Service & Emotional Support Animals

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Part of my Support System
AnimalLaw.Info

Animal Legal and Historical Center Web site
On this site you will find a comprehensive repository of information about animal law, including: over 1200 full text cases (US, historical, and UK), over 1400 US statutes, over 60 topics and comprehensive explanations, legal articles on a variety of animal topics and an International collection.

Read more

June News
Welcome to the new and improved Animal Legal & Historical Center website! Over the past few months, we have moved our entire website to a new platform with enhanced features. We hope this helps our readers find materials more efficiently through our new navigation in the purple bar at the top. With this, you can narrow your results by both state and topic or even by species. Feel free to take a tour of our new site and let us know if you encounter any difficulties at animallawlaw.msu.edu. To

In August 2012, the Animal Legal & Historical Center celebrated its 30th anniversary. Over the years, with the help of many individuals, we’ve added thousands of files that are accessed across the globe. We believe this site is the largest legal website devoted to animal issues in the world. Unsurprisingly, the site’s most sought after materials relate to the many issues that dogs provide our society.

Our peak usage day (Monday) has well over 6,000 unique visitors. Yet unlike a physical library, we are unable to have casual conversations with our users. To get feedback, please share your comments at animallawlaw.msu.edu. Tell us about your use of the site. What could we do differently? What topics would you like to see us focus on? Your thoughts and comments are welcome. Since Michigan State University College of Law is very generous with its financial support of this site, your feedback helps ensure this site’s growth and presence for the next ten years. Thank you!
State Maps

Summary: The above map details states that ban, partially ban, require licensure, or provide miscellaneous regulations on private ownership of wild or exotic animals. Currently, 19 states have what can be called “comprehensive bans.” These bans typically classify wild cats, large non-domesticated carnivores, reptiles, and non-human primates as “dangerous animals” or otherwise prohibit private ownership of these species. These laws may outright ban the ownership of wild or exotic animals as pets or only allow those animals to be kept under certain licenses not including pet or private possession (i.e., for educational or scientific purposes). Twelve (12) states have partial bans on exotic pets, which means that these states ban specific, listed animals by statute, but not all non-traditional, non-domestic animals (for example, these states may allow ownership of small primates). Fourteen (14) states permit private ownership of exotic animals under a licensure or permit scheme. People seeking licenses may have to register with the state, prove satisfactory conditions for the housing of such animals, provide proof of ownership, and materials to verify ownership. Therefore, owning exotic animals without a permit can be illegal.
## Comparative Tables – Veterinarian Reporting of Animal Abuse

Veterinarians, the American Veterinary Medical Association (AVMA) and the American Animal Hospital Association (AAHA), have both issued policy statements that address reporting of animal abuse by veterinarians. The 2015 AAHA position statement "supports the reporting of suspicions of animal abuse to the appropriate authorities. The Association encourages the adoption of laws mandating veterinary professionals to report suspicions of animal abuse and providing immunity from legal liability when filing such reports in good faith." (read the policy statement). Many animal welfare advocates suggest that a veterinarian’s role is critical in both detecting and preventing further abuse. However, there is limited information as to whether state reporting statutes have increased the prosecution of those who abuse animals under their care.

<table>
<thead>
<tr>
<th>State</th>
<th>Who Has Duty</th>
<th>Type of Duty to Report</th>
<th>Immunity Provision</th>
<th>Reporting under Professional/Ethical Rules</th>
<th>Unique Aspects of Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Veterinarian</td>
<td>Mandatory Duty</td>
<td>Veterinarian who files a report as provided in this section shall be immune from civil liability with respect to any report made in good faith. A.R.S. § 32-2239</td>
<td>A veterinarian is obligated to report to the proper authorities any grossly inhumane treatment to animals of which he or she has direct knowledge. (Grounds for disciplinary action for failure to report) A.R.S. § 32-2239</td>
<td>A.R.S. § 32-2239</td>
</tr>
<tr>
<td>Arizona</td>
<td>Veterinarian</td>
<td>Mandatory Duty</td>
<td>A veterinarians who reasonably suspects or believes abuse, cruelty or neglect or animal fighting shall report to law enforcement within 48-hours after treatment or examination. The report shall include the breed and description of the animal and the name and address of the owner or person who sought the examination or treatment. A.R.S. § 32-2239</td>
<td>Vet shall also report cases of suspected livestock abuse to AZ Dept. of Ag. A.R.S. § 32-2239</td>
<td></td>
</tr>
<tr>
<td>Arkansas</td>
<td>A licensed veterinarian or a person acting at the direction of a licensed veterinarian</td>
<td>No Duty</td>
<td>A licensed veterinarian or a person acting at the direction of a licensed veterinarian in Arkansas is: 1) Held harmless from either criminal or civil liability for any decision made or service rendered in conjunction with Subchapter 1: Cruelty to Animals and</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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**Note:** The information presented is subject to change and may vary by state. It is always recommended to consult the most current laws and regulations for specific jurisdictional requirements.
Our Problem Today

