

Access Denials

Background & Media Kit

THIS MEDIA KIT:

- Illuminates the challenges individuals with disabilities encounter accessing public spaces or services with service animals.
- Provides clarity on rights and responsibilities; laws and regulations; and the roles of business owners, staff, and handlers to foster inclusivity and minimize access denials.
- Provides [suggested questions](#) for journalists and media to consider prior to interviews.

SUMMARY:

- Access denials, particularly affecting individuals with disabilities, arise from barriers or discrimination hindering a person's access to goods or services available to others.
- There is a steady increase in the number of individuals with disabilities who rely on animals to enhance their independence or alleviate their symptoms.
- The prevalence of service animals in public spaces raises crucial questions about access, accommodation, and legal rights.
- Significant confusion exists around regulations, and understanding which animals are considered service animals.
- Knowing the laws and responsibilities of business owners, staff, and handlers regarding service animals is vital to fostering inclusivity and guaranteeing equal access in public spaces.
- According to our data, 81% of people who are blind or who have low vision have experienced rideshare denials.
- According to our data, 70% of survey respondents “agree” that they have been encountering more poorly behaved dogs inside businesses and other public places, preventing handlers from safely working with their guide dogs.
- According to our data, 34% of survey respondents “agree” that they have experienced more access barriers in general while working with their guide dog in the past five years than they did before.
- Learn more about the issue [here](#).

KEY QUESTIONS & ANSWERS:

1. What defines a service animal under the Americans with Disabilities Act (ADA)?

- Service animals are defined as dogs that are individually trained to perform tasks for people with disabilities.
- Only dogs are recognized as service animals under the ADA, with the very rare exception of miniature horses.
- Emotional support animals do not qualify as service animals under the ADA, but are protected at the federal level in housing.
- Service animals in public places must actively assist individuals with disabilities and perform tasks directly related to supporting their needs. Examples include guiding people who are blind or who have low vision, alerting people who are deaf or with reduced hearing, and aiding individuals while experiencing seizures or mental health episodes.

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2. What should I know about access rights under the ADA?

- Nearly all public places are covered by the ADA, allowing individuals with disabilities to be accompanied by their service animals.
- Covered entities cannot refuse access based on the size, weight, or breed of a dog, allergies, fear of dogs, or cultural/religious objections.
- It is illegal to ask about a person's disability; staff may ask only whether an animal is required because of a disability, and what tasks it has been trained to perform.
- Public establishments may deny access if a service animal is not housebroken or is not effectively controlled by the handler.
- Individuals with disabilities are not required to contact a public establishment in advance to let them know they will be accompanied by a service animal.

3. How can I identify a service animal?

- Guide dogs can be identified by their harnesses, although service animals are not required to wear them.
- Harnesses usually have a leather body piece that encircles the dog's body just behind its front legs. The handle is U-shaped and attached to the body piece to provide the handler guidance.
- Handlers often issue directional commands, as a guide dog helps a handler avoid obstacles and navigate through spaces safely.
- It is illegal to ask for a guide dog's certifications or paperwork—nor is this a reliable way to determine if a dog is a service animal.

4. What about state laws?

- Some state laws may provide greater protections than the ADA's, broaden the definition of service animals, and/or impose additional obligations on public entities.
- Therefore, it is essential to be aware of ADA, and state and local laws regarding service animals.

For further information, resources such as the [Department of Justice's ADA Information Line](#) and guidelines on interacting with guide dog teams are available [here](#).

ADVOCACY APP:

The [Seeing Eye Advocacy App](#) is a tool designed for guide dog handlers, business owners, and others interested in learning more about service animal laws and regulations in the US and Canada. The app contains publicly available resources, including educational materials and contact details for advocacy organizations.

Users can download the app from the Apple App Store or Google Play Store by searching "The Seeing Eye Advocacy," or using the links provided below:

[Apple App Store](#)

[Google Play Store](#)

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Contact advocacy@seeingeye.org for inquiries and suggestions.

NEWS STORY DEMONSTRATING THE ISSUE:

The city of Winston-Salem in North Carolina settled a lawsuit brought by Disability Rights North Carolina (DRNC) after police were accused of violating the civil rights of a man who is blind. The case revolved around a [troubling incident at Hanes Mall](#), where officers allegedly ordered the man, accompanied by his guide dog, to leave a store, threatening him with arrest for trespassing if he did not comply.

