

# Presentation on Service Dogs

**Service Dogs NH is a nonprofit organization that provides financial aid for veterinary bills for people in New Hampshire with service dogs. We also focus on advocacy and education like this presentation on service dogs .**



Brendan Madden

[www.servicedogsnh.org](http://www.servicedogsnh.org)

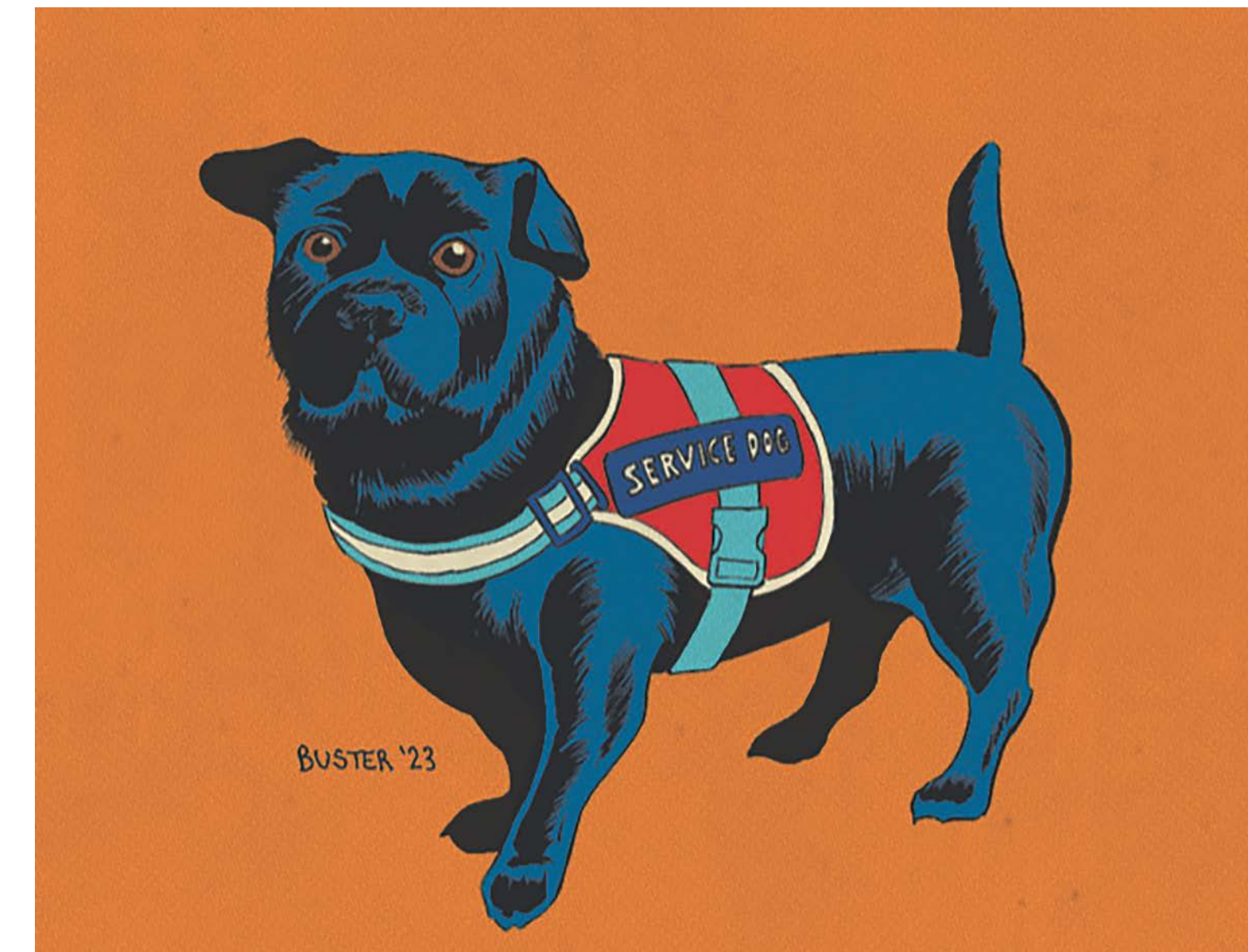


# *September is National Service Dog Awareness month*

To help us with an awareness initiative please share that September is National Service Dog Awareness month and feel free to download our logo or any of these images to post on social media and use

