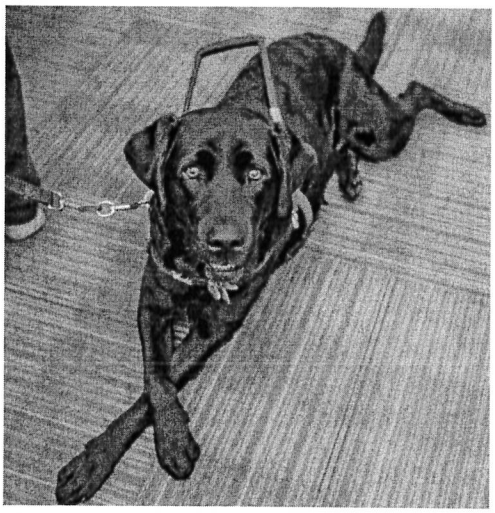
Definitions

In accordance with the Americans with Disabilities Act, Service Dogs are allowed to accompany their handlers anywhere the individual with disabilities is allowed to enter. Service animals are defined as dogs that are individually trained to do work or to perform tasks for people with disabilities. As there is no central registry for service dogs, we understand that there are many attempts to pass off pet dogs as service animals.

In an effort to clear up any confusion as to what is and what is not acceptable, The Governor's Commission on Disability has arranged a glossary of terms in order to clarify any confusion when considering a service animal. If you do not see the information you are looking for, you can contact the GCD at 603 271-2773 or by email at Disability@nh.gov.

ADA: the ADA is the American with Disabilities Act. This law prohibits discrimination on the basis of disability in employment, State and local government, public accommodations, commercial facilities, transportation, and telecommunications. It also applies to the United States Congress.

To be protected by the ADA, one must have a disability or have a relationship or association with an individual with a disability. An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such impairment, or a person who is perceived by others as having such impairment. The ADA does not specifically name all of the impairments that are covered.



Service Animal: "Service animal" means any dog 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. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for purposes of this definition. 167-D:1

Therapy Animal: A Therapy Dog is a pet that has been trained, tested, registered, and insured to accompany its owner to visit patients and residents of hospitals and nursing homes to cheer up the people living there. Because they have **not** been trained to perform a specific disability-mitigating task, they do **not** qualify as service animals according to the Americans with Disabilities Act (ADA). A therapy dog is legally a pet. It is not permitted to go anywhere that pets aren't without permission from the facility owner.

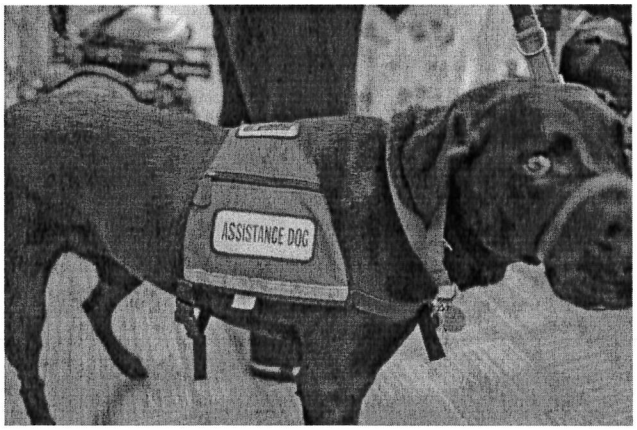
Emotional Support Animal: An Emotional Support Animal or ESA belongs to a person living with a disability. The person's mental health professional has determined that the presence of the animal is necessary for the disabled person's mental health and has written a prescription stating the pet is necessary in the person's home. Because they have **not** been trained to perform a specific job or task, they do **not** qualify as service animals under the ADA

Psychiatric Animal: The ADA makes a distinction between psychiatric service animals and emotional support animals. If the dog has been trained to sense that an anxiety attack is about to happen and take a specific action to help avoid the attack or lessen its impact, that would qualify as a service animal. However, if the dog's mere presence provides comfort that would not be considered a service animal under the ADA.

Disability-Related Task: Trained tasks are such that mitigate the effects of a disabling condition. These tasks are the legal basis for granting access rights to handlers with disabilities under the Americans with Disabilities Act (ADA). A

Service Animal with specialized training is viewed as assistive technology/medical equipment, not as a pet. The Service Animal must be individually trained to perform identifiable tasks on command or cue for the benefit of the disabled human partner. This includes altering to sounds, retrieving a phone, or providing balance support on a staircase to prevent a fall.

Individually Trained: An example of work that is individually trained would be that performed by a guide dog, who takes directional commands, goes around obstacles in the team's path, halts to indicate a curb or some other change in elevation and refuses the "Forward" command in specific situation that would result in injury, such as an automobile entering the team's path..



Housing accommodation: means any publicly assisted housing accommodation or any real property, or portion thereof, which is used or occupied, or is intended, arranged, or designed to be used or occupied, as the home, residence, or sleeping place of one or more persons, but shall not include any single family residence the occupants of which rent, lease, or furnish for compensation not more than one room therein.

Service animal trainer: This terms is reserved for any person who is employed to train dogs for or is volunteering to raise dogs for a provider of service animals for persons with disabilities or an individual trainer who helps a person with disabilities to train his or her own service animal or an individual trainer who tests an animal to verify its eligibility for the New Hampshire service animal tag.

Owner-Training: Owner training is when the dog owner takes on the responsibility of training the dog the specific tasks it will need to mitigate a disability. Owner-training is becoming more popular among people with disabilities. For information on how to train a service dog, follow the link to owner training tips.

Pet: a pet is defined as a domestic or tamed animal or bird kept for companionship or pleasure and treated with care and affection.

Permanent Service Dog Tag Registration: Just as any dog owner must register their dog with their local Town or City Hall, a Permanent Service Dog Tag Registration is a way for an owner to permanently register their Service Animal with their city or town. The owner then pays a onetime fee, rather than the recurring annual registration fee that all pets are subject to. Owners of a certified Service Animal are required to provide an ID card or diploma from an accredited dog training facility such as (but not limited to):

- Guide Dog Foundation
- The Seeing Eye, Inc.
- Paws with a Cause
- NEADS/Dogs for Deaf and Disabled Americans
- Canine Companions for Independence

Owners of an individually trained dog are required to provide a letter on letterhead from a certified dog trainer that the dog has passed the Assistance Dogs International Public Access Test (ADI PAT) and a letter from a healthcare professional stating that the individual requires the use of a service dog to perform tasks directly related to his or her disability, without disclosing the disability of the individual in accordance with the Health Insurance Portability and Accountability Act of 1996 (HIPA).

Sources:

- http://www.gencourt.state.nh.us/rsa/html/xii/167-d/167-d-1.htm
- https://www.ada.gov/service_animals_2010.htm
- https://www.ada.gov/regs2010/service_animal_qa.html
- https://www.ada.gov/qandaeng.htm
- https://adata.org/publication/service-animals-booklet
- http://gencourt.state.nh.us/rules/state_agencies/gcd100-400.html
- http://www.gencourt.state.nh.us/rsa/html/xlv/466/466-8.htm