

Insights, News & Events

## SERVICE DOGS IN THE RESTAURANT: JUSTICE DEPARTMENT'S RULES ON SERVICE ANIMALS BECOME INCREASINGLY STRICT

Publication  
May 18, 2011

In 1991, the Americans with Disabilities Act (ADA) issued regulations which allowed the use of service animals in public, including restaurants, hotels, retail establishments, theaters, and concert halls. The ADA's mandate caused little stir early on because service animals at that time were primarily "seeing eye" dogs highly-trained to help persons with blindness, deafness and some other disabilities while ignoring such distractions as food, strangers, and the presence of other animals. But given the regulations' lack of definitions, service animals steadily expanded more and more to boisterous poodles and irritable purse dogs, to say nothing of rabbits, rats, ferrets, lizards, and snakes. Doctors seemed to obligingly write notes testifying that the animals were helpful for mood support or to fend off depression and "therapy dog" vests could easily be bought online with no questions asked. Despite the obvious problems for many restaurants in terms of safety, sanitation, and disturbance of other guests, restaurants have largely been powerless to bar these types of animals from their establishments until now.

The U.S. Justice Department has issued new regulations effective March 15, 2011, which now substantially limit the types of animals that will qualify as service animals under the ADA and clarify the different definitions and legal entitlements between service dogs and emotional support dogs.

The regulations make clear that the mere "provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks" for purposes of the

### Related People



**Grace Y. Horoupian**

Co-Regional Managing  
Partner

949.798.2145

definition of service animal. Thus, animals that provide only comfort or emotional support for their owners will no longer qualify as service animals. The regulations further state that the work or tasks performed by the service animal must be directly related to the handler's disability.

This article appeared in the May 2011 issue of *Franchise Update*.