



DRAFT

Service Animal Policy

May 2020

The David and Joyce Milne Public Library welcomes everyone who wishes to participate in its cultural, recreational, and learning activities.

The Board of Trustees of the David & Joyce Milne Public Library has established the following Service Animal Policy so that we may protect our patrons' right of access to and use of library facilities to the maximum extent possible. We also wish to ensure the safety of our patrons and staff, as well as safeguard our resources and facilities from damage. Only service animals as defined by the Massachusetts Service Animal Law and the Americans With Disabilities Act (ADA) are allowed in the library. Emotional support animals, comfort animals, and therapy dogs are not considered service animals according to these laws, and are therefore prohibited from entering the building.

The MA Service Animal Law limits the definition of service animal to a dog that accompanies an individual with a sensory and/or physical disability. The ADA defines service animals as "dogs that are individually trained to do work or perform tasks for people with disabilities." Both laws obligate state and local governments and any places that are open to the public to permit service animals to accompany people with disabilities anywhere members of the public are allowed to go.

Service Animal Defined by Title II and Title III of the ADA

A service animal means any 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. Tasks performed can include, among other things, pulling a wheelchair, retrieving dropped items, alerting a person to a sound, reminding a person to take medication, or pressing an elevator button.

Emotional support animals, comfort animals, and therapy dogs are not service animals under Title II and Title III of the ADA. Other species of animals, whether wild or domestic, trained or untrained, are not considered service animals either. The work or tasks performed by a service

animal must be directly related to the individual's disability. A doctor's letter stating that a person needs the animal for emotional support does not turn an animal into a service animal.

Examples of animals that fit the ADA's definition of "service animal" because they have been specifically trained to perform a task for the person with a disability:

- Guide Dog or Seeing Eye® Dog¹ is a carefully trained dog that serves as a travel tool for persons who have severe visual impairments or are blind.
- Hearing or Signal Dog is a dog that has been trained to alert a person who has a significant hearing loss or is deaf when a sound occurs, such as a knock on the door.
- Psychiatric Service Dog is a dog that has been trained to perform tasks that assist individuals with disabilities to detect the onset of psychiatric episodes and lessen their effects. Tasks performed by psychiatric service animals may include reminding the handler to take medicine, providing safety checks or room searches, or turning on lights for persons with Post Traumatic Stress Disorder, interrupting self-mutilation by persons with dissociative identity disorders, and keeping disoriented individuals from danger.
- SSigDOG (sensory signal dogs or social signal dog) is a dog trained to assist a person with autism. The dog alerts the handler to distracting repetitive movements common among those with autism, allowing the person to stop the movement (e.g., hand flapping).
- Seizure Response Dog is a dog trained to assist a person with a seizure disorder. How the dog serves the person depends on the person's needs. The dog may stand guard over the person during a seizure or the dog may go for help. A few dogs have learned to predict a seizure and warn the person in advance to sit down or move to a safe place.

Under Title II and III of the ADA, service animals are limited to dogs. However, entities must make reasonable modifications in policies to allow individuals with disabilities to use miniature horses if they have been individually trained to do work or perform tasks for individuals with disabilities.

Other Support or Therapy Animals

While Emotional Support Animals or Comfort Animals are often used as part of a medical treatment plan as therapy animals, they are not considered service animals under the ADA and Massachusetts General Law. These support animals provide companionship, relieve loneliness, and sometimes help with depression, anxiety, and certain phobias, but do not have special training to perform tasks that assist people with disabilities. Even though some states have laws defining therapy animals, these animals are not limited to working with people with disabilities and therefore are not covered by federal laws protecting the use of service animals. Therapy animals provide people with therapeutic contact, usually in a clinical setting, to improve their physical, social, emotional, and/or cognitive functioning.

Types of Animals Permitted

Under federal and state law, only dogs (and in some cases miniature horses) are recognized as *service animals* that are permitted to accompany people with disabilities in *public places*.

Permission and Proof

Individuals accompanied by service animals or service-animals-in-training to places that members of the public are allowed to go **are not** required to furnish proof that the animal is a service animal. Individuals with service animals **do not** need to obtain permission in advance of visiting a place that is open to the public. If a staff member is unsure of whether or not an animal is a service animal, or it is not obvious what service an animal provides, a staff member is allowed to ask the following two questions:

1. Is the animal a service animal required because of a disability?
2. What task or service is the animal trained to perform?

Further, there is no specific training requirement, certification, registration, harness, or vest required of a service animal to gain access to any public place.

Staff cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the animal, or ask that the animal demonstrate its ability to perform the work or task.

When might a patron be asked to leave with an animal?

Patrons will be asked to leave the library with their animal in the following situations:

The animal is not a service dog or service miniature horse.

If the answer is "no" to the question, "Is the animal a service animal required because of a disability?"

If the patron provides an insufficient answer to the question, "What work or task has the animal been trained to perform?" An example of an insufficient answer would be, "It is my therapy (or comfort) dog."

The service animal is "out of control and the animal's handler does not take effective action to control it."

The service animal is not housebroken.

Patrons are welcome to return to the library without the animal.

Exceptions for Library Programming

The library may choose to host programs that include the presence of an animal or multiple animals. Such an animal is permitted if it is an integral part of a library-sponsored event and if it is accompanied by a trained handler at all times. Outside groups holding events in the meeting rooms may not bring animals into the building unless the library agrees to formally co-sponsor their program.

Flowchart for easy reference