#servicedogawareness #servicedogmonth #sdnh  
and tag us @servicedogsnh

Just go to our [art page](#) and right click on any of the images on the site to save them to post





# Where Are Service Dogs Allowed-federal

## [ADA 2010 Revised Requirements- Service Animals](#)

**ADA.gov**

U.S. Department of Justice  
Civil Rights Division

### 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.



**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 allowed to go.** For example, in a hospital it usually 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. **Private membership clubs do not have to comply with ADA regulations *except* when they open their facilities to the general public. *Religious institutions and organizations are also specifically exempt from the ADA.***



# Where Service Dogs Are Allowed-state

## NH RSA TITLE XII Section 167-D:4



"Service animal" means any dog 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. *Other species of animals, whether wild or domestic, trained or untrained, are not service animals for purposes of this definition.*



**167-D:4 Service Animals May Accompany.** – It is lawful for any service animal to accompany his or her handler or ***trainer*** into any public facility, housing accommodation, or place of public accommodation to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

**Title XLV 466:8 I.** No fee shall be required for the registration and licensing of a service animal dog as defined in RSA 167-D:1,



# Housing

## Fair Housing Act



Assistance animals, including service and support animals, are not pets and thus are not subject to pet policies

*A service animal* means any dog 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. They are not limited to any specific breed and you cannot deny someone housing because there is not an insurance policy that covers dogs.

Other types of assistance animals, like emotional support animals (ESA's) are limited to an *animal commonly kept in households*. This would be a dog, cat, small bird, rabbit, hamster, gerbil, other rodent, fish, turtle, or other small, domesticated animal that is traditionally kept in the home for pleasure rather than for commercial purposes.





# Air Travel

## [Air Carrier Access Act \(ACAA\)](#)



The U.S. Department of Transportation (Department or DOT) is issuing a final rule to amend the Department's Air Carrier Access Act (ACAA) regulation on the transport of service animals by air. This final rule is effective January 11, 2021.

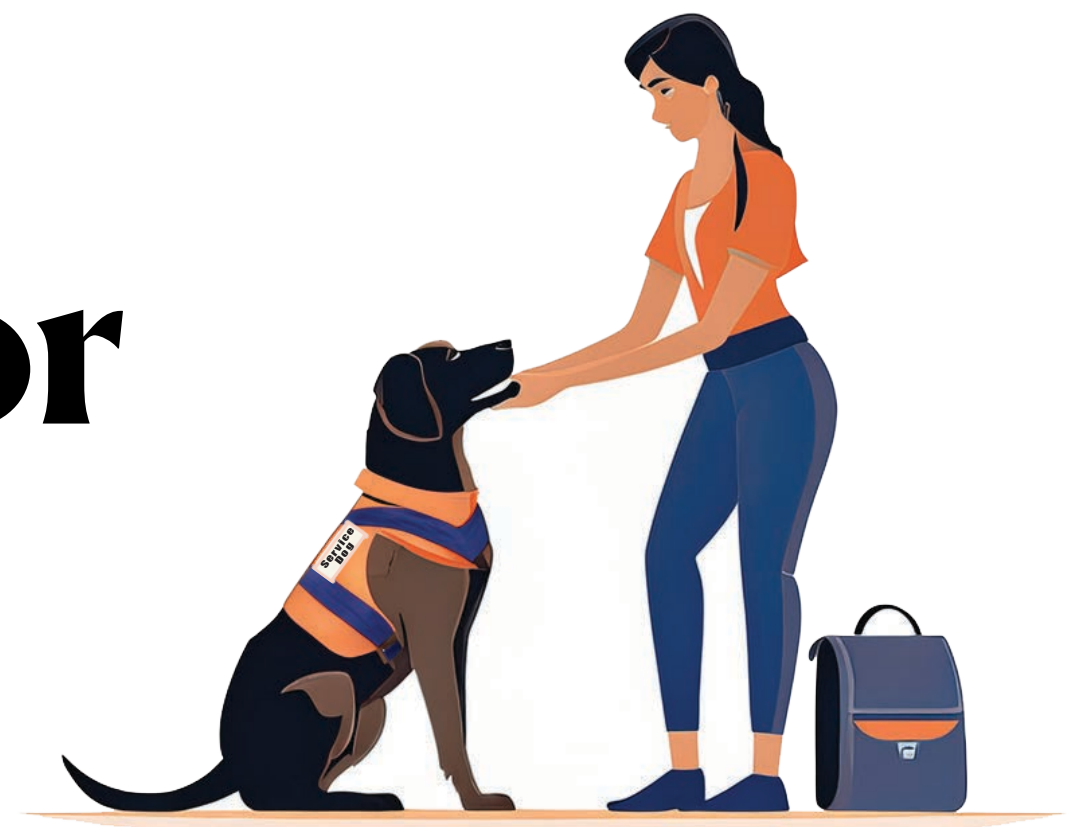
This final rule defines a service animal as a dog, regardless of breed or type, that is individually trained to do work or perform tasks for the benefit of a qualified individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. It allows airlines to recognize emotional support animals as pets, rather than service animals.

