

**Commonly Asked Questions About  
Service Animals  
in Places  
of Business**

**North Carolina Department of Health and Human Services  
Client Assistance Program**

**What are the laws that apply to my business?**

Under the Federal Government's Americans with Disabilities Act (ADA), privately owned businesses that serve the public, such as restaurants, hotels, retail stores, taxicabs, theaters, concert halls, and sports facilities are prohibited from discriminating against individuals with disabilities. This includes allowing people with disabilities to bring their service animals into business premises in whatever areas customers are generally permitted.

Under North Carolina law, persons with seizure disorders, or disabilities related to mobility, hearing or vision are entitled to the accommodations, advantages, facilities, and rights for use of all public transportation and places of public accommodation listed in the NCGS 168-4.3. This includes hotels, lodging places, resorts or places of amusement. Such persons have the right to be accompanied by a service animal in these places, except that the animal may not occupy a seat. The person with a disability may not be required to pay extra charge for the use of the service animal, but is liable for any damage done by the animal. Every such person with a disability also has the right to keep the service animal on any premises he or she leases, rents, or uses.

Under North Carolina law, it is illegal to disguise an animal as a service animal. It is also illegal to deprive a person with a mobility, hearing or visual disability or a person with a seizure disorder of their animal or any other normal rights associated with the use of a service animal. Violations are a Class 3 misdemeanor.

**What is a Service Animal?**

The ADA defines a service animal as ANY guide dog, or other animal individually trained to provide assistance to a person with a disability. If the animal meets this definition, it is considered a service animal under the ADA, regardless of whether it has been licensed or certified by a state or local government. Service animals perform some of the functions and tasks that the individual with a disability cannot perform for him/herself. A "Seeing Eye" dog, used by some individuals who are blind, is the type of service animal in which most people are familiar. But there are also other service animals that assist people with other types of disabilities in the day-to-day activities.

Some examples include:

- Alerting persons with hearing impairments to sounds.
- Alerting persons with epilepsy of an impending seizure.
- Pulling wheelchairs or carrying and picking up objects for persons with mobility impairments.
- Assisting persons with mobility impairments with balance.

### **How can I tell if an animal is really a service animal?**

Some, but not all, service animals wear special collars and harnesses. Some, but not all, are licensed or certified and have identification papers. If you are not certain that an animal is a service animal, you may ask the person who has the animal if it is a service animal required because of a disability. However, an individual who is going to a restaurant or theater is not likely to be carrying documentation of his or her medical condition or disability. Therefore, such documentation generally may not be required as a condition of providing service to an individual accompanied by a service animal. Although a number of states have programs to register service animals, you may not insist on proof of State registration before permitting the service animal to accompany the person with the disability.

### **What must I do when an individual with a service animal comes into my business?**

The service animal must be permitted to accompany the individual with a disability to all areas of the facility where customers are normally allowed to go. An individual with a service animal may not be segregated from other customers.

### **I have always had a clearly posted “no pets” policy at my establishment, do I still have to allow service animals in?**

YES. A service animal is NOT a pet. The ADA requires you to modify your “no pets” policy to allow the use of a service animal by a person with a disability. This does not mean you must abandon your “no pets” policy altogether, but simply that you MUST make an exception to your general rule for service animals.

### **My county health department has told me that only a “Seeing Eye” dog or guide dog has to be admitted. If I follow these regulations, am I violating the ADA?**

Yes, if you refuse to admit any other type of service animal on the basis of local health department regulations or other state or local laws, you are violating FEDERAL law. The ADA offers equality of activity to individuals with disabilities, and it takes priority over the local or state laws or regulations.

**Can I charge maintenance or cleaning fees for customers who bring service animals into my business?**

NO. Neither a deposit nor a surcharge may be imposed on an individual with a disability as a condition to allow a service animal to accompany that individual, even if deposits are routinely required for pets...a service animal is not a pet. However, a public accommodation may charge its customers with disabilities if a service animal causes damage, so long as it is the regular practice to charge non-disabled customers for the same types of damages. For example, a hotel can charge a guest with a disability for the cost of repairing or cleaning furniture damaged by a service animal, if it is the hotel's policy to charge a guest without a disability for similar damage.

**I operate a private taxicab and I don't want animals in my taxi; they smell, shed hair and sometimes have "accidents." Am I violating the ADA if I refuse to pick up someone with a service animal?**

YES. Taxicab companies may not refuse to provide services to individuals with disabilities. Private taxicab companies are also prohibited from charging higher fares or fees for transporting individuals with disabilities and their service animals than they charge other persons for the same or equivalent service.

**Am I responsible for the animal while the person with a disability is in my business?**

NO. The care or supervision of a service animal is solely the responsibility of his or her owner. You are not required to provide care or food or a special location for the animal.

**What if the service animal barks or growls at other people, or otherwise acts out of control?**

You may exclude any animal, including a service animal, from your facility when that animal's behavior poses a direct threat to the health or safety of others. For example, any service animal that displays vicious behavior towards other guests or customers may be excluded. You may not make assumptions, however about how a particular animal is likely to behave based on your past experience with other animals. Each situation must be considered individually. Although a public accommodation may exclude any service animal that is out of control, it should give the individual with a disability who uses the service animal the option of continuing to enjoy its good and services without having the service animal on premises.

**Can I exclude an animal that does not really seem dangerous but is disruptive to my business?**

There may be a few circumstances when a public enterprise is not required to accommodate a service animal, such as when doing so would result in a fundamental

problem to the nature of the business. For example, if a service dog barks during a movie, the animal can be excluded.

If you have further questions about service animals or other requirements of the ADA, you may call the US Department of Justice's toll-free ADA Information Line at 1-800-514-0301 (voice) or 1-800-514-0383 (TDD)

In addition, if you would like to receive an application for registration of your service animal, you may call the North Carolina Client Assistance Program at (919) 855-3600 or 1-800-215-7227 (voice or TTY) or write to 2860 Mail Service Center, Raleigh, NC 27699-2806.

The U.S. Department of Justice and North Carolina Attorney General's office are interested in encouraging compliance with laws that protect the rights of individuals with disabilities. This document provides specific information about the legal requirements regarding individuals with disabilities who use service animals.

The document was prepared jointly by Federal and State authorities to provide businesses with information about the law and to encourage voluntary compliance. We hope you will share this information with your membership and/or staff and encourage them to learn about their responsibilities.