

## Legal Comparison Chart: Service Dog vs. Emotional Support Dog vs. Therapy Dog

By Monika Jud

Dog Type	Service Dog **	Emotional Support Dog (ESD) ** Emotional Support Animal (ESA)	Therapy Dog
Definition:	A dog that is individually trained to <u>perform tasks for its owner</u> who has a disability. E.g. - Pick up items - Body block a crowd - Alert to sounds - Guide the blind	A dog NOT task-trained but solely provides <u>therapeutic support to its owner</u> who has a disability. E.g. - Having a calming effect during anxiety - Getting a depressed owner to socialize	A dog that provides, in conjunction with its handler, <u>support to other people</u> . E.g. - Visiting patients in a hospital - Help victims cope after a disaster
Attends to:	Its owner	Its owner	Other people
Owner must have a disability:	Yes	Yes	No
Is trained to assist its owner:	Yes	No	No
Is protected by the Americans with Disabilities Act and has the legal right to access any area the general public is allowed to go to:	Yes	No!	No
Is protected by access laws:	Yes - The Americans with Disabilities Act (ADA) - Fair Housing Act - Air Carrier Access Act - Rehabilitation Act of 1973 ~Applies to federal properties	Yes - Fair Housing Act  2021 revision: The Air Carrier Access Act annulled the right for Emotional Support Animals to fly in the passenger cabin. It is now up to the discretion of the individual airlines.	No
Special Legal rights:	Yes - Has complete access into all areas where the general public is allowed. Includes: Restaurants, Hospitals, Courts, Grocery Stores, Taxis etc.	Some - Can stay in housing where pets are not allowed. → Medical documentation of owner's disability is required.	No - Teams are allowed to access hospitals, nursing homes, libraries, schools etc. by invitation only.

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Required Government Certification / Registration	No - Some states do have a <u>voluntary</u> registration option.	No - nonexistent	No - nonexistent
Legal obligations of the dog's owner:	<ol style="list-style-type: none"> <li>1. Have a disability as defined by the ADA</li> <li>2. Answer following questions when asked by a business: <i>A. Is the service dog required because of a disability?</i> <i>B. What work or task has the dog been trained to perform?</i></li> <li>3. Keep the dog on a leash*</li> <li>4. Have the dog under control at all times</li> </ol> <p>If these obligations are not met there is a legitimate reason to request the dog to be removed from the premises, though the owner still needs to be served.</p> <p><small>* Unless the device interferes with the dog's work</small></p>	<ol style="list-style-type: none"> <li>1. Have a disability</li> <li>2. Provide medical documentation for the necessity of an Emotional Support Dog</li> </ol>	None other than any pet dog owner
Legal requirements of the dog:  ** Service Animals are legally defined as dogs or miniature horses only. Emotional Support Animals are not defined as a particular species.	<ol style="list-style-type: none"> <li>1. Has to be individually trained to do work or perform tasks for its owner</li> <li>2. Be under control at all times</li> <li>3. Be housebroken</li> </ol> <p>If these requirements are not met there is a legitimate reason to request the dog to be removed from the premises, though the owner still needs to be served.</p>	None	None