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What Businesses Need to Know When Service Dogs Come Visiting

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Confusion about rights and obligations under the law regarding service animals and public establishments abounds and given Michigan's recently enacted laws relating to services animals, now is a good time for a primer on the topic.

The law requires government agencies, business, and non-profit organizations that provide goods or services to the public make "reasonable modifications" in their policies, practices, or procedures when necessary to accommodate people with disabilities. Generally speaking, this requirement extends to allowing individuals with disabilities to use their service animals. People with service animals cannot be segregated, treated differently or less favorably from other patrons, or charged fees related to their use of a service animal.

A service animal is a dog (or miniature horse!) that has been individually trained to do work or perform tasks for an individual with a disability. Common examples include seeing-eye or hearing dogs.

Service animals can also provide stability for walking, assistance with picking up items, or alerting an individual of an impending physical seizure. While the animal must be trained to do something specific related to the individual's disability, it is important to note that there is no formal training or certification requirement; the individual can train the animal him or herself. Similarly, there is no requirement that a service animal wear a vest or other identifying tag.

Not sure an animal is a service animal? You must ask 1) if the animal is a service animal required because of a disability, and 2) what work or task the animal has been trained to perform. These are the only questions you're allowed to ask!

There are exceptions. An entity does not have to modify its policies, practices, or procedures if it would "fundamentally alter" the nature of the goods, services, programs, or activities provided to the public. Service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work. The animal must also be housebroken. And if it poses a direct threat to the health or safety of others because it is not under control, the service animal can be prohibited from entry.

It is now a crime in Michigan for an establishment open to the public to refuse entry to a person using a service animal. The state has started a voluntary identification registry for service animals to help individuals and entities alike. Additionally, it is a crime for an individual to falsely represent an animal as a service animal. Finally, veterans are specifically entitled to have a service animal for PTSD, traumatic brain injury, or other service-related disability.