

# Animals in the Library Policy

## Purpose

Timberland Regional Library (TRL) recognizes that patrons with disabilities may have service dogs that are trained to assist or accommodate a person with a sensory, mental, or physical disability or to perform tasks for the benefit of a disabled individual. TRL recognizes legal rights under federal and state laws regarding use of service dogs. TRL also considers the safety and health of all its patrons, the public, and library staff to be of utmost priority.

## Scope

This policy applies to all TRL employees.

## Policy

No pets or animals other than service dogs (see definitions), or service dogs in training, are allowed in TRL libraries. Owners of pets will be asked to remove them from the library.

Individuals with disabilities may bring their service dogs into all areas of the library where members of the public are normally allowed to go. All service dogs must be under the full custody and control of their handler at all times. Also, all service dogs must be on a leash or harness at all times unless the handler is unable to leash or harness the dog because of a disability or use of a leash or harness would interfere with the dog's safe, effective performance of work or tasks. If the service dog cannot be leashed or harnessed, it must be otherwise under the handler's control (e.g., voice control, signals, or other effective means). Owners of the service dog are solely responsible for the supervision and care of the service dog. Therefore, owners must keep the service dog directly with them at all times.

Users of service dogs are not required to show papers or to prove a disability. Service dogs are not required to be licensed or certified by a state or local government or training program or be identified by a special harness or collar.

Staff may ask two questions: One (1) Is the dog a service animal required because of a disability, and two (2) What work or task has the dog been trained to perform. Owners of service dogs or service dogs in training will indicate that they are working dogs and not pets. Terms used may include assistance, service, guide, hearing, or helping dog. Staff may not ask about the owner's disability.

A person with a disability may not be asked to remove his or her service dog or service dog in training from the library unless the presence, behavior or actions of the service dog constitutes an unreasonable risk of injury or harm to property or other persons, or the dog is disruptive, and the owner does not take effective action to control it. In these cases, library staff must give the person with the disability the option to obtain library services without having the service dog or service dog in training on the premises. Fear of allergies, annoyance on the part of other patrons or employees, or fear of dogs are generally not valid

reasons for denying access or refusing service to people with service dogs or service dogs in training.

**Miniature Horses:** In addition to the provisions about service dogs, the Justice Department's revised ADA regulations have a new, separate provision about miniature horses that have been individually trained to do work or perform tasks for people with disabilities. [Miniature horses generally range in height from twenty-four (24) inches to thirty-four (34) inches measured to the shoulders and generally weigh between seventy (70) and one hundred (100) pounds].

Entities covered by the ADA must modify their policies to permit miniature horses where reasonable. The regulations set out four assessment factors to assist entities in determining whether miniature horses can be accommodated in their facility. The assessment factors are one (1) whether the miniature horse is housebroken; two (2) whether the miniature horse is under the owner's control; three (3) whether the facility can accommodate the miniature horse's type, size, and weight; and four (4) whether the miniature horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility.

### **Definitions**

**Service Dog:** Dogs that are individually trained to do work or perform tasks for people with disabilities (Americans with Disabilities Act). Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting, and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

**Disability:** The term "disability" means, with respect to an individual:

- A physical or mental impairment that substantially limits one or more of the major life activities of such individual.
- A record of such an impairment.
- Being regarded as having such an impairment.

If an individual meets any one of these three tests, he or she is considered to be an individual with a disability for purposes of coverage under the Americans with Disabilities Act.

### **Background (if none, leave out)**

Beginning on March 15, 2011, only dogs are recognized as service animals under Titles II and III of the ADA. Further, under RCW 49.60.218, other species of animals, whether wild or domestic, trained, or untrained, are not service animals. Also, the crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks. A dog providing emotional support or comfort does meet the requirements under Washington State Law, only if the dog has been specifically trained to do so. The Washington Human Rights Commission specifically states that a dog must be trained to perform these tasks to be considered a service dog.

### **References**

Americans with Disabilities Act (ADA) of 1990, Title II, Section 35.136 (Revised September 15, 2010); beginning on March 5, 2011, only dogs are recognized as service animals under Titles II and III of the ADA.

U.S. Department of Justice, Civil Rights Division, Disability Rights Section, ADA Requirements, Service Animals (July 12, 2011).

Washington State Human Rights Commission Guide to Service Animals

The Washington Law Against Discrimination.

### **Citations**

RCW 49.60.218. Use of guide dog or service animal.

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**Policy Number: 007**

By the enactment of this policy the Board of Trustees of Timberland Regional Library is concurrently rescinding any prior policy or procedure within TRL that is either in conflict with or expansive of the matters addressed in this policy.