

WHERE SERVICE AND SUPPORT ANIMALS ARE, AND AREN'T, ALLOWED

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In the article, "Where Service and Support Animals Are, and Aren't, Allowed," featured in *San Francisco Chronicle*, Partner Alden Parker examines how the Americans with Disabilities Act applies to service animals in the workplace and public places.

ADA in public places: The law narrowly defines service animals as any dog that is trained to do work or perform tasks for an individual with a physical or mental disability. "Emotional support animals do not qualify as service animals under the ADA, the California Unruh Civil Rights Act nor the Disabled Persons Act," said Alden.

State and local governments, businesses and nonprofits generally must allow service dogs to accompany people with disabilities in any part of a facility open to the public, unless doing so interferes with legitimate safety requirements, or the dog is out of control. A separate provision gives trained miniature horses the same general privileges. The act does not say what services the dog or horse must perform, which "leaves a lot of leeway," Alden said.

"They essentially have to take the person at face value," he said. "Unless the person trips up and says, 'This is a comfort pet,' or 'This is just my dog,' the business can't exclude them."

Alden said he represented a grocery store where someone came in with a dog. The dog was licking the product, and its owner was told to leave. The dog owner sued, claiming it was a service animal. But the case was dismissed because

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the owner did not show the dog was trained at the time of the visitor was there for the purpose of training, Parker said. The case is on appeal in Los Angeles County.

In another case, a miniature horse named Princess came into a retail establishment but was excluded because the employee didn't know it was allowed. Like most of these cases, this one "was resolved confidentially," Parker said.

ADA at work: In the workplace, it's different. Employers have an obligation under federal and state law to accommodate mental as well as physical disabilities. Therefore, an emotional support animal — of almost any type — could be a "reasonable accommodation," Parker said. However, "the employer has more latitude to determine if it is legitimately a support or service animal."

To read the full article, please visit the [San Francisco Chronicle](#).