When flying with a service dog you must fill out a [service dog travel form](#) and for flights longer than eight hours there is a [relief attestation form](#).



# US Department of Labor

## Reasonable Accommodations



Ensuring a workplace is welcoming to employees with service dogs starts with clear policies and training for all staff. According to the [U.S. Department of Labor](#) under [Title I of the Americans with Disabilities Act](#) (ADA), *a reasonable accommodation is a modification or adjustment which includes modifying a policy to allow a service animal in a business setting*. Businesses should identify designated relief areas outside and maintain clear pathways inside to support mobility. Written guidelines can clarify expectations, such as how colleagues should interact with service animals and how to address any concerns. It is important, especially in a work setting, that co-workers do not pet or play with the service dog, unless the handler gives them permission to do so.

Supervisors should also be prepared to discuss accommodations on a case-by-case basis to meet individual needs. Special accommodations might include bathroom breaks for the dog, a water dish, or something along those lines. By fostering an inclusive environment, businesses demonstrate their commitment to accessibility and employee well-being.





# State law

## Access Exemptions



Some people think that the NH laws changed under governor Sununu, the State cannot go against federal law. Public access rights still pertain to all public facilities but do not extend to private clubs or religious organizations.

**167-D:1 -II. "Public facility"** means any place of public accommodation and any street, highway, sidewalk, walkway, public building, and any other place or structure to which the general public is regularly, normally, or customarily permitted or invited. (*Churches, temples, and synagogues are not public buildings.*)

**167-D:3 Private Clubs, Etc.** – Nothing herein contained shall be construed to include or apply to any institution, bona fide club, or place of accommodation, which is in its nature distinctly private; nor shall anything herein contained apply to any educational facility operated or maintained by a bona fide religious or sectarian institution; and the right of a natural parent or one in loco parentis to direct the education and upbringing of a child under his or her control is hereby affirmed; nor shall anything herein contained be construed to bar any private secondary or postsecondary school from using good faith criteria other than race, creed, color, national origin, ancestry, or disability in admission of students.





# What can I do?

## 2 questions



There is no standard identification for service animals and there is no special patch or vest. You are not allowed to ask for any documentation, however there are two questions you can ask, these are:

- (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?

Examples of such work or tasks include guiding people who are blind, alerting people who are deaf to noises in the environment, pulling a wheelchair, alerting to an oncoming seizure or 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 such as “crowd control” and “deep pressure therapy”. Detecting low blood sugar levels and alerting the person to take corrective action. Alerting a person they have a low blood pressure either giving them enough time to get to a safe place to sit or lie down.

