an inn, hotel, motel, or other place of lodging, except for an establishment located within a building that contains not more than five rooms for rent or hire and that is actually occupied by the proprietor of such establishment as the residence of such proprietor;

B) a restaurant, bar or other establishment serving food or drink;

C) a motion picture house, theater, concert hall, stadium or other place of exhibition;

D) an auditorium, convention center, lecture hall or other place of public gathering;

E) a bakery, grocery store, clothing store, hardware store, shopping center or other sales or rental establishment;

F) a laundromat, dry-cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, gas station, office of an accountant or lawyer, pharmacy, insurance office, professional office of a health care provider, hospital or other service establishment;

G) a terminal, depot or other station used for a specified public transportation;

H) a museum, library, gallery or other place of public display or collection;

I) a park, zoo, amusement park or other place of recreation;

J) a nursery, elementary, secondary, undergraduate, postgraduate private school or other place of education;

K) a day care center, senior citizen center, homeless shelter, food bank, adoption agency or other social service center establishment; and

L) a gymnasium, health spa, bowling alley, golf course or other place of exercise or recreation.¹

NOTE: Businesses mentioned in the above, are considered public accommodation under federal law. If you are not sure if your business is a public accommodation, call the U. S. Department of Justice Hotline.

¹ *The Americans With Disabilities Act of 1990, Title III, Section 301 (7) (A-L)*

What Are Common Mistakes Businesses Make About Service Animal Access?

"No Pets Allowed"

A business (public accommodation) is required to modify "no pets" policy, practices and procedures to allow service animals. Service animals are **not** pets.

"Pet Deposit"

A business (public accommodation) cannot charge "pet deposit" for a service animal accompanied by a person with a disability. A public accommodation is required to modify "pet deposit" policy, practices and procedures to allow service animals at no charge. Again, service animals are **not** pets.

"Proof of Disability, Unnecessary Inquiries"

A business (public accommodation) may not insist on proof of disability. A person is not required to disclose their disability. Medical information is private information. The ADA prohibits unnecessary inquiries into the existence of a disability. -ADA Technical Assistance Manual, III-4.1300.

"Proof of Service Animal Certification or Service Animal Identification"

A business (public accommodation) may not insist on proof of the certification or identification for a service animal. Some states have certification laws, however, the ADA is the prevailing law.

"Segregation"

A person with a disability accompanied by a service animal, may not be segregated from other customers in any public accommodations.

A public accommodation may not impose eligibility that either screen out or tend to screen out persons with disabilities from fully and equally enjoying any goods, services, privileges, advantages or accommodations offered to individuals without disabilities unless it can show that such requirements are necessary for the provision of the goods, services, privileges, advantages or accommodations.

Illustration 1: A restaurant has an unofficial policy of seating people with visible disabilities in the least desirable parts of the restaurant. This policy violates the ADA because it establishes an eligibility criterion that discriminates against individual with certain disabilities and that is not necessary for the operation of the restaurant. The restaurant may not justify its policy on the basis of the preferences of its other customers.

- ADA Technical Assistance Manual, III-4.1100

"Separating"

A person with a disability accompanied by a service animal may need to be separated from the service animals in environments which must be kept sterile such as operating rooms or intensive care units. In all other instances a person with a disability should not be separated from his or her service animal.

-ADA Title III Technical Assistance Manual, III-4.2300

The ADA requires businesses modify their "no pets" policies, practices and procedures, to allow service animals accompanying a person with a disability.

