

Report on Research Compliance Volume 18, Number 8. July 22, 2021 Institutions Craft Different Solutions to Potential Issues Involving Service Animals

By Jane Anderson

Research institutions are required under the Americans with Disabilities Act (ADA) to allow service animals access to all campus locations where staff or students can go. But there may be instances in laboratory facilities where service animals nonetheless should be excluded—either for their own safety or for the safety of laboratory animals, experts said during a prerecorded webinar posted online by the HHS Office of Laboratory Animal Welfare (OLAW).^[1]

“Safety considerations for denying entry into a space or an accommodation must be based on actual risks, and not mere speculation, stereotypes or generalizations about individuals with disabilities,” Ron Banks, professor and director of the Division of Comparative Medicine at the University of Oklahoma Health Sciences Center in Oklahoma City, said during the webinar. He added that research institutions have developed a wide variety of policies to govern access and any potential problems.

“A perceived threat without evidentiary basis will not support exclusion of a service animal. Not that I have seen any, but as an example, you can’t prohibit a pit bull service dog just because that family of dogs—pit bulls—have a bad behavior reputation,” Banks said. However, he added, “even service dogs may be excluded from animal research spaces if they are not well-behaved.”

There also may be instances where service dogs can be excluded from certain areas if the dogs would interfere with the ability of the staff to care for research animals, Banks said. For example, he said, “when working with research animals that might express an innate fear of the dog being present—say you’re performing a cat study—might be a case when alternate considerations should be made. When attempts to capture or transport animals around the facility with the dog present would complicate those activities—say, recapture of a free-roaming research mouse in an animal holding room that somehow got out of its cage—might be another example.”

However, “the bottom line is, for most applications, the answer is simply, ‘It depends,’ so we need to think about it,” Banks explained.

ADA Governs Service Animal Access

The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public, Banks explained. However, none of the five sections in the ADA specifically addresses research facilities, he said.

Categories of service animals defined under the ADA include service dogs and emotional support animals (ESAs). ESAs are typically but not always cats or dogs—they run the gamut from rabbits and hamsters to snakes and potbellied pigs, Banks said.

Dogs and miniature horses are included in federal regulation as potential service animals, Banks said, noting that horses may be used for balance. The vast majority of service animals are dogs, and the service animal must have

been specifically trained for a specific task to assist a specific individual, Banks said. Institutions are allowed to ask only two questions, he said:

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

“You cannot ask about the person’s disability, you cannot require medical documentation to validate the need for a service dog, you cannot require a special identification card or training documentation for the service dog, and you cannot ask the dog to demonstrate its ability or task before letting it into the facility,” he said.

Still, a service dog is not required to be registered, nor does it need to wear a special tag or other identifying accoutrements, such as a vest, Banks said. “Service animals must be leashed, harnessed, or tethered—unless such devices interfere with the animal’s ability to do its work task,” he said. “But even still, control by voice, signal, or other communication means is required even when the animal is off leash.”

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