

RESTAURANT & HOSPITALITY ALERT

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Service animals in your restaurant or hotel



Restaurants and hotels are obligated to comply with the requirements of Titles II and III of the Americans with Disabilities Act (ADA), a federal law. With service animals and “emotional support animals” becoming more prevalent, the question that establishments often are faced with is what animals can they reject under the ADA and what must they accept.

According to Titles II and III of the ADA, a service animal is defined as “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.” This means that, only dogs (any type of dogs) are recognized as service animals, and other types of animals can be rejected under the ADA. Under the ADA, the term “does work or perform tasks” means that the dog must be trained to take specific action when needed to assist the person with a disability.

There is also a very rarely used exception where a miniature horse can be a service animal if they are trained to perform specific tasks for their handlers.

It is important for business owners to know that emotional support animals that provide comfort, therapy or companionship are not considered service animals if they are not trained to perform specific tasks. Under the ADA and Florida law, owners of public accommodations are not required to allow emotional support animals in their establishments.

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Determining whether an animal is a service animal under the ADA can be challenging for a restaurant or hotel. A service animal is not required to wear a vest or special identification tag identifying it as a service animal. Also, under the ADA, employees are not permitted to request any documentation from the owner evidencing the dog is a service animal, and they are not permitted to require the dog to demonstrate a task either.



Employees are not permitted request any documentation from the owner evidencing the dog is a service animal, and they are not permitted to require the dog to demonstrate a task.

If an employee of a restaurant or hotel is unsure whether an animal is in fact a service animal, the staff is permitted only two questions of the owner:

1. Is the dog a service animal required because of a disability?
2. What work or tasks has the dog been trained to perform?

Individuals with service animals cannot be discriminated against because of their animal, and they may not to be treated any differently than guests without service animals. For example, in a restaurant, a service animal must be permitted to accompany its owner through a self-service salad bar. However, there are limitations to the accommodations that the restaurant must provide. The restaurant is not required to provide seating for the dog at the table or to allow the dog to be fed at the table. A hotel is not permitted to designate certain rooms as service animal rooms, however, a hotel guest also is not permitted to leave a service animal in their room alone as the dog must be under the handler's control at all times.

Hotels and restaurants are required to comply with the ADA and as such should be familiar with its requirements.

For more information or specific guidance in your situation, please contact [Josh Bialek](#), [Ted Walters](#) or [Sara White](#).