

Health Agency Service Animal Guidelines

I. PURPOSE

- A. To help Health Agency staff navigate and follow laws governing service animal access to facilities that offer programs and services to the public.

II. SCOPE

- A. These guidelines apply to all Health Agency service providers, entities, individuals, and programs providing any support related programs or services.

III. DEFINITIONS/GLOSSARY

- *Emotional Support Animal (ESA)* – An animal whose presence acts as a comfort or companionship for individuals suffering from emotional or mental health issues. ESAs are not trained to perform a specific task and do not qualify for the same access rights in businesses and public spaces.
- *Public Entities / Public Spaces* - Places operated by a state or local government, such as government buildings, public transportation, and public parks.
- *Service Animal* – A dog or miniature horse that is individually trained to perform work or tasks that benefit a person with a disability, including a physical, sensory, psychiatric, intellectual, or other type of mental disability.

IV. PROCEDURE

A. ACCESS

Health Agency will comply with disability rights and service animal regulations, allowing service animals access to programs and services, except as stated by law.

A service animal is only required to be individually trained to perform a task that benefits a person with a disability. The service animal can be trained by anyone, including a professional, friend, family member, or the person with a disability.

The Americans with Disabilities Act (ADA) does not require a service animal to be registered or wear a special tag or vest. In California, local animal control departments can issue identification tags to people who use and train service animals, but these tags are not necessary and do not establish an animal as a service animal under the law, except in the case of a service animal in training.

To establish whether an animal qualifies as a service animal, a business or government official can only ask two questions:

- a. Is the animal required because of the handler's disability?
- b. What work or task has the animal been trained to perform?

Service animals can perform tasks such as turning on lights, picking up objects, providing stability, and offering tactile stimulation or deep pressure therapy. Examples of service animal work include preventing impulsive or destructive behaviors, reminding the person to take medication, and removing them from dangerous situations. There is no specific legal requirement for the type or amount of work a service animal must provide.

Misrepresenting an animal as a trained service animal in California is a [misdemeanor](#). This offense can result in up to six months imprisonment and/or a fine of up to \$1,000.

B. DENIAL OF ACCESS

1. Health, Safety, and Service Concerns

- a. Businesses and public spaces are not required to allow access to service animals that:

(1) Pose a direct threat to others.

Direct Threat – A significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or services. A service animal that bites without provocation may be a direct threat.

To determine this, an entity needs to make an individualized assessment based on current medical knowledge or the best available evidence for the following:

- (a) The nature, duration, and severity of the risk.
- (b) The probability that the potential injury will occur.
- (c) Whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

Entities can exclude service animals based on actual behavior only, not assumptions or stereotypes about the animal or its breed.

(2) Are not under the handler's care and control.

Care and Control – Service animals must be under the control of their handlers or designated individuals. If a service animal is out of control or is not housebroken, the person with a disability may be asked to remove it from the premises. The responsibility for supervising and caring for a service animal does not rest on the business or government entity providing access.

Service animals must be under control of the handler through a harness, leash, or tether. If the handler cannot use these methods due to a disability, or if it would impede the service animal's performance, alternate means may be used.

(3) Would fundamentally alter the nature of the services, programs or goods provided by the business or government entity.

Fundamentally Alter the Nature of the Services – Service animals can be denied access to businesses and government buildings if it fundamentally changes the nature of services, programs, or goods offered there.

2. Other Circumstances

a. **Service animals in training** are not covered by the ADA. The California Disabled Persons Act permits individuals with disabilities and service animal trainers to bring service animals into public places for training purposes. This includes businesses, transportation, accommodations, and other public venues. The service animal must be leashed and wear a County-issued tag denoting its status as a service or assistance animal in training. The handler is responsible for any damage caused by the service animal.

3. ESA Exceptions

a. An ESA can be brought into a specific program to serve a particular need at the discretion of the Health Agency Director. This is distinct from general access by ESAs.

V. REFERENCES

- [Title II of the Americans with Disabilities Act \(42 U.S.C. Sections 12131-12165\)](#) prohibits discrimination against people with disabilities by public entities.
- [Title III of the Americans with Disabilities Act \(42 U.S.C. Sections 12181-12189\)](#) prohibits disability discrimination by public accommodations such as places of business that are open to the public, such as restaurants, hotels, movie theatres, stores, medical offices, and hospitals.
- [California's Unruh Act \(Civil Code Sections 51- 51.2\)](#) provides protection from discrimination by all business establishments in California, including housing and public accommodations, because of age, ancestry, color, disability, national origin, race, religion, sex, and sexual orientation.
- [Disabled Persons Act \(Civil Code Sections 54-55.32\)](#) prohibits disability-based discrimination by any business establishment.
- [Government Code Section 11135](#) prohibits discrimination by businesses that receive state funds.
- [Section 504 of the Rehabilitation Act of 1973](#) provides discrimination protections for federal agencies such as the U.S. Postal Services, and for state and local government programs and private organizations including schools and universities that receive federal financial assistance.
- [Penal Code Section 365.7\(a\)](#) prohibits service animal fraud.

VI. DOCUMENT HISTORY

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Effective Date	Status: Initial/ Revised/Archived Description of Revisions	Author	Approved by
12/30/21	Initial Release	Laura Zarate, Behavioral Health PIO	Michael Hill, Health Agency Director
10/30/23	Revised: All sections Policy created for Behavioral Health. Language modified to adopt as a Health Agency standard.	Destiny Johnson, Policy & Special Projects Manager	
01/09/24	Reviewed by Leadership		Approved
03/01/24	Revised Release Signed		Nicholas Drews

Approved by: Signature on file Date: 03/01/2024
Nicholas Drews, Health Agency Director