



5 Things You Should Know About Service and Guide Dogs in Public Facilities

- 1 **The New Jersey Law Against Discrimination (LAD) entitles any person with a disability who uses a service or guide dog to the full and equal enjoyment of all public facilities.** Public facilities include not only places of public accommodation like restaurants, schools, hotels, and hospitals, but also spaces open to the general public like beaches, parks, streets, sidewalks, and public buildings.
- 2 **A service dog is any dog individually trained to meet the needs of a person with a disability,** including but not limited to protection or rescue work, pulling a wheelchair, and assisting persons with epilepsy or other seizure disorders. A guide dog is trained to assist persons who are deaf or blind.
- 3 **Under the LAD, a person with a disability is entitled to bring their service or guide dog to all public facilities as long as the dog has been trained by a recognized training agency.** The public facility may not require the individual to produce certification of training to gain admittance. If the dog has been trained but not by a recognized training agency (for example, if the dog has been trained by the owner), the federal Americans with Disabilities Act (ADA) rather than the LAD will apply, and the public facility may ask the individual whether the dog is needed for a disability, as well as what task the dog is trained to perform.
- 4 **The public facility may not charge a person with a disability an extra fee for their service or guide dog,** although the person may be required to pay for any damage done to the premises by the dog. Additionally, the individual must keep the service or guide dog in their immediate custody at all times.
- 5 **A public facility may not retaliate against you** for reporting a violation of the LAD or attempting to exercise these or any other rights under the LAD.

To find out more or to file a complaint, go to [NJCivilRights.gov](https://www.njcivilrights.gov) or call **973-648-2700**



NJ Office of the Attorney General

[NJCivilRights.gov](https://www.njcivilrights.gov)

DIVISION ON

CIVIL RIGHTS

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Service Animals and Assistance Animals

The right for a person with a disability to live and travel with the aid of a service animal or assistance animal is protected by a combination of federal laws that vary based on factors like the type of animal and location.

Differences Between Service Animals and Assistance Animals

Service Animal	Assistance Animal
Service animal has a specific definition and meaning under applicable federal laws.	This is a broad term that can refer to assistance animals, support animals, emotional support animals, therapy animals, companion animals, etc.
• Dog of any breed or size	• Could be any species
• Trained to perform a task related to a person's disability	• Necessary to mitigate the effects of a physical or mental disability
Generally, can accompany people with disabilities in their homes and all areas where the public , participants in programs, services, or activities, or invitees are permitted.	Must be permitted in areas like a person's home , workplace , and K-12 schools .

Rules About Service Animals

- To verify a service animal, generally it is permissible to ask only two questions:
 - 1) Is the dog a service animal required because of a disability?
 - 2) What work or task has the dog been trained to perform?
- Local rules on dog licenses and vaccinations can be applied to service dogs.
- A service dog cannot be banned or prohibited based on its breed or size.
- Service animals are not required to be certified or to wear a vest or other ID.
- Miniature horses may qualify as a reasonable modification and be treated in the same manner as a service animal.



Service Animals and Assistance Animals

Federal Laws Relating to Service Animals and Assistance Animals

- Americans with Disabilities Act (ADA)
- Section 504 of the Rehabilitation Act
- Fair Housing Act (FHA)
- Air Carrier Access Act (ACAA)
- Individuals with Disabilities Education Act (IDEA)

Where Are Service Animals & Assistance Animals Protected?*		
Location (Potential Applicable Law)	Service	Assistance
Businesses and Public Accommodations (ADA Title III)	✓	
K-12 Education (ADA Title II or III, Sec. 504, or IDEA)	✓	✓
Higher Education (ADA Title II or III, or Sec. 504)	✓	
Government Spaces (ADA Title II or Sec. 504)	✓	
Health Care Facilities (ADA Title II or III, or Sec. 504)	✓	
Housing (FHA or Sec. 504)	✓	✓
Places/Programs Receiving Federal Funds (Sec. 504)	✓	
Public Transportation (ADA Title II) & Airplanes (ACAA)	✓	
Workplaces (over 15 employees) (ADA Title I)	✓	✓

* May depend on specific facts and circumstances. Additional resources should be consulted.

When Service Animals and Assistance Animals Can Be Prohibited

- If they are not harnessed/leashed or controlled by voice/hand signals, etc.
- If they are out of control in public – e.g., growling, biting, excessive barking.
- If the animal is not housebroken [applies to public spaces, not housing].
- If the animal's presence or behavior would fundamentally alter the nature of the service, program, or activity.
- If the animal poses a direct threat to the health or safety of others.
- Where there is a legitimate safety requirement necessary for the safe operation of the service, program, or activity.