Missouri Service Animal Statutes

209.150. Rights of persons with disabilities — service dogs, no extra charge for — liability for actual damages.

1. Every person with a disability, as defined in section 213.010, shall have the same rights afforded to a person with no such disability to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places.
2. Every person with a disability, as defined in section 213.010, is entitled to full and equal accommodations, advantages, facilities, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, taxis, streetcars, boats or any other public conveyances or modes of transportation, hotels, lodging places, places of public accommodation, amusement or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.
3. Every person with a disability, as defined in section 213.010, shall have the right to be accompanied by a service dog or dogs, as defined in section 209.200, which is especially trained for the purpose, in any of the places listed in subsection 2 of this section without being required to pay an extra charge for the service dog or dogs, as defined in section 209.200; provided that such person shall be liable for any damage done to the premises or facilities by such dog.
4. As used in sections 209.150 to 209.190, the term "**service dog**" shall have the same definition as in section 209.200.

209.152. Trainers of guide, hearing or service dogs, no extra charge for--liability for damages.

Any trainer, from a recognized training center, of a guide dog, hearing assistance dog or service dog shall have the right to be accompanied by such dog in or upon any of the premises listed in section 209.150 while engaged in the training of the dog without being required to pay an extra charge for such dog. Such trainer shall be liable for any damage done to the premise of facilities by such dog.

209.162. Discrimination or interference with persons having visual, hearing or physical disability, an unlawful employment practice — complaints, filed by aggrieved persons. — It is an unlawful employment practice for any employer to discriminate against any person with a visual, aural or physical disability by interfering, directly or indirectly, with the use of an aid or appliance, including a guide dog, hearing dog or service dog by such person. Any person aggrieved by a violation of this section may make a verified complaint to the Missouri commission on human rights pursuant to the provisions of section 213.075.

209.190. Housing accommodations, defined — discrimination against persons with visual, hearing or physical disabilities, prohibited — dogs, guide, hearing or service to have full access — liability for actual damages. — 1. Blind or visually handicapped persons, deaf or partially deaf persons, or physically disabled persons shall be entitled to full and equal access, as other

members of the general public, to all housing accommodations offered for rent, lease, or compensation in this state, subject to the conditions and limitations established by law and applicable alike to all persons.

2. **"Housing accommodations"**, as used in this section means any real property, or portion thereof, which is used or occupied or is intended, arranged, or designed to be used or occupied, as the home, residence or sleeping place of one or more human beings, but shall not include any accommodations, included within subsection 1 of this section, or any single family residence the occupants of which rent, lease, or furnish for compensation not more than one room therein.

3. Nothing in this section shall require any person renting, leasing, or providing for compensation real property to modify his property in any way or provide a higher degree of care for a blind or visually handicapped person, deaf or partially deaf person, or physically disabled person than for a person who is not blind or visually handicapped, deaf or partially deaf, or physically disabled.

4. Every totally or partially blind person who has or obtains a guide dog, every deaf or partially deaf person who has or obtains a hearing dog, and every physically disabled person who has or obtains a service dog shall be entitled to full and equal access to all housing accommodations provided for in this section, and he shall not be required to pay extra compensation for such dog but shall be liable for any damage done to the premises by such a dog.

209.200. Definitions. — As used in sections 209.150 to 209.204, not to exceed the provisions of the Americans With Disabilities Act, the following terms shall mean:

- (1) **"Disability"**, as defined in section 213.010 including diabetes;
- (2) **"Service dog"**, a dog that is being or has been 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. Service dog includes but is not limited to:
 - (a) **"Guide dog"**, a dog that is being or has been specially trained to assist a particular blind or visually impaired person;
 - (b) **"Hearing dog"**, a dog that is being or has been specially trained to assist a particular deaf or hearing-impaired person;
 - (c) **"Medical alert or response dog"**, a dog that is being or has been trained to alert a person with a disability that a particular medical event is about to occur or to respond to a medical event that has occurred;
 - (d) **"Mental health service dog"** or **"psychiatric service dog"**, a dog individually trained for its owner who is diagnosed with a psychiatric disability, medical condition, or developmental disability recognized in the most recently published Diagnostic and Statistical Manual of Mental Disorders (DSM) to perform tasks that mitigate or assist with difficulties directly related to the owner's psychiatric disability, medical condition, or developmental disability;
 - (e) **"Mobility dog"**, a dog that is being or has been specially trained to assist a person with a disability caused by physical impairments;
 - (f) **"Professional therapy dog"**, a dog which is selected, trained, and tested to provide specific physical therapeutic functions, under the direction and control of a qualified handler who works with the dog as a team as a part of the handler's occupation or profession. Such dogs, with their handlers,

perform such functions in institutional settings, community-based group settings, or when providing services to specific persons who have disabilities. Professional therapy dogs do not include dogs, certified or not, which are used by volunteers in visitation therapy;

