



HOSPITALITY HUMAN RESOURCE CENTER

WHITE
PAPER

MAKING ROOM AT THE TABLE: WHEN SERVICE ANIMALS VISIT YOUR RESTAURANT

Title III of the Americans with Disabilities Act (ADA) governs the use of service animals by people with disabilities in places of public accommodations, including restaurants.

Under the ADA, service animals may be used in *any* public area by people who are blind, have vision or hearing disabilities, use wheelchairs, or have other disabilities that may not be visible.

For example, people who have psychiatric disabilities may use service animals.

Federal Regulations

Under ADA regulations, service animals must be:

- Either *dogs* or *miniature horses*
- “Individually trained to do work or perform tasks for the benefit of an individual or a disability.”

This definition excludes emotional support animals (ESAs), who provide care, comfort, or companionship, which is not “work.”

Delaware Regulations

Delaware has its own version of the ADA—the Delaware Equal Accommodations Law (DEAL). Like the ADA, the DEAL prohibits discrimination on the basis of disability in places of public accommodation. This includes restaurants. Under the DEAL, public accommodations may not deny access to persons with disabilities who use support animals because of their physical disabilities.

- **“Support animal” includes “any animal individually trained to do work or perform tasks to meet the requirements of a person with a physical disability.”** Thus, to the extent that any species may qualify, the DEAL defines “support animal” more broadly than the ADA defines “service animal.”
- Conversely, the DEAL restricts the definition of “support animal” to those animals who assist persons with physical disabilities.
- Like the ADA, however, the DEAL also excludes ESAs from the definition of “support animal.”

ESAs provide emotional support, therapy, or comfort and can be any animal that a healthcare provider will say provides some medical or psychological benefit to a person. Though the ADA does not govern the use of emotional support animals (ESAs), other laws require that ESAs be allowed in housing, on airplanes, and in other locations. They are not, however, required to be allowed into retail stores.

Further, even ADA service animals may be denied access to public areas when:

- They are out of their handlers' control and the handler does not take control
- They are not housebroken

Otherwise, service animals must be permitted entry.

Questions Restaurateurs May Ask

It may not always be apparent whether or not a patron's animal is an ADA service or DEAL support animal. Only limited inquiries are permitted. You may ask:

- **Is this animal required because of a disability?**
- **What work or task is the animal trained to perform?**

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