

This article presents general guidelines for Georgia nonprofit organizations as of the date written and should not be construed as legal advice. Always consult an attorney to address your particular situation.

So You Have a Service Animal: The Obligations of Nonprofits to Individuals with Service Animals

By Erik Provitt, Atlanta Volunteer Lawyers Foundation

Confusion over service animals, which are specially trained to help people with disabilities, and emotional support animals, which are used to provide emotional support, but don't necessarily require any specialized training, have become prevalent in our day and time. Under the Americans with Disabilities Act (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 normally allowed to go. So if you run a nonprofit and you run afoul of this provision, you could find yourself in violation of ADA and/or the State or local law. In the State of Georgia, denial or interference is misdemeanor of a high and aggravated nature punishable by a fine not to exceed \$2,000.00, imprisonment for not more than 30 days, or both.

A Service animal is defined as a dog, or miniature horse, that is individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and 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.

So the first step in determining whether or not that animal qualifies as a service animal is to determine whether or not the animal is a dog or miniature horse. The definition is unambiguous when it comes to the type of animal that qualifies: dog and miniature horse... That's it. So is the pig, on a leash, with the *service animal vest* permitted to sit in the lobby? What about the cat causing everyone to sneeze, cradled in the arm of that patron? Well, the law governing service animals answers that question clearly, and the answer is no! Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

After it has been determined that the animal is a dog or a miniature horse, the law requires it be specially trained for a person with a disability before it is permitted to accompany people in all areas of a facility where the public is normally allowed. However, when it is not obvious what service an animal provides, only two questions are permitted: (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.

That's it! Staff cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.

So the next time you see a pooch with a pouch and a vest, make sure you keep this tips handy to ensure you don't run afoul of the law.

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