Initially, the police department defended its actions by citing a policy that allowed stores to demand the removal of shoppers with service animals. However, the policy violated both federal and state laws (including the ADA), which ensure access rights for individuals with disabilities and their service animals. Following the settlement, the city adopted a policy that ensures Winston-Salem police officers are specifically trained on the laws that protect the rights of people who use service animals.

Read the full story [here](#).

EXAMPLES:

[Public & private transportation; rideshares](#)

[Restaurants](#)

[Hotels & lodging](#)

[Healthcare Facilities](#)

- Public & private transportation; rideshares

Transit companies in the United States [operate under the mandates of the ADA](#), so it is imperative to ensure equal access rights for individuals with disabilities, particularly regarding the accommodation of service animals. Service animals play a crucial role in empowering people with disabilities to navigate the world independently and with dignity.

Under the ADA, entities like buses, trains, Paratransit, and private transportation services like rideshares Uber and Lyft, are obligated to accommodate service animals for customers with disabilities.

We also note the Department of Transportation's definition of service animals goes beyond ADA's to include animals like cats or birds, provided they adhere to specific training and control guidelines.

Despite legal protections, discriminatory practices persist, with 81% of people accompanied by guide dogs reporting denials from rideshare services. Such denials constitute access denials and directly impact the ability of individuals with disabilities to lead independent lives.

Rideshare services, which have revolutionized transportation, are often cited as having skirted these obligations. With a growing number of Americans utilizing rideshare services (revenue

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jumped to \$47.95 billion in 2023), ensuring equitable access is not only a legal obligation but a moral imperative.

Transit entities must uphold the principles of equal access and nondiscrimination as mandated by the ADA, the Department of Transportation, and state and local laws.

Learn more about the issue [here](#).

- Restaurants

The Americans with Disabilities Act (ADA) also requires restaurants and similar food establishments—like cafes, bars, and grocery stores—to [grant equal access to individuals with service animals](#). These regulations supersede state or local health code restrictions, although some states and municipalities have laws that provide more protections than the ADA.

Service animal owners may not be segregated to specific areas but should ensure their animals are housebroken, and do not block aisles or sit on chairs/tables. Food establishments are not obliged to provide seating or food for service animals as these amenities are intended for patrons.

Learn more about the issue [here](#).

- Hotels & lodging

Lodging establishments—like hotels, inns, motels, shelters, and campgrounds—also fall under the purview of the ADA. In some instances, timeshares and vacation home rentals (like AirBnB) may be covered. The ADA does not cover owner-occupied establishments with five or fewer rooms, but state laws may. AirBnB has its own nondiscrimination policy, so even if an owner's rental falls under an ADA exemption, AirBnB states the owner cannot discriminate against people with service animals.

Service animals are allowed access to facilities within lodging establishments, including dining rooms, buffets, swimming pool areas (although they cannot enter the water), salons, spas, shuttle services, fitness centers, and any other areas where guests are typically allowed.

Guests with service animals must not be relegated to "smoking" or "pet" rooms or floors, nor should they be subject to extra fees or deposits typically imposed on patrons with pets. However, the establishment retains the right to charge guests for damages in line with the same types of fees imposed on other patrons.

Learn more about the issue [here](#).

- Healthcare Facilities

The Centers for Disease Control (CDC) states there is no evidence to suggest that dogs pose a higher infection risk than humans. As such, ADA regulations allow individuals with service

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animals to access healthcare facilities—like hospitals, nursing homes, laboratories, medical offices, and emergency transport services—unless an individual situation or a particular dog poses a risk that cannot be mitigated through reasonable measures.

Generally, if people may enter care areas without extra precautions to prevent transmission of infectious agents (like donning gloves, gowns, or masks), service animals are allowed. Decisions on a service animal's access depend on case-specific evaluations evaluating circumstances and risk; the handler should be included in these assessments.

Service animals can also ride in ambulances unless space or treatment is compromised. Healthcare personnel are not responsible for service animal care, but in emergencies, responders may provide temporary supervision if the patient cannot.

In line with the legalities around asking for guide dog certifications, veterinary and vaccination records also cannot be required before allowing access to healthcare entities, unless there is reason to believe the animal is not in good health.

Learn more about the issue [here](#).

SUGGESTED MEDIA QUESTIONS:

1. Are access denials increasing in prevalence?
2. What are the repercussions for those who deny access?
3. How do access denials hurt people with blindness?
4. What can be done to decrease access denials?
5. Can access ever be denied if a rideshare driver has, say, an allergy?
6. Is an access denial ever legal? Is an access denial ever appropriate?
7. Where should access denials be reported? Are reports of access denials taken seriously?