

SERVICE ANIMALS

In the Library Policy

Teton Joint City-County Library Board

October 27, 2011

I. Introduction:

The Department of Justice published revised final regulations implementing the Americans with Disabilities Act (ADA) for title II (State and local government services) and title III (public accommodations and commercial facilities) on September 15, 2010, in the Federal Register. These requirements, or rules, clarify and refine issues that have arisen over the past 20 years and contain new, and updated, requirements, including the 2010 Standards for Accessible Design (2010 Standards, U.S. Department of Justice, Civil Rights Division, *Disability Rights Section, attached*).

II. Overview:

The ADA 2010 provides guidance on the term “service animal” and the service animal provisions in the Department’s new regulations.

- Beginning on March 15, 2011, only dogs and miniature horses are recognized as service animals under titles II and III of the ADA.
- A service animal is a dog or miniature horse that is individually trained to do work or perform tasks for a person with a disability.
- Generally, title II and title III entities must permit service animals to accompany people with disabilities in all areas where members of the public are allowed to go.

III. Library Policy:

It is the policy of the three Teton Joint City-County Libraries to support patrons with a physical or mental disability by allowing Service Animals to accompany members of the public when using the libraries to the same extent as allowed to other members of the public. In accordance with the ADA requirements and the MCA 2011, 49-4-214, paragraphs 1 – 4 (attached), the following provisions will be recognized and enforced by Library Directors and Library Staff of the Choteau/Teton Public Library, Dutton/Teton Public Library and Fairfield/Teton Public Library:

- A person with a disability has the right to be accompanied by a service animal or a service animal in training who shall wear a leash, collar, cape, harness, or backpack that identifies in writing that the dog is a service animal in training which must be visible and legible from a distance of at least 20 feet.
- Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

- Library staff can ask two questions of people bringing animals into the library: “Is the dog a service animal required because of a disability?” and, “What work or task has the dog been trained to perform?” Staff cannot ask about the person’s disability, require medical documentation, a special identification card or training documentation for the dog unless the animal is in training.
- People with disabilities who use service animals cannot be isolated from other patrons, treated less favorable than other patrons, or charged fees that are not charged to other patrons.
- 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.
- A fully-qualified service animal can be excluded from the library if it acts in a threatening manner, is disruptive (barking or growling), is not housebroken or is not under the full and immediate control of its owner.
- The person with a disability is liable for any damage done to the premises by the service animal.
- The care or supervision of a service animal is solely the responsibility of his or her owner.