**Emotional support** alone is not an acceptable task per the Americans With Disability Act.





# What can I do?

## Continued



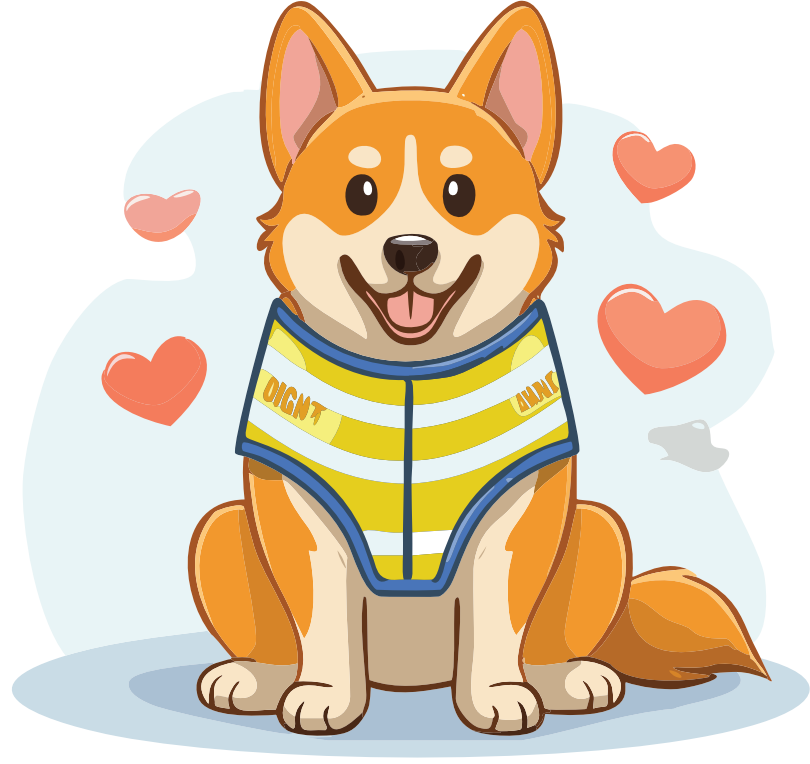
A person with a disability may be asked to remove the service animal from the premises if: (1) the dog is out of control and the handler does not take effective action to control it or (2) the dog is not housebroken. When there is a legitimate reason to ask that a service animal be removed, staff must offer the person with the disability the opportunity to obtain goods or services without the animal's presence.

If a business normally charges for damage that is caused, a customer with a disability may also be charged for damage caused by himself or his service animal.

If a business does not have an insurance policy that covers dogs, they cannot deny someone public access.



ESA's



# Different Dogs

Therapy Dog



## that may wear vests but do not have access rights per the ADA

**Emotional support animals (ESA's)** that are *prescribed by a licensed mental health professional* to provide comfort to an individual person. They are **not ADA-approved** and *do not have public access rights*, though they may be permitted in [housing](#) or on [certain flights](#). Unlike service dogs, ESA's are not allowed on all flights, it is a decision made airline to airline, if you have an ESA, please check with the airline to see if it can fly in the cabin with you.

**Therapy dogs**, on the other hand, are *certified with their handler* to provide comfort, connection, and support to *many people*—in hospitals, nursing homes, schools, recovery centers, and more, *but do not have the same public access rights as service dogs*. They are **not ADA-approved**, but they offer a powerful, low-cost, high-impact complement to traditional care. Learn more about therapy dogs at [Thank God For Dogs](#).

Both of these types of dogs may have permission to have access to a facility. For example the Fair Housing Act protects ESA'S and therapy dogs may have certain access rights with permission of the facility owner.





# Operational Canines



## The state of recognizes the importance of other *trained* working dogs

**Facility comfort dogs** are specially trained service dogs are owned by an agency (police and fire departments, Department of Safety, Universities, Victim Advocates etc), passed extensive evaluations, been certified and are insured. The fact they are paired with an agency means they only have access rights given to them by that agency - usually during a traumatic event. They work with a *professional handler*—like a doctor, therapist, or teacher—*within a single facility*, such as a hospital, school, or courtroom, to support *multiple people in that setting*. They are typically trained by accredited service dog organizations. [Hero Pups](#), an organization out of Exeter, NH, has placed over 200 Service dogs with veterans and first responders and has placed 17 out of the 24 facility comfort dogs in the state, you can learn more about facility comfort dogs at their [site](#)!

