



# Service Animals, Emotional Support Animals, & Therapy Animals

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## Overview

The central difference between service animals and emotional support animals or therapy animals is that service animals receive directed training which enables such dog to perform a specific task which will provide assistance to a person with a physical disability. In contrast, emotional support animals and therapy animals are not required to have such specific training to be classified as such. However, emotional support animals and therapy animals do not receive the same legal protections as service animals.

## Service Animals

Titles II and III of the Americans with Disabilities Act (ADA) defines service animals as “any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.” Some examples may include, among other things, pulling a wheelchair, retrieving dropped items, alerting a person to sound, reminding a person to take a medication, or pressing an elevator button. Weight and breed restrictions may not be applied to service animals.

Georgia Law classifies service dogs as “assistance dogs,” defined as “a dog that has been trained by a licensed or certified person, organization, or agency to perform specific tasks that assist a physically challenged person.” Included in this definition are guide dogs trained to assist the blind, hearing dogs trained to alert deaf or hard of hearing individuals to certain sounds, and service dogs for individuals with disabilities other than blindness or deafness that require assistance with a variety of physical tasks. O.G.C.A. § 16-11-107.1(1).

## **Harassment and Interference with a Service Animals**

Georgia law prohibits harassment of any assistance animal. Harassment is defined as any conduct directed toward an assistance dog that is knowingly likely to impede or interfere with the dog’s performance or duties. O.C.G.A § 16-11-107.1(2). A person who knowingly harasses or attempts to harass an assistance dog, knowing the dog to be an assistance dog, shall be guilty of a misdemeanor and may be imprisoned or fined. In regards to access to facilities, any person who denies or interferes with the admittance to such facilities shall be guilty of a misdemeanor of high aggravated nature and, upon conviction thereof, shall be punished by fine or imprisonment. O.G.C.A. § 30-4-4.

## **Responsibilities of the Handler**

The animals must be housebroken. However, the handler is not required to clean up after their service animals. The animal must also be current on necessary vaccinations. Handlers must have control of the animal through leash, harness, or tether. If the handler is unable to hold such items, the animal must be under voice control. If a service dog bites a person, the dog is exempt from any quarantine requirement following such bite if the dog has a current rabies vaccination administered by a vet.

## **Accommodations and Public Places**

Service animals can go anywhere members of the public are allowed, even if there is a “no pets” policy in place. Because service animals are not pets, these policies do not apply. Persons with a service animal may not be asked about the nature or extent of their disability, but they may be asked the following two questions:

- Is the animal required because of a disability?
- What work or task has the animal been trained to perform?

The facility may not ask for documentation that the animal has been certified, trained, or licensed as a service animal. Further, persons may not be asked to pay a surcharge, even if other persons accompanied by pets are required to do so. Local breed specific legislation does not apply to service animals.

Georgia law allows for any disabled person to be accompanied by an assistant dog on public transportation and in places of public accommodation to which the general public is invited. However, persons accompanied by assistant dogs will be liable for any damage done to the premises by such dog. Also permitted in such places, are individuals who are training or raising assistant dogs. In accordance with Georgia law, the assistant dog must be held on a leash and under the control of the person training or raising the dog, the person must have available for inspection credentials from the accredited school where the dog is being raised, and the dog must be wearing appropriate identification in the form of a collar, leash, or apparel device. O.G.C.A. § 30-4-2.

## **Emotional Support Animals**

Emotional Support Animals (ESA) are not specifically defined by the ADA or by Georgia law. An ESA is an animal which may provide a form of therapeutic or emotional support to an individual exhibiting a mental or psychiatric disability but is not necessarily trained to do so. Emotional support animals may provide companionship, relieve loneliness, help with depression, anxiety, or certain phobias. However, these animals do not have special training to perform tasks for a person who suffers from a mental or psychiatric disability. Emotional support animals can be beneficial to people suffering from a variety of disabilities including depression, dementia, anxiety, autism, and Post-Traumatic Stress Disorder. Because it is not required that an emotional support animal be specifically trained to perform a specific task or job, they do not qualify as service animals under the ADA and thereby are not afforded the same protections in regard to public places.

## **Therapy Animals**

While some states have extended legal protections to therapy dogs, Georgia has not. Like emotional support dogs, therapy dogs are not included in the definition of “assistance animal” and therefore not afforded the legal protections that are afforded to service animals. Therapy dogs are given obedience training and may be trained to provide a specific, therapeutic benefit. However, such therapeutic benefit is not one of the statutorily provided benefits provided by a service animal. Therapy animals are granted access to places such as hospitals, or nursing facilities by agreement, not by law.

## **Housing**

Individuals with disabilities are afforded legal protection through federal laws that require a landlord or homeowner’s association to accommodate service animals. A person may not be charged a “pet” fee for their service animal, as it is not a pet. Further, a landlord/HOA may not ask an applicant about the existence, nature, or extent of their disability but may ask for documentation in writing that certifies

- The tenant or member of the family with the disability
- The need for the animal to assist that person; and
- That the animal actually assists that person

Georgia law affords individuals with assistance dogs a right to housing accommodations. Such individuals shall not be required to pay extra compensation for their assistance dog. However, that person may be liable for any damage done to the premises by the assistance dog. See O.G.C.A. § 30-4-3.

Individuals with emotional support animals or therapy animals are not extended the same legal protections and those with assistance animals. However, emotional support animals and therapy animals may qualify as “reasonable accommodation” under federal housing law.

## **Air Travel**

Service animals and emotional service animals are permitted in the cabin of an aircraft. However, service animals in training are not yet legally classified as service animals and, as such, are not permitted to fly in the cabin of an aircraft.

Persons with emotional service animals may be asked to provide identification cards for the animal, written documentation, harness or tags, or verbal assurance from the individual with the disability using the animal. Air carriers may ask the following questions with regards to emotional service animals:

- What tasks or functions does your animal perform for you?
- What has your animal been trained to do?
- Would you describe how the animal performs this task for you?

Generally, notice to the air carrier must be provided in advance. Without such notice, the air carrier may deny access. Air carriers may require varying items of documentation depending on the company’s specific policy.

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