

RIGHTS OF PEOPLE USING SERVICE ANIMALS



Texas law and the federal Americans with Disabilities Act (ADA) guarantee the right of a person who is blind or has other disabilities, including post-traumatic stress disorder, to be accompanied by a trained service animal in all public places.

DEFINITION OF SERVICE ANIMAL

In Texas, the terms “assistance animal” and “service animal” mean “a canine that is specially trained or equipped to help a person with a disability.” The tasks that the service animal may perform must be directly related to the owner’s disability. When accompanied by a trainer, service animals in training are afforded the same access rights as trained service animals that are with a person with a disability.



WHAT CAN AN ESTABLISHMENT ASK A PERSON WITH A SERVICE ANIMAL?

If a person’s disability is not apparent, employees of a facility may ask the person only whether the service animal is required because the person has a disability and what type of task or work the animal is trained to perform.

As Texas law and the ADA state, staff may not ask about the nature of the person’s disability or about the qualifications of the service animal, 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.

PUBLIC TRANSPORTATION, RESTAURANTS, AND OTHER PUBLIC PLACES

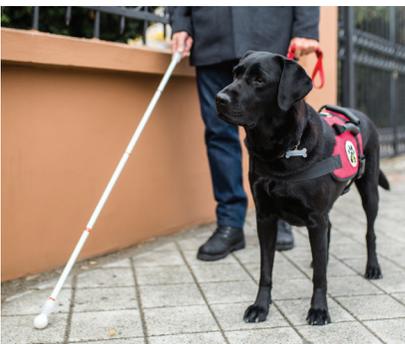
People may take a service animal on public transportation without paying a fare for the animal. A person using a service animal is not required to be separated from the animal when using public services or a public facility.

A public facility includes:

- A common carrier or any other public conveyance or mode of transportation;
- A hotel, motel or other place of lodging;
- A college dormitory or other educational facility;
- A business to which the public is invited;
- A restaurant or other place where food is offered for sale to the public; and
- Other places to which the public is permitted.

MEDICAL FACILITIES

Service animals are permitted in medical clinics, examining rooms, and in hospital cafeterias and patient rooms.



HOUSING

People who use service animals are entitled to equal access to all housing accommodations provided under state law. In addition, a service animal is exempt from pet deposits. A property with a “no-animals” policy must allow a person who uses a service animal to keep the animal.

Refusing to rent or lease a property because a person uses a service animal is a violation of the law. The exception is a single-family residence whose occupants rent, lease or furnish for compensation only one room.



A SERVICE ANIMAL USER'S RESPONSIBILITY

A person who uses a service animal is responsible for any damages caused by the animal. The person using the animal shall keep the animal properly harnessed or leashed. If the person's disability does not permit the use of a harness, leash or tether, the animal must still be under the person's control. The service animal can be removed if it is not under a handler's control.

PENALTIES

A person, including a firm, association, corporation, or other public or private organization, or their agent who violates a provision of this law, is guilty of a misdemeanor punishable by a fine of not more than \$300 and 30 hours of community service. In addition, violation of the provisions is considered to be a deprivation of a person's civil liberties. A person who is so deprived can go to court for damages.

FRAUDULENT USE OF ANIMALS

An animal that provides only comfort or emotional support is not considered a service animal. In addition, a person who uses a harness or leash normally used by people with disabilities for service animals in order to represent the animal as a trained service animal is guilty of a misdemeanor.



SOURCES:

- Texas Human Resources Code, Section 121.003 – 121.006
- Texas Human Resources Code, Section 121.002
- Health and Safety Code, Section 437.023
- Code of Federal Regulations 36.101 – 36.607

For more information about the rights and responsibilities of people using service animals, visit www.ada.gov.