



STATE OF ALASKA ADA COMPLIANCE PROGRAM


Service Animals Accompanying the Public in State Facilities, Programs, and Services

Attachment / Forms:
N/A

Policy and Procedure Number:
ADA 101

Replaces Policy Dated:
July 12, 2007

Authority:
Administrative Orders 129 and 262
6 AAC 65.010-990
Alaska Statute 18.80.230
Alaska Statute 18.80.255
42 U.S.C. 12101 et seq.

Approved By: 
Leslie Ridle, Commissioner
Department of Administration

Date:
July 11, 2018

POLICY:

No individual with a disability shall be excluded, by reason of such disability, from participation in or be denied the benefits of the service, programs, or activities of a state agency; or be subjected to discrimination by any such agency.

Each agency shall operate each of its services, programs, and activities so that a service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities.

APPLICATION:

This Policy and Procedure will apply to all State of Alaska executive branch agencies to include a department, division, office, public corporation, board, commission, authority, or other organizational unit of the executive branch of state government, excluding the Alaska Railroad Corporation, the University of Alaska, Alaska Marine Highway vessels, and state airports. (See 6 AAC 65.990(3))

DEFINITION:

“Service animals” are dogs or miniature horses that are individually trained to do work or perform tasks for people with disabilities. The work or task a service animal has been trained to provide must be directly related to the person’s disability.

Animals whose sole function is to provide comfort or emotional support do not qualify as service animals.

PROCEDURES:

I. Service Animal Access to State Facilities

Service animals may accompany people with disabilities in all areas of State facilities where the public is normally allowed to go. Individuals may have more than one service animal.

Service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

II. Inquiries Regarding Service Animals in Public Accommodation Settings

- A. When it is not obvious what service an animal provides, only limited inquiries are allowed. State staff may ask two questions:
1. Is the dog (or miniature horse) a service animal required because of a disability; and
 2. What work or task has the dog (or miniature horse) been trained to perform?
- B. State staff cannot ask the member of the public about the person's disability, require medical documentation, require a special identification card or training documentation for the dog (or miniature horse), or ask that the dog (or miniature horse) demonstrate its ability to perform the work or task.

III. Allergies and Fear of Service Animals

In most instances, allergies and fear of service animals are not valid reasons for denying access or refusing service to the public using service animals. When a person who is allergic to a service animal and a person who uses a service animal must spend time in the same room or facility, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.

IV. Removal of Service Animals

- A. A person with a disability cannot be asked to remove their service animal from the State premises unless:
1. The dog (or miniature horse) is out of control and the handler does not take effective action to control it; or
 2. The dog (or miniature horse) is not housebroken.
- B. When there is a legitimate reason to ask that a service animal be removed, State staff must offer the person with the disability the opportunity to obtain goods or services without the animal's presence.

V. Service Animals in Training

Service animals in training are allowed in State facilities and are subject to all the procedures referenced above in sections I – IV.

VI. State Assistance Available

Service animal owners are not required to register their service animal with the State. Members of the public with service animals who regularly access State facilities are

encouraged to contact the appropriate Department ADA Coordinator who can assist the owner by providing advance notice to State staff that the owner and service animal are entitled to access.

VII. Prisoners in State Correctional Facilities

See Department of Corrections' Policy and Procedure 808.16.

VIII. State ADA Coordinator

The State ADA Coordinator may review compliance with this Policy and Procedure.