

What can I say to an individual with a service animal who comes into my business?

You may ask whether the animal is a service animal and inquire as to what work or task the service animal has been trained to perform. You may not, however, require identification documents for the animal or ask about the person's disability.

Who is entitled to use a service animal under the ADA?

The ADA does not limit the type of disability one must have in order to use a service animal. It only requires a link between the task the animal performs and the person with a disability. In other words, the animal must be individually trained to work for the benefit of the person with a disability.

Are there any limitations or conditions that I can place on the use of a service animal in my establishment?

No. Neither a deposit nor a surcharge may be required as a condition of allowing the service animal to accompany the individual. The service animal may not be segregated or excluded from areas of the facility open to the public. Further, you may not ask the individual to remove the service animal from the premises, unless: (1) the presence of the animal fundamentally alters the goods, services, facilities, or accommo-

dations of your business or (2) the animal poses a direct threat to the health or safety of others.

What if I have a "no pets" policy that applies to all persons who enter my establishment? Do I still have to admit a service animal?

Yes. The ADA requires that you modify your policy to allow use of a service animal by a person with a disability. A service animal is not a pet; it is a working animal.

Are there any services that I have to provide for service animals while they are in my business or public facility?

No. The owner of the service animal is solely responsible for its care and supervision. You are not required to provide care, food, or a special location for the animal.

What can I do if I have a dispute or experience a violation of the ADA or state law?

Complaints can be filed with the Illinois Department of Human Rights and the U.S. Department of Justice, or by contacting the Disability Rights Bureau at the Office of the Attorney General. A complaint alleging a violation of the White Cane Law or the Service Animal Access Act should be filed with your county state's attorney.



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SERVICE ANIMALS

A Guide for Individuals
with Disabilities and
Illinois Businesses



LISA MADIGAN
ILLINOIS ATTORNEY GENERAL

A Message from
ILLINOIS ATTORNEY GENERAL
LISA MADIGAN



All citizens, including the approximately 1 in 10 individuals in Illinois with disabilities, are entitled to free and equal participation in society.

To ensure these rights, I have made it a priority to enforce state and federal laws that guarantee that people with disabilities have equal access to all public accommodations.

The information in this pamphlet identifies the legal obligations of businesses to provide access to people aided by service animals, which often provide the eyes, ears, strength, or balance necessary for a person with disabilities to perform common, everyday tasks.

If you have any additional questions or would like to file a complaint, please call my office's Disability Rights Bureau at one of the numbers listed on the back of this pamphlet.

A handwritten signature in black ink that reads "Lisa Madigan".

Lisa Madigan
Illinois Attorney General

Service Animals & The Law

The ADA

The Americans with Disabilities Act (ADA) defines a service animal as any dog* individually trained to do work or perform tasks for the benefit of a person with a disability. An animal fitting this description is considered a service animal under the ADA regardless of whether the animal is certified by a particular entity or wearing identifying markers.

Service animals help people with disabilities perform tasks for which they need assistance. Most of us are familiar with guide dogs used by people who are blind or have low vision. However, service animals also help people with a variety of other disabilities. Examples include:

- Alerting deaf or hard of hearing individuals to sounds;
- Carrying and picking up objects for individuals with mobility impairments;
- Providing balance assistance for individuals with mobility impairments; and
- Alerting individuals to oncoming seizures.

*In certain circumstances, businesses must also permit the use of a miniature horse.

Service Animals vs. Pets

Some service animals wear special collars, harnesses, vests, or capes. Some are licensed or certified by training entities and have identification papers. Special identification and certification, however, are not required by the ADA.

How the Law Affects Your Business

The Americans with Disabilities Act prohibits discrimination against people with disabilities by places of public accommodation, such as restaurants, hotels, retail stores, theaters, parks, concert halls, and sports venues. These businesses must allow people with disabilities to bring their service animals onto the premises and into all areas where the public is generally allowed.

Businesses may not demand identification cards or make unnecessary inquiries about an individual's disability under any circumstances, including when a person is accompanied by a service animal.

Illinois Law

The Service Animal Access Act and White Cane Law are state criminal laws that guarantee the right of a person with a disability or a service animal trainer to be accompanied by a service animal or service animal in training.

Violation of the Service Animal Access Act is a Class C misdemeanor.

Violation of the White Cane Law is a Class A misdemeanor.

Important Service Animal Laws

- Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*
- Illinois Human Rights Act, 775 ILCS 5/1
- Service Animal Access Act, 720 ILCS 5/48-8
- White Cane Law, 775 ILCS 30