(g) **"Search and rescue dog"**, a dog that is being or has been trained to search for or prevent a person with a mental disability, including but not limited to verbal and nonverbal autism, from becoming lost;

(3) **"Service dog team"**, a team consisting of a trained service dog, a disabled person or child, and a person who is an adult and who has been trained to handle the service dog.

209.202. Crime of causing substantial injury to or the death of a service dog, penalty--failure to control an animal that causes substantial injury to or the death of a service dog, penalty--harassment of a service dog, penalty--damages.

1. Any person who knowingly, intentionally, or recklessly causes substantial physical injury to or the death of a service dog is guilty of a class A misdemeanor. The provisions of this subsection shall not apply to the destruction of a service dog for humane purposes.

2. Any person who knowingly or intentionally fails to exercise sufficient control over an animal such person owns, keeps, harbors, or exercises control over to prevent the animal from causing the substantial physical injury to or death of a service dog, or the subsequent inability to function as a service dog as a result of the animal's attacking, chasing, or harassing the service dog is guilty of a class A misdemeanor.

3. Any person who harasses or chases a dog known to such person to be a service dog is guilty of a class B misdemeanor.

4. Any person who owns, keeps, harbors, or exercises control over an animal and who knowingly or intentionally fails to exercise sufficient control over the animal to prevent such animal from chasing or harassing a service dog while such dog is carrying out the dog's function as a service dog, to the extent that the animal temporarily interferes with the service dog's ability to carry out the dog's function is guilty of a class B misdemeanor.

5. An owner of a service dog or a person with a disability who uses a service dog may file a cause of action to recover civil damages against any person who:

- (1) Violates the provisions of subsection 1 or 2 of this section; or
- (2) Steals a service dog resulting in the loss of the services of the service dog.

6. Any civil damages awarded under subsection 5 of this section shall be based on the following:

- (1) The replacement value of an equally trained service dog, without any differentiation for the age or experience of the service dog;
- (2) The cost and expenses incurred by the owner of a service dog or the person with a disability who used the service dog, including:
 - (a) The cost of temporary replacement services, whether provided by another service dog or by a person;
 - (b) The reasonable costs incurred in efforts to recover a stolen service dog; and
 - (c) Court costs and attorney's fees incurred in bringing a civil action under subsection 5 of this section.

7. An owner of a service dog or a person with a disability who uses a service dog may file a cause of action to recover civil damages against a person who:

- (1) Violates the provisions of subsections 1 to 4 of this section resulting in injury from which the service dog recovers to an extent that the dog is able to function as a service dog for the person with a disability; or
- (2) Steals a service dog and the service dog is recovered resulting in the service dog being able to function as a service dog for the person with a disability.

8. Any civil damages awarded under subsection 7 of this section shall be based on the following:

- (1) Veterinary medical expenses;
- (2) Retraining expenses;
- (3) The cost of temporary replacement services, whether provided by another service dog or by a person;
- (4) Reasonable costs incurred in the recovery of the service dog; and
- (5) Court costs and attorney's fees incurred in bringing the civil action under subsection 7 of this section.

9. The provisions of this section shall not apply if a person with a disability, an owner, or a person having custody or supervision of a service dog commits criminal or civil trespass.