**167-D:1 Definitions.** – VI. "Search and rescue dog" means any dog which has been trained to perform typical search and rescue operations and is certified by a competent authority or holds a title from a competent authority or organization recognized by the office of the governor, the department of safety, the department of fish and game, or the Federal Emergency Management Agency or its successor agency.

**167-D:5 Application of RSA 167-D:4** – The provisions of RSA 167-D:4 shall also apply to dogs involved in search and rescue missions at the request of a government agency when such dogs are in the course of, or traveling to or from the scene of, their official duties. This grant them the same public access rights as service dogs.





# Service Dog Fraudulence

Under NH State Law



## [TITLE XII Section 167-D:8](#)

It is unlawful for any person to represent that such person has a disability or is a service animal trainer for the purpose of acquiring a service animal unless said person has a disability *or is a service animal trainer* and to impersonate, by word or action, a person with a disability for the purpose of receiving service dog **accommodations** or service animal accessories such as a collar, leash, vest, sign, harness, or service animal tag, which represents that the animal is a service animal or to acquire a service animal tag issued under RSA 466:8.

## [TITLE XII Section 167-D:10](#)

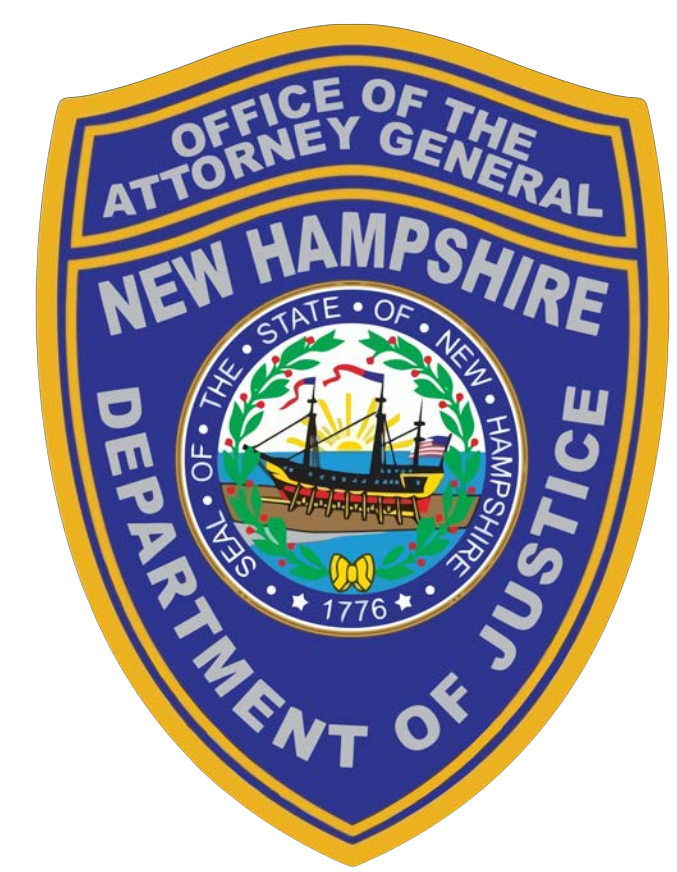
Any person violating any provision of this chapter shall be guilty of a misdemeanor and subject to enhanced penalties in paragraphs II and III and be fined up to \$1,200. These enhancements can elevate a misdemeanor to a felony, increase jail time, fines, or lead to other consequences like license revocation.

*Any information provided is non-binding and for informational purposes only. Nothing herein should be construed or interpreted as a legal opinion, counsel, or advice.*





# Fraud



**After asking the two approved questions, and you still have concerns it is not a service animal, the attorney general's office recommends**

“If a business has concerns that a customer is representing that a dog is a service animal when it is not, that business should start with their local police department.”-Isaiah A. Hutchinson Investigative Paralegal Consumer Protection & Antitrust Bureau

Misrepresenting your dog as a service dog can result in fines up to \$1,200.







Questions? Contact Brendan Madden

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More information and helpful  
resources can be found at our [website](#).