

- Service animals are federally protected under the Americans with Disabilities Act (ADA)

- Service animals must be a dog (or miniature horse). Dogs can be any breed and any size of dog regardless of municipality ordinance bans.

- Service animals are trained to perform a task directly related to a person's disability



Law Enforcement and Service Animals

General Rules

- **Emotional Support/ Comfort and some Therapy dogs***: **NOT** protected under ADA, but **ARE** protected by the Fair Housing Act
- ***Therapy Dogs/Psychiatric service dog**: If the dog is trained to sense an anxiety attack is about to happen & take a specific action to help avoid the attack or its impact, that qualifies as a service animal. If the dog's mere presence provides comfort, that would not be considered a service animal.
- **Training/ Certifications**: Service animals are **NOT** required to be certified or go through a professional training program or required to wear a vest or other ID that indicates they're a service dog. Kansas does **NOT** grant service dogs in training public access rights if they are being owner trained, but does if they are accompanied by a professional trainer from a recognized training center

What can Law Enforcement do?

If it is unclear to you whether someone's dog is a service dog, **you may ask for certain information using two questions:**

- **Is the dog a service animal required because of a disability?** You are not allowed to request any documentation for the dog, require that the dog demonstrate its task, or inquire about the nature of the person's disability.
- **What work or task has the dog been trained to perform?** Unacceptable Answers: "He comforts me/calms me/ provides emotional support by being with me." "I have panic attacks when he isn't with me." These are not a task the dog has been trained to perform. **What work or task has the dog been trained to perform?** Acceptable Answers: "He applies pressure therapy during an episode." or "He guides me to the nearest exit when I'm having a panic attack." or "He licks or nudges me to provide tactical stimulation to help ground me during an episode." or "He alerts me to upcoming episodes." They can also provide crowd control (circling their person to keep people out of the personal space) to prevent an episode, and they can interrupt harmful behaviors (like hair pulling and scratching). Those **ARE** considered tasks under the ADA.

City Requirements

- Individuals who have service animals are not exempt from local animal control or public health requirements such as vaccinations.
- Service animals are subject to local dog licensing and registration requirements.
- Requiring dogs to be registered as service animals or any Mandatory registration of service animals is not permissible under the ADA. However voluntary registries that serve a public purpose, e.g. to ensure that emergency staff know to look for service animals during an emergency evacuation process, are permissible, but can not be required.
- The ADA does not override public health rules that prohibit dogs in swimming pools

Noteworthy K.S.A.'s

K.S.A. 39-1109 Use of assistance dog while training.

K.S.A. 21-6416 (a) and (b) Harming or killing certain dogs.

K.S.A. 39-1112 Unlawful misrepresentations.

K.S.A. 8-1542 Blind pedestrian's right-of-way (AKA White Cane Law)

ADA requires service animals to be under the control of the handler at all times:

- Service animals must be harnessed, leashed, or tethered while in public places unless these devices interfere with the service animal's work or the person's disability prevents use of these devices
- In that case, the person must use voice, signal, or other effective means to maintain control of the animal.
- If a service animal is out of control and the handler does not take effective action to control it, the service animal should not be allowed to bark repeatedly, or if it is not housebroken, that animal may be excluded from public access
- Even if the service animal is asked to leave for one of the above reasons, the handler still entitled to enter the public place, make purchases, and otherwise use the facilities the same as those who don't have disabilities