**Service Animals & Public Access**

**Frequently Asked Questions**

**What is a service animal?**

A service animal is trained to do work or perform tasks directly related to a person’s disability. Service animals are distinguished from pets and emotional support animals based upon the work service animals are trained to perform in public.

**What animals can be service animals?**

Under federal law, only dogs or miniature horses are recognized as service animals.[[1]](#footnote-1) Service dogs may be of any breed or size.

**Do service animals have to wear any identifying attire?**

No. Service animals are not required to wear special vests, identifying tags, or harnesses.

**How do service animals assist people with disabilities?**

Service animals can perform various tasks to assist people with all different types of disabilities. For example:

* Guide dogs can assist blind people with navigation;
* Hearing dogs can alert deaf people to sound cues;
* Mobility service dogs may assist people with stability, balance, navigation, or retrieving items;
* Medical alert/response service animals may alert or respond to symptoms of various medical conditions such as seizures, heart conditions, allergies, diabetes, and others.
* Psychiatric service animals can assist with various mental health disabilities through tasks such as responding to anxiety, psychosis, or dissociation, navigating crowded spaces, interrupting self-harm, retrieving items, or providing reminders.

**What laws protect the right of a person with a disability to be accompanied by a service animal in public spaces?**

Titles II & III of the Americans with Disabilities Act[[2]](#footnote-2), Section 504 of the Rehabilitation Act[[3]](#footnote-3), and Maryland law[[4]](#footnote-4) all protect the rights of people with disabilities to be accompanied by trained service animals in spaces that are generally open to the public.[[5]](#footnote-5)

**What are some examples of spaces that are open to the public that must allow service animals?**

Federal law protects disabled people’s rights to have service animals in public spaces that include, but are not limited to taxis, rideshare vehicles, ambulances, public transit, retail stores, restaurants, theaters, museums, parks, doctor’s offices, mental health facilities, government buildings, schools, hospitals, emergency shelters, and hotels.

**What can I ask if I’m not sure whether an animal is a service animal?**

Public facilities and private business that are open to the public may only ask a person using a service animal two questions:

1. Is the animal required for a disability?
2. What tasks is the animal trained to perform?[[6]](#footnote-6)

**Can I ask a service animal handler for documentation?**

No. You cannot require an individual to provide documentation of their need for a service animal or their disability. An individual does not have to disclose any details about their disability.

**Can I ask for a service animal “certification” or “registration”?**

No. There are no legally recognized service animal “registrations” or “certifications” in Maryland.

**Can a service animal be excluded because a facility or business has a no-pets policy?**

No. Service animals cannot be excluded simply because a business or facility has a no-pets policy. By law, service animals are not considered pets, and businesses must modify policies to accommodate people with disabilities who use service animals.

**Can I charge a pet fee for a service animal?**

No. You cannot charge a blanket pet fee simply because a person with disability is accompanied by a service animal nor can a cleaning fee be assessed for hair or dander left behind by a service animal.

**Can a service animal be excluded because someone has an allergy, fear or could be upset by a service animal?**

No. You may try to create space between a service animal and a person with an aversion or allergy, but you cannot segregate service animals to certain areas because of allergies, aversions, or fears.

**Can a service animal be excluded from a psychiatric hospital or residential crisis unit because a patient could use the service animal’s equipment to harm themselves?**

Generally, no. Psychiatric hospitals and residential facilities may not exclude service animals based on speculative safety concerns and facilities must first explore whether reasonable accommodations can be made to reduce any specific safety risk before excluding a service animal.[[7]](#footnote-7)

**Do I have to provide care for a service animal if a person with a disability is unable to care for their service animal?**

No. However, a facility must provide the individual with a disability an opportunity to identify someone else to care for their service animal and make reasonable accommodations to allow another person to care for the service animal in the facility while the person with the disability is unable to care for the animal.

**If a service animal’s behavior is disruptive or dangerous, can I ask the handler to remove the animal?**

Yes. A service animal must be always under the handler’s control. If a service animal is out of control and the handler does not take effective action to gain control, you may ask the handler to remove the service animal from the area.

*If you have questions about this information, please contact Disability Rights Maryland at 410-727-6352.*

1. 28 C.F.R. § 36.104; 28 C.F.R. § 36.104. [↑](#footnote-ref-1)
2. 42 U.S.C. §§ 12101 to 12213. [↑](#footnote-ref-2)
3. 29 U.S.C. §§ 701 et seq. [↑](#footnote-ref-3)
4. Md. Code Ann., Human Serv. §§7-704 to 705. [↑](#footnote-ref-4)
5. NOTE: The Fair Housing Act (42 U.S.C. §§ 3601 to 3619) provides rights for assistance animals in housing and the Air Carrier Access Act (49 U.S.C. § 41705) applies on airplanes. Details of these laws are beyond the scope of this brochure. [↑](#footnote-ref-5)
6. 28 C.F.R. § 35.136 (f); 28 C.F.R. § 36.302 (c)(6). [↑](#footnote-ref-6)
7. *Tamara v. El Camino Hosp.*, 964 F. Supp. 2d 1077 (N.D. Cal. 2013); *C.L. v. Del Amo Hosp. Inc.*, No. SACV1800475DOCDFMX, 2019 WL 2879880 (C.D. Cal. June 3, 2019). [↑](#footnote-ref-7)