10. Nothing in this section shall be construed to preclude any other remedies available at law.

209.204. Impersonating a person with a disability for the purpose of receiving certain accommodations, penalty, civil liability — misrepresentation of dog as service dog, penalty, civil liability — misrepresentation of animal as assistance animal, penalty, civil liability — placard, brochure. — 1. Any person who knowingly impersonates a person with a disability for the purpose of receiving the accommodations regarding service dogs under the Americans with Disabilities Act, 42 U.S.C. Section 12101, et seq., is guilty of a class C misdemeanor and shall also be civilly liable for the amount of any actual damages resulting from such impersonation. Any second or subsequent violation of this section is a class B misdemeanor. For purposes of this section, **"impersonates a person with a disability"** means a representation by word or action as a person with a disability.

2. No person shall knowingly misrepresent a dog as a service dog for the purpose of receiving the accommodations regarding service dogs under the Americans with Disabilities Act, 42 U.S.C. Section 12101, et seq. For purposes of this section, **"misrepresent a dog as a service dog"** means a representation by word or action that a dog has been trained as a service dog, as defined in section 209.200. Misrepresentation of a service dog ^{*}includes, but is not ^{*}limited to:

- (1) Knowingly creating documents that falsely represent that a dog is a service dog;
- (2) Knowingly providing to another person documents falsely stating that a dog is a service dog;
- (3) Knowingly fitting a dog, if the dog is not a service dog, with a harness, collar, vest, or sign of the type commonly used by a person with a disability to indicate a dog is a service dog; or
- (4) Knowingly representing that a dog is a service dog if the dog has not completed training to perform disability-related tasks or do disability-related work for a person with a disability.

A person who violates this subsection is guilty of a class C misdemeanor and shall also be civilly liable for any actual damages resulting from such misrepresentation. Any second or subsequent violation of this subsection is a class B misdemeanor.

3. No person shall knowingly misrepresent any animal as an assistance animal for the purpose of receiving the accommodations regarding assistance animals under the Fair Housing Act, 42 U.S.C. Section 3601, et seq., or the Rehabilitation Act, 29 U.S.C. Section 701, et seq. For the purposes of this section an **"assistance animal"** is an animal that works, provides assistance, or performs tasks, or is being trained to work, provide assistance, or perform tasks, for the benefit of a person with a disability, or that provides emotional support that alleviates one or more identified effects of a person's disability. While dogs are the most common type of assistance animal, other animals can and may also be assistance animals. Misrepresentation of an assistance animal ^{*}includes, but is not ^{*}limited to:

- (1) Knowingly creating documents that falsely represent that an animal is an assistance animal;
- (2) Knowingly providing to another person documents falsely stating that an animal is an assistance animal;
- (3) Knowingly fitting an animal, if the animal is not an assistance animal, with a harness, collar, vest, or sign of the type commonly used by a person with a disability to indicate an animal is an assistance animal; or
- (4) Knowingly and intentionally misrepresenting a material fact to a health care provider for the purpose of obtaining documentation from the health care provider necessary to designate an animal as an assistance animal. All documentation for an assistance animal shall ^{**}be from a qualified professional as permitted under the Fair Housing Act, 42 U.S.C. Section 3601, et seq., or the Rehabilitation Act, 29 U.S.C. Section 701, et seq.

A person who violates this subsection is guilty of a class C misdemeanor and shall also be civilly liable for any actual damages resulting from such misrepresentation. Any second or subsequent violation of this subsection is a class B misdemeanor.

4. The governor's council on disability shall prepare and make available online a placard suitable for posting in a front window or door, stating that service dogs are welcome and that misrepresentation of a service dog is a violation of Missouri law, and as well as a brochure detailing permissible questions, as allowed by the Americans with Disabilities Act, a business owner may ask in order to determine whether a dog is a service dog, and guidelines defining unacceptable behavior.

5. The governor's council on disability shall prepare and make available online a brochure for landlords and tenants regarding laws relating to service dogs, assistance animals, and housing under federal and Missouri law.

