8 Misconceptions About Therapy, Service, and Support Animals

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What's the difference between a service dog and an emotional support animal?

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This post is in response to Why Are There More Service Dogs Than Ever? by Susan B. Winston

Susan Winston, who writes the Psychology Today blog Shift Happens, recently asked in this post “Why are there more service dogs than ever?” It's a great question, and I think she is right. There has been a proliferation of animals sporting vests proclaiming “Service Dog,” “Emotional Support Animal,” and even “Seizure Alert Dog” vests. Unfortunately, however, her answer contained some significant errors.

For example, Winston wrote, “There is an official registry for those looking to qualify their dogs for service.” And she told her readers “But now there are websites where one can go and for a moderate fee will be provided with an official certificate and I.D., a dog vest, collar and tags that must be shown at airports and other facilities.”

Both statements are incorrect. Surprisingly, there is not a federally recognized registry for service dogs. Indeed, there is no legal certification process for any type of assistance animal. Winston was correct when she stated there are internet websites where readers can purchase service dog vests and official-looking registration papers. But assistance animals do not need to wear a vest or have any kind of identification.

A bigger problem is that the internet registry sites she refers to are scams. In 2015, the Department of Justice issued a statement of concern over the growth of phony on-line service animal certification and registration documents: “These documents do not convey any rights under the Americans with Disabilities Act and the Department of Justice does not recognize them as proof that the dog is a service animal.” When I asked a Justice Department official about these internet service animal registries, she replied “They are frauds.”

Misconceptions about Service and Therapy Animals

Misunderstandings concerning the laws governing assistance animals are certainly understandable. That's because federal regulations pertaining to service and support animals are a morass of confusion. Here are answers to some common questions about the legal status of assistance animals.
What federal legislation covers assistance animals?

Assistance animals fall under the auspices of three different federal agencies. The Americans with Disabilities Act is administered by the Justice Department and covers access of service animals to public places such as restaurants, train stations, and hospitals. The Air Carrier Access Act falls under the Department of Transportation. These rules pertain to the right to have service and emotional support animals accompany passengers with psychiatric problems on commercial airplanes. Access of assistance animals to rental housing, apartments and condos is regulated through the Fair Housing Act under the Department of Housing and Urban Development.

What is the difference between a service animal and an emotional support animal?

According to the Americans with Disabilities Act, only dogs (and, in a few special circumstances, miniature horses) are considered service animals. These regulations also stipulate that service animals are not pets. Rather, they are specially trained animals who perform specific tasks. These include, for example, guide dogs for the blind, seizure alert dogs, and psychiatric service dogs trained to sense the onset of a PTSD-related panic attack. In contrast, the Air Carrier Transport Act and the Fair Housing Act recognize the right to have "emotional support animals." These animals can be pets. They must, however, be needed by their owner to alleviate the symptoms of a mental disorder recognized by the American Psychiatric Association.

What is a “therapy animal?”

This is a generic term referring to creatures involved in animal assisted therapies for psychological or physical disorders. They can range from dog visitations in hospitals to therapeutic horseback riding and swim-with-dolphins programs. Therapy animals may or may not be specially trained. The important part is that, unlike service animals and emotional support animals, therapy animals have no legal standing under either the Americans with Disabilities Act, the Fair Housing Act, or the Air Carrier Transport Act.

Do assistance animals need to wear a vest? Do their owners need to carry official identification papers in order to have access to public places such as restaurants, train stations, and hospitals?

No. There is no federal or state mandatory certification process. Neither service animals nor emotional support animals are required to wear vests.

Can my boa constrictor be a service animal if she helps me sense the onset of a seizure?

No. Only dogs and miniature horses can be service animals. However, under the Air Carrier Access Act and under the Fair Housing Act your snake might qualify as an emotional support animal. This would give her access to free air travel and enable her to live in no-pets housing. But you will need a letter from a “licensed mental health professional” attesting to your psychological problem. The feds, however, give airlines flexibility in how they administer access for animals on airplanes. So you should call your air carrier before showing up at the airport with an Irish wolfhound or a potbellied pig.
Do I have to reveal the nature of my disorder in order bring my psychiatric service dog into a no-pets restaurant?

No. By federal law, you can only be asked two questions about your service dog: (1) “Does your dog provide a service?” and (2) “What is your dog trained to do?”

What if a restaurant owner insists on proof that my service dog is trained?

They have to take your word for it. Tell the owners they are violating the Americans with Disabilities Act and that you can take them to court.

Can I get into trouble if purchase a fake service animal vest or a bogus registration certificate over the internet and pass my pet off as a service dog so I can get into bars and restaurants?

It depends on where you live. In California a person caught fraudulently claiming their pet is a service animal faces six months in jail and a $1,000 fine. About a third of the states have enacted anti-fake service animal legislation. But because there is no legally recognized certification process for either service or emotional support animals these laws are nearly impossible to enforce.