

GUIDE DOGS RULES REVISED

CHANGES TO SERVICE ANIMAL DEFINITION MAY ALTER THE WAY RESTAURANTS SERVE THE DISABLED

By Angelica Pappas

A SLATE OF REVISIONS to the Americans With Disabilities Act was signed into place last fall, and will come into effect March 15, including modifications to the definition of a service animal. The Department of Justice started the arduous process of amending the regulations in 1991, and now the Department of Consumer Affairs begins the task of ensuring all parties affected by the changes are informed and compliant.

“Our real goal is that the people on the receiving end of these new regulations understand their roles, their rights and their responsibilities under the new law,” said Antonette Sorrick, executive officer of the State Board of Guide Dogs for the Blind, which will host a comprehensive panel discussion of the new rules at an event Feb. 23 in Sacramento.

The new rules define a service animal as a dog that has been individually trained to do work or perform tasks for the benefit of an individual with a disability. Other animals, wild or domestic, don’t qualify, nor do dogs solely for emotional support, unless they have been trained to perform a psychiatric task.

“I think that’s definitely a good change,” Sorrick said. “It should eliminate a lot of fraudulent service animals from the definition.”

The law clarifies that individuals with mental disabilities who use service animals that are trained to

perform a specific task are protected by the ADA.

The rule also permits the use of trained miniature horses as alternatives to dogs, subject to certain limitations, but miniature horses were not included in the final definition of “service animal” to allow flexibility in situations where using a horse would not be appropriate.

Most of the calls Sorrick fields from business operators concern what merchants can and can’t do to enforce the law in their establishments, she said.

“A business can ask two questions: If the animal is required because of a disability, and what task the animal was trained to do,” Sorrick said. “A business can not ask for licensure, or proof or evidence of disability.”

Sorrick also noted that the law puts no limitations on breed of dog, and the only provision that provides a business with any real recourse is one that allows an animal to be removed if it is not under the control of its owner, which leaves quite a bit of room for interpretation.

“Clearly, the dog must be housebroken, but accidents do happen,” Sorrick said. “But if it’s just relieving out of nowhere or barking or being a menace, does that fall under not being under the owner’s control? There’s a threshold there that isn’t clearly defined, but we will discuss at the event.” **TRS**

FIND OUT MORE

The definition of service animal will change in March, along with other regulations in the Americans with Disabilities Act. Learn what the new rules are and how they will affect the hospitality industry, retailers and other businesses community. A comparison of the new federal rules to state service animal access laws also will be discussed at an upcoming event hosted by the State Board of Guide Dogs for the Blind. Panelists will include attorneys Christina Galindo-Walsh of the U.S. Department of Justice, and Fred Nisen and Stuart Seaborn of Disability Rights California. The event also will webcast live at www.dca.ca.gov. Submit questions before the event at guidedogboard@dca.ca.gov.

What: New definition of service animal discussion

When: 9 a.m. to noon Feb. 23

Where: Department of Consumer Affairs, 1625 N. Market Blvd., Hearing Room, Sacramento

RSVP: guidedogboard@dca.ca.gov

For more information, go online at www.guidedogboard.ca.gov.



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