



BOY SCOUTS OF AMERICA®

OREGON TRAIL COUNCIL

Oregon Trail Council Guidelines regarding Service Animals in Scouting

While on all OTC properties and/or while engaged in Scouting activities the following guidelines for Service Animals should be followed.

ADA Service Dog Laws (2018)

Service dogs provide invaluable assistance to their handlers. These unique working animals undergo extensive and highly specialized training to learn how to mitigate the difficulties caused by specific disabilities. From guiding the blind to alerting diabetic patients to low insulin levels and so much more, these remarkable canines are capable of numerous tasks that help make independent living possible for their handlers.

Under the Americans with Disabilities Act (ADA), service dogs and their handlers are afforded numerous rights. There are also rules and regulations, however, that must be met to ensure that a dog and his owner are entitled to those rights.

How the ADA Defines a Disability

ADA Service Dog Laws prohibit discrimination against disabled people with service animals in employment, public accommodations, state and local government activities, public transportation, commercial facilities, and telecommunication. In the context of the ADA, “disability” is used as a legal term as opposed to a medical one and has a specific definition:

Under the ADA, a person with a disability is someone who has a mental or physical impairment that substantially limits at least one major life activity. This includes individuals who are regarded as having a disability even if they do not as well as those who have a record of being impaired even if they presently are not suffering from the impairment.

What Is a Service Animal?

The ADA also has a strict definition for service animals. They are defined as “dogs that are individually trained to do work or perform tasks for people living with disabilities”. These tasks may include things like alerting people who are deaf, guiding people who are visually impaired, calming a person with Post Traumatic Stress Disorder during an anxiety attack, reminding someone to take prescription medications, or protecting a person who is experiencing a seizure.

Service dogs are working animals – **not pets**. They must be trained to perform a task that is directly related to the handler’s disability. The ADA does not recognize dogs who solely provide emotional support or comfort as service animals.

Where Service Dogs Are Allowed

Businesses, nonprofit organizations, and state and local governments are typically required to allow service dogs under ADA service dog laws to accompany people with disabilities in any areas that are open to the public. They must be allowed in establishments that prepare or serve food regardless of local or state health codes prohibiting animals on the premises. ADA service dog laws will always overrule local laws.

Business owners and staff are only allowed to ask two questions regarding service dogs. They may ask if the dog is a service animal that is required due to a disability and what type of work or task the dog has been trained to do. The ADA prohibits them from asking about a person’s disability. They are also not allowed to require any type of identification or certification documents for the dog or medical documentation from the handler. They also may not ask that the dog demonstrate what it has been trained to do.

People with disabilities and their services are not to be isolated from other customers or patrons. They also may not be treated less favorably or be required to pay additional fees for their animals. Businesses that charge additional fees or deposits for pets – such as hotels – must waive these fees for service animals.

Requirements for Service Dog and Handler Teams

Discriminating against service dogs and their handlers is illegal. However, there are a few rules by which dogs and their handlers must abide. The ADA requires that service animals be under the control of the handler at all times. In most instances, the handler will be the individual with a disability or a third party who accompanies the individual with a disability. The service animal must be harnessed, leashed, or tethered while in public places unless these devices interfere with the service animal’s work or the person’s disability prevents use of these devices. In that case, the person must use voice, signal, or other effective means to maintain control of the animal. For example, a person who uses a wheelchair may use a long, retractable leash to allow her service animal to pick up or retrieve items. She may not allow the dog to wander away from them and must maintain control of the dog, even if it is retrieving an item at a distance from them. Or, a returning veteran who has PTSD and has great difficulty entering unfamiliar spaces may have a dog that is trained to enter a space, check to see that no threats are there, and come back and signal that it is safe to enter. The dog must be off leash to do its job but may be leashed at other times. Under control also means that a service animal should not be allowed to bark repeatedly in a lecture hall, theater, library, or other quiet place. However, if a dog barks just once, or barks because someone has provoked it, this would not mean that the dog is out of control.

If a service dog is not under control and the handler fails to act to gain to control, a business owner or staff member is permitted to ask that the animal be removed from the premises. A handler may also

be asked to remove a service dog that is not housebroken, is behaving aggressively, or is otherwise posing a threat to human health and safety. If the dog must be removed for a legitimate reason, the establishment must permit the handler to obtain the services or goods they need without the animal's presence.

Service dogs provide vital assistance for people with disabilities. They are afforded numerous rights under the ADA, but **it is the handler's responsibility to ensure that the dog is properly trained and behaves appropriately in public. We also need to acknowledge and respect the physical, mental, and emotional needs of others who may not be comfortable around the animal. OTC expects the handler to treat the dog as a service animal the entire time, and to have the people at the event show the proper respect for the service animal's undivided attention to its handler.**

A couple of quick notes that come from the frequently asked questions section about Service Animals on the ADA.gov site and from the Animal Health Foundation's website include:

From the ADA.gov site -

Q6. Are service-animals-in-training considered service animals under the ADA?

- A. No. Under the ADA, the dog must already be trained before it can be taken into public places. However, some State or local laws cover animals that are still in training.**

From the Animal Health Foundation's website:

- A. Service dogs are trained in countless different kinds of jobs, but no matter what their specialty is, they always need to be alert and ready to work. If the dog is being toted around in a purse or getting a free ride in a shopping cart, they're unable to perform their duty. There are exceptions, however, if a small dog is being held close to person's chest. Some small dogs are trained to monitor certain bodily functions and need to be kept close to their owners.**

Thank you for helping us preserve the rights of all of our Scouts, Scouters, and customers!!