304.080. Handicapped persons with white cane or dog, driver to take all necessary precautions--cane or dog not required to enforce rights, when.

The driver of a vehicle approaching a person with a visual, aural or physical disability who is carrying a cane predominantly white or metallic in color, with or without a red tip, or using a guide dog, hearing dog or service dog shall yield to such pedestrian, and any driver who fails to take such precautions shall be liable in damages for any injury caused such pedestrian and any injury caused to the pedestrian's

guide dog, hearing dog or service dog; provided that such a pedestrian not carrying such cane or using a guide dog, hearing dog or service dog in any of the places, accommodations or conveyances listed in section 209.150 shall have all of the rights and privileges conferred by law upon other persons.

Information obtained from Missouri's Revised Statutes.

What Are the Code of Federal Regulations (CFR) Modifying Your "No Pets Policy"?

§36.302 Modifications in policies, practices or procedures.

a) General. A public accommodation shall make reasonable modifications in policies, practices and procedures, when the modifications are necessary to afford goods, services, facilities, privileges or advantages to people with disabilities, unless the public accommodation can demonstrate that making the modifications would fundamentally alter the nature of goods, services, facilities, privileges, advantages or accommodations. . . .

c) Service animals-(1) General. Generally, a public accommodation shall modify policies, practices, or procedures to permit the use of a service animal by an individual with a disability.

(2) Care or supervision of service animals. Nothing in this part requires a public accommodation to supervise or care for a service animal. ¹

The ADA requires businesses to modify their "no pets" policies, practices and procedures, to allow service animals accompanied a person with a disability.

¹ 28 CFR Ch. I (7-1-94 Edition) Subpart C §36.302 *Nondiscrimination on the Bases of Disability by Public Accommodations and in Commercial Facilities*

If a Person With a Disability With a Service Animal Enters Into Your Business, What Questions Are You Allowed To Ask?

1. You may ask if the animal is a service animal (if the need is not obvious).

If the person confirms that the dog is a service animal, you must allow them into your business. The ADA does not require people with disabilities to provide businesses with documentation for their animal or their disability.

NOTE: If an animal has a harness, cape, backpack, tags or special colored collar, this may indicate the animal is a service animal. However, certification or identification of a service animal wearing any specialized apparel or harness is not required by the ADA.

2. You may ask what tasks the animal has been trained to perform for the person with the disability (if you aren't sure if the animal is a service animal).

You cannot ask the person to have the dog demonstrate those tasks. Don't assume a person with a service animal does not have a disability just because they do not appear to have a disability. You may not ask for proof of their disability before admittance into your business. Please note that not all disabilities are visible such as: hearing, vision, cardiovascular, seizure disorders, mental health, etc. It is not acceptable to ask a person about their disability.

It is required that businesses modify their "no pets" policies, practices and procedures to allow service animals accompanied by a person with a disability.

Providing education and training on service animals to all employees will benefit businesses and customers.

If a business (public accommodation) denies access because of the presence of a service animal, the person with a disability could file a complaint with the Department of Justice, Civil Rights Section. In addition, each state has an agency which investigates complaints of discrimination. Some state laws may have criminal penalties which may include fines and imprisonment. Punitive damages and penalties may be imposed if the businesses are not compliant. To find out if your business is a public accommodation see list.

What If a Service Animal Is Disruptive in Your Business?

There may be a few circumstances when a public accommodation is not required to accommodate a service animal—that is, when doing so would result in a fundamental alteration to the nature of the business.

Generally, this is not likely to occur in restaurants, hotels, retail stores, theaters, concert halls, and sports facilities. But when it does, for example, when a dog barks during a movie, the animal may be excluded.¹

NOTE: The person with the disability is responsible for the behavior and/or damage created by their animal. If a service animal does create a fundamental alteration that jeopardizes the safe operation of your business, they may be excluded.