- It is a **MESS** of words, regulations & emotions.
- Highly useful v. abused to keep pets.
- Abused by online money making schemes.
- State laws v. federal.
- Often needed by those least able to understand the law.
- Hostility to animals and the disabled.
- Many Unanswered Legal Questions
Federal Law

• Historically important – Americans with Disabilities Act

• Fair Housing Act

• Air Carriers Access Act

• Law --- Regulations --- Letter of Notice to Field Offices
Helping Animals

Service Animals
- Individual with Disability
- Amer. Disabilities Act
- Dogs
- Training Required
- Access public faculties
- Two Questions can be asked

Emotional Support Animals
- Individual with Disability
- Fair Housing Act
- No limit on species
- No training required
- Housing
- Letter required
- Reasonable Accommodation
Service Animal at Work
Federal ADA

• a physical or mental impairment that substantially limits one or more of the major life activities of such individual.” 42 U.S.C. 12102(2)(A).

• Place of public accommodation means a facility operated by a private entity whose operations affect commerce. Reg.

• 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. Not Emotional Support Animals. Reg.
Who Qualifies?

• **Does the person have a disability?** i.e., a physical or mental impairment that substantially limits one or more major life activities

• **Does the person have a need for an animal to help deal with the disability?** In other words, does the animal work, provide assistance, perform tasks or services for the benefit of a person with a disability, or provide emotional support that alleviates one or more of the identified symptoms or effects of a person's existing disability?
Web Registration

Register Service Dog

Compare our Service Dog Kits

- **Basic Plus Kit**: $79
- **Complete Kit**: $159
- **Complete Plus Kit**: $179
- **Deluxe Kit**: $199

Lifetime Registration of Dog: ✔️ ✔️ ✔️ ✔️
Dogs at work
State Law Issues

• (2) "Service animal" means a dog or other animal individually trained to provide assistance to an individual with a disability. (Idaho)

• Animals in training

• Federal Preemption
Housing - Assistance Animal

An assistance animal is not a pet. It is an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person's disability.

What is a Landlord’s Obligation?

HUD’s language:

A “reasonable accommodation” is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces.
What must the tenant do?

• Entering into a contract / lease

• The housing provider may ask persons who are seeking a reasonable accommodation for an assistance animal that provides emotional support to provide documentation from a physician, psychiatrist, social worker, or other mental health professional that the animal provides emotional support that alleviates one or more of the identified symptoms or effects of an existing disability.
There is no federally issued or accepted ID card!
Request May Also Be Denied If:

(1) *the specific assistance animal* in question poses a direct threat to the health or safety of others that cannot be reduced or eliminated by another reasonable accommodation, or

(2) *the specific assistance animal* in question would cause substantial physical damage to the property of others that cannot be reduced or eliminated by another reasonable accommodation.
Applies also to Condo Associations:

- The plaintiff was a veteran who suffered from PTSD he experienced during his military service.
- His dog, Kane, was a pit bull terrier who helped with his condition.
- The case resulted in only $5,000 in compensatory damages (the association had already agreed to let the dog remain), but awarded over $127,000 in attorney fees.

Courtesy of https://justdigitlaw.wordpress.com/2014/02/22/a-veteran-is-permitted-his-support-animal-in-his-home/
Michigan New Law

• (e) As used in subdivision (d), “person with a disability” includes a veteran who has been diagnosed with 1 or more of the following:
  • (i) Post-traumatic stress disorder.
  • (ii) Traumatic brain injury.
  • (iii) Other service-related disabilities.

• (f) “Service animal” means all of the following:
  • (i) That term as defined in 28 CFR 36.104.
  • (ii) A miniature horse that has been individually trained to do work or perform tasks as described in 28 CFR 36.104 for the benefit of a person with a disability.
Preemption Issues

• If you make more detailed laws it does not remove the confusion of the obligations of federal law.

• Don’t want to have different definitions or requirements, again, can cause confusion. {Require a vest}

• Could make it a civil or criminal offence to knowingly make false claims about an animals status.
State Law Focus

• Specifically mention veterans as qualifying for the use of Dogs.

• Specifically give state agency authority to deal with issues

• Make false use of service dog a civil or criminal infraction.
Part of my peaceable kingdom