

## Service Animal Law Comparison Sheet

### Federal Laws

- Americans with Disabilities Act
- Fair Housing Act
- Air Carrier Access Act

### State Laws

- Washington State
- Oregon
- Idaho
- Alaska

### Statute

#### Americans with Disabilities Act (ADA)

#### Training

Yes. Under the ADA, a service animal must be a dog (or miniature horse) that is individually trained to do work or perform tasks for the benefit of an individual with a disability. Service animals can be professionally trained or trained by the handler themselves.

#### Certification

Yes. Under the ADA, a service animal must be a dog (or miniature horse) that is individually trained to do work or perform tasks for the benefit of an individual with a disability. Service animals can be professionally trained or trained by the handler themselves.

## **Written Verification**

Yes. Title I of the ADA, regarding employment, does not specifically address service animals in the workplace. Under Title I, a service animal may be a reasonable accommodation. As such, professional written verification may be requested by an employer when it is not obvious that the animal is a service animal.

## **Comfort / Emotional Support Animals**

No. A comfort or emotional support animal is not trained. Comfort animals do not have rights under the ADA. For example, businesses do not have the legal obligation to admit a comfort animal if there is a “no pets” policy, as under the ADA these animals are in essence “pets.”

## **Service Animals In-Training**

No. The ADA does not address service animals in-training, but rather gives each independent state the right to make its own laws regarding the rights of service animals in-training.

## **Enforcement Agencies**

- [U.S. Dept. of Justice](#) [Federal -[Title II](#) & [Title III](#)]
- [Equal Employment Opportunity Commission](#) [Federal -Title I]
- State Legislation [Local]

## **Statute**

### **Fair Housing Act (FHA)**

[FHEO Notice: FHEO-2020-01](#)

## **Training**

No. Under the FHA, the person with a disability who is requesting the assistance animal must demonstrate a disability-related need for the animal, but there is no requirement that the animal be trained."

## **Certification**

No. Even if the assistance animal is a reasonable accommodation, the housing entity may not require certification to verify the assistance animal's status as such.

## **Written Verification**

Sometimes. A landlord may request proof of the need for an assistance animal from a qualified professional or person in the position to know if the need for the assistance animal is not obvious. In addition, the documentation should indicate the benefit that the assistance animal provides. This documentation cannot be requested when the disability and need for the assistance animal is readily apparent.

## **Comfort / Emotional Support Animals**

Yes. Under the FHA, housing entities must admit any type of "assistance animal," a term which includes service animals as well as comfort animals or emotional support animals. In other words, training is not a requirement for an assistance animal.

## **Service Animals In-Training**

Yes. The Fair Housing Act (FHA) does not require an animal to be trained, or be in training, to serve as an assistance animal for a person with a disability living in housing covered by the FHA. As such, service animals in-training could be allowed as a reasonable accommodation under the FHA.

## **Enforcement Agencies**

- [US Dept of Housing and Urban Development \(HUD\), Office of Fair Housing and Equal Opportunity](#)

## **Statute**

### **Air Carrier Access Act (ACAA)**

#### **Training**

No. The ACAA defines service animal as a dog (regardless of breed or size) that is trained to do work or perform tasks to assist a qualified individual with a disability, and may include psychiatric service dogs. Miniature horses are excluded in this definition.

#### **Certification**

No. Airlines can determine whether an animal is a service animal versus a pet by requiring the passenger to provide (1) a DOT form attesting to the animal's health, behavior, and training, and (2) a DOT form attesting that the animal can either not relieve itself or can relieve itself in a sanitary manner, if the animal will be on a flight that is 8 or more hours.

#### **Written Verification**

Yes. Airlines can require service animal users to provide forms developed by DOT attesting to the dog's health, behavior, and training to assist the airline in determining if the dog poses a direct threat to the health or safety of others. Other forms are prohibited.

#### **Comfort / Emotional Support Animals**

No. All non-tasks trained animals, such as emotional support animals, are excluded from the ACAA's service animal definition.

#### **Service Animals In-Training**

No. The ACAA does not address service animals in-training. So, airlines are not required to carry them as they do not meet the requirements of an ACAA-defined service animal. However, airlines are free to make their own individual policies with regards to carrying any pets, including

service animals in-training, provided they comply with the Animal Welfare Act and are consistent with health and safety codes.

## **Enforcement Agencies**

- [US Dept of Transportation \(DOT\): Aviation Consumer Protection Division](#)

## **Statute**

### **Washington State**

Revised Code of Washington (RCW)

### [White Cane Law](#)

### [Discrimination - Human Rights Commission](#)

## **Training**

Yes. [RCW 70.84.021](#) states that a “service animal means an animal that is trained for the purposes of assisting or accommodating a disabled person's sensory, mental, or physical disability.”

[RCW 49.60.040](#) states "Service animal means any dog or miniature horse...that is individually trained to do work or perform tasks for the benefit of an individual with a disability..." The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks.

