

# Where Can Service Animals, Emotional Support Animals, & Assistance Animals Go?

## Where Are Service Animals Allowed?

The ADA requires state and local governments, including public schools, colleges and universities, public accommodations, and commercial facilities to allow service animals to accompany their handlers in all areas where members of the public are allowed to go.

Similarly, North Dakota's law entitles an individual with a disability to be accompanied by a service animal in places of public accommodations.

N.D.C.C. § 25-13-02.

Examples of public accommodations include restaurants, theaters, hotels, grocery stores, hospitals and medical offices, department stores, malls, health clubs, parks, zoos, sporting facilities and all public transportation systems such as airports, car rentals, trains/metro systems, buses/shuttles, and demand-response transportation services, such as taxis, limos and rideshare.

## Are They Allowed in Public Transportation?

A public transportation provider cannot deny access, even if there is a "no pets" policy and cannot require the individual to pay additional fees or to sit in a particular area with the service animal.



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## Are They Allowed on Airplanes?

Under the Air Carrier Access Act (ACAA) carriers must allow a service animal to accompany a passenger with a disability. 14 C.F.R. § 382. In this capacity, a service animal “means a dog, regardless of breed or type, that is individually trained to do work or perform tasks for the benefit of a qualified individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.” Animals other than dogs are not considered service animals. Emotional support animals are not allowed under the ACAA. Carriers may require passengers traveling with a service animal to provide documentation. Airports are generally covered under the Americans with Disabilities Act.

## Are They Allowed in Schools?

Under the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act, a student may be permitted to have an animal in school that does not meet the ADA definition of a service animal, providing that the IEP or Section 504 team has determined that the animal is necessary for the student to receive a free and appropriate education.

This document is funded through a Social Security grant. Although Social Security reviewed this document for accuracy, it does not constitute an official Social Security communication. This communication is printed, published, or produced and disseminated at US taxpayer expense.



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