

DOJ Releases Supplemental Guidance on Service Animals Under the Americans with Disabilities Act



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With the 25th anniversary of the **Americans with Disabilities Act (“ADA”)** just two weeks away, the U.S. **Department of Justice (“DOJ”)** has released a new technical assistance document addressing [frequently asked questions regarding service animals and the ADA](#). This additional guidance is intended to be read in conjunction with the DOJ’s previous July 2011 technical assistance on [Revised ADA Requirements: Service Animals](#), which remains in full effect.



The DOJ has stated that this additional guidance is meant to further assist people with disabilities as well as places of public accommodation covered by the ADA – such as retail shops, restaurants, hotels, medical facilities, theaters and event

spaces, and other places open to the public – in understanding how the ADA’s service animal provisions apply to them. Among other topics, the additional guidance addresses in detail:

- the definition of a service animal, including the distinction between psychiatric service animals (which are covered under the ADA) and emotional support animals (which are not covered under the ADA, though certain state and/or local laws may provide broader protections);
- requirements for service animal training , while making clear that the ADA does not require any specific certification, documentation, or identification for a service animal to qualify for protection under the law;
- behavioral issues and the (very limited) circumstances in which service animals may be excluded; and
- issues particular to service animal access in certain types of facilities, including food service and preparation areas, hotels, and hospitals.

Public accommodations and facilities covered by the ADA (including, but not limited to, those noted above) are well-advised to review the new guidance, which provides practical insight into these and other thorny issues that frequently arise with regard to service animal access.

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