## **Certification**

No. There are no legal requirements for service animals to be specially certified, or for handlers to have proof of service animal status by certification.

## **Written Verification**

No. Washington State law does not address a requirement of documentation or identification, including unique dog tags, with regard to service animals.

## **Comfort / Emotional Support Animals**

No. Comfort or emotional support animals are not considered service animals under Washington State law because they are not specifically trained. See [RCW 49.60.040](#).

## **Service Animals In-Training**

No. Washington State Law does not address service animals in-training. A program or facility certainly can allow a service animal in-training access, but it is under no legal obligation to do so.

## **Enforcement Agencies**

- [Washington State Human Rights Commission](#)
- [Washington State Office of the Attorney General](#)

## **Statute**

### **Oregon**

[ORS 659A.143 Assistance Animals](#)

### **Training**

Yes. Oregon defines an “assistance animal” as “a dog or other animal designated by administrative rule that has been individually trained to do work or perform tasks for the benefit of an individual.”

### **Certification**

No. There are no legal requirements for service animals to be specially certified, or for handlers to have proof of service animal status by certification.

## **Written Verification**

No. Oregon does not address a requirement of documentation or identification, including unique dog tags, with regard to service animals.

## **Comfort / Emotional Support Animals**

No. Oregon does not specifically address comfort or emotional support animals. Because such animals are not trained they would not be considered a service/assistance animal in Oregon.

## **Service Animals In-Training**

Yes. Oregon recognizes the rights of “assistance animal trainees,” defined as “an animal that is undergoing a course of development and training to do work or perform tasks for the benefit of an individual that directly relate to the disability of the individual.”

## **Enforcement Agencies**

- [Oregon's Bureau of Labor and Industries, Civil Rights Division](#)

## **Statute**

### **Idaho**

[Idaho Statute Title 56 Public Assistance and Welfare, Chapter 7 Rights of Individuals with Disabilities](#)

### **Training**

Yes. "Service dog" means a 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. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for purposes of this chapter. The work or tasks performed by the service dog must be directly related to the individual's disability. The crime deterrent effects of an animal's

presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this chapter.

### **Certification**

No. There are no legal requirements for service animals to be specially certified, or for handlers to have proof of service animal status by certification.

### **Written Verification**

No. Idaho Code does not address a requirement of documentation or identification, including unique dog tags, with regard to service animals.

### **Comfort / Emotional Support Animals**

No. Idaho Code does not address the rights of comfort or emotional support animals.

### **Service Animals In-Training**

Yes. Idaho Code recognizes service animals in-training, and thus businesses, public programs, and workplaces have a legal obligation to allow access to service animals in-training. Idaho Code does stipulate that the “dog-in-training” will wear a jacket, collar, scarf or other similar article to identify it as a dog in-training.

A person with a disability who accompanies a dog-in-training is not required to carry an identification card. However, the service dog trainer (who is not disabled) shall carry and upon request display an identification card issued by a recognized school for service dogs or training dogs or an organization that serves individuals with disabilities when accompanying the dog-in-training.



## **Enforcement Agencies**

- [Idaho Human Rights Commission](#)

## **Statute**

### **Alaska**

[Article 6, Accommodations for Service Animals and Alert Animals](#)

[Interference with the Training of a Service Animal](#)

[Interference with Rights of Physically or Mentally Challenged Person](#)

[Duty to Disabled Pedestrians](#)

### **Training**

Yes. [6 AAC 30.610](#)(q)(4) states "service animal means a dog or miniature horse that is trained to do work or perform tasks for an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability; the work done or tasks performed must be directly related to the individual's disability"

### **Certification**

Sometimes. [6 AAC 30.610](#)(k) states "A service animal handler shall not be required to obtain any certification or registration from any organization purporting to certify service animals, nor shall the animal be required to carry a tag, vest, or other documentation identifying the animal as a service animal."

### **Written Verification**

Sometimes. A public accommodation may require an individual with a disability accompanied by an alert animal to produce written verification by a licensed healthcare provider who has conducted a physical examination of the individual and verifies the ability to alert by the animal.

## Comfort / Emotional Support Animals

No. Alaska law does not address the rights of comfort or emotional support animals.

## Service Animals In-Training

Yes. [6 AAC 30.610](#)(m) states “An animal in training to work or perform tasks for an individual with a disability shall enjoy the same protections as a fully trained service animal when accompanied by either an individual with a disability or a trainer and is actively training.” See [AS 11.76.133](#) for details on bringing service animals-in-training into public facilities.

## Enforcement Agencies

- [Alaska State Commission for Human Rights](#)



The **Northwest ADA Center** is a member of the ADA National Network. This fact sheet was developed under grant from the Administration for Community Living (ACL), NIDILRR grant #90DP0095. However, the contents do not necessarily represent the policy of the ACL, and you should not assume endorsement by the federal government.

Revised 1/13/2021. **Alternate formats available upon request.**

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