Examples:

- If a service dog growls and barks at other customers, the service dog may be excluded from your business.
- If a service dog in a restaurant climbs on a customer's lap or eats food from the table the service dog may be excluded from your business.

The public accommodation should give the individual with a disability who is assisted by a service animal the option of continuing to enjoy its goods and services without having the service animal on the premises.

(2) Care or supervision of service animals. Nothing in this part requires a public accommodation to supervise or care for a service animal.

- 28CFR §36.302

The ADA requires businesses modify their "no pets" policies, practices and procedures, to allow service animals accompanied by a person with a disability. Denying access to a person with a disability accompanied by their service animal violates federal law.

A person with a disability accompanied by a service animal is a consumer and spends money. Businesses including employee training about service animals would benefit both their business and their community. People with disabilities can be your best customers.

¹ Department of Justice, [Commonly Asked Questions About Service Animals in Places of Business](#)

Service Animal Etiquette

Always speak to the person first.

Do not pet a service dog. Ask the person for permission. The service dog/animal might be distracted from its work. There are other states that have laws with penalties for such incidents.

Please do not offer food or treats to a service dog. There are other states that have laws with penalties for such incidents.

Don't bark/whistle at the service dog. It may divert the service dog from its work. Again, there are other states that have laws with penalties for such incidents.

Please, do not ask questions about the person's disability. People may feel uncomfortable discussing their disability or their service dog.

If you are afraid of dogs/animals, remove yourself and go to another area.

FINAL NOTE: Service animals are an assisting resource such as a wheelchair, hearing aid or cane. They are trained to personally assist a person with disabilities and are not considered pets under federal law.

Emergency Preparedness for Service Animal Owners

I.D. s and Licenses

Make sure your service animals and pets have I.D. tags with both your home telephone number and that of your primary out-of-town contact person. Make sure your animal's license is current.

Animal Care Plan

Plan how your pets will be cared for if you have to evacuate. Pets, in contrast to service animals, may not be allowed in emergency shelters due to health regulations, so have some animal shelters identified. Contact your local Red Cross chapter or state office of emergency management for guidance.

Establish relationships with other animal owners in your neighborhood so in case you are not home, someone will be able to help your animal.

Alternate Mobility Devices

Pets and service animals may become consumed, panicked, frightened or disoriented during and after a disaster. Keep them confined or securely leashed or harnessed. A leash (or harness) is an important item for managing a nervous or upset animal. Be prepared to use alternative ways to negotiate your environment.

Emergency Kit for Service Animals

Assemble a kit for your service animal that will last seven days. Place it in a pack that your animal can carry (if it is large enough to do so) in case you need to evacuate.

The kit should include:

- A bowl for water and food.
- A seven-day supply of food.
- A blanket for bedding.
- Plastic bags and paper towels for disposing of feces.
- Neosporin ointment for minor wounds. (Animals can easily get cut after an earthquake; as your veterinarian if there is anything specific you should include for your animal.)
- A favorite toy.
- An extra harness.

Checklist

- ✓ Make sure I.D. tags and license are current.
- ✓ Create a care plan for your animal.
- ✓ Be prepared to function without assistance from your animal. Practice emergency drills using alternate mobility cues.
- ✓ Assemble an emergency kit for your service animal.

Developed by Independent Living Resource Center, San Francisco, in cooperation with June Kailes, Disability Consultant, through a grant from The American Red Cross Northern California Disaster Preparedness Network.

Other Service Animal Resources and Emergency Preparedness Resources:

Disability Web Portal—Emergency Preparedness and Safety

<https://disability.mo.gov/emergency.htm>

Disability Web Portal—Service Animal Information

<https://disability.mo.gov/serviceanimals.htm>

Service Animals in Emergency Situations—ADA National Network

<https://adata.org/service-animal-resource-hub/emergencies>

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U. S. Department of Justice
ADA Information Line
1-800-514-0301 (voice)
1-800-514-0383 (TTY)

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