New Hampshire State Laws and Frequently Asked Questions Pertaining to Service Dogs and the ADA

Information was taken directly from www.ServiceDogIQ.com and assembled here for your convenience.

Definition of Service Animal

"Service animal" means any dog 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. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for purposes of this definition. N.H. Rev. Stat. § 167-D:1

What does "do work or perform tasks" mean?
A: The dog must be trained to take a specific action when needed to assist the person with a disability. For example, a person who has epilepsy may have a dog that is trained to detect the onset of a seizure and then help the person remain safe during the seizure.

Are emotional support, therapy, comfort, or companion animals considered service animals under the ADA?
A: No. These terms are used to describe animals that provide comfort just by being with a person. Because they have not been trained to perform a specific job or task, they do not qualify as service animals under the ADA.

Fraudulent Representation

It is unlawful for any person to fit an animal with a collar, leash, vest, sign, or harness of the type which represents that the animal is a service animal, or service animal tag or to request a service animal tag if in fact said animal is not a service animal. (effective after Jan 5, 2015) N.H. Rev. Stat. § 167-D:8 Any person violating any provision of this chapter shall be guilty of a misdemeanor. N.H. Rev. Stat. § 167-D:10

Exclusion of Service Animals

When can service animals be excluded?
A: The ADA does not require covered entities to modify policies, practices, or procedures if it would "fundamentally alter" the nature of the goods, services, programs, or activities provided to the public. Nor does it overrule legitimate safety requirements. If admitting service animals would fundamentally alter the nature of a service or program, service animals may be prohibited. In addition, if a particular service animal is out of control and the handler does not take effective action to control it, or if it is not housebroken, that animal may be excluded.

When might a service dog's presence fundamentally alter the nature of a service or program provided to the public?
A: In most settings, the presence of a service animal will not result in a fundamental alteration. However, there are some exceptions. For example, at a zoo, service animals can be restricted from areas where the animals on display are the natural prey or natural predators of dogs, where the presence of a dog would be disruptive, causing the displayed animals to behave aggressively or become agitated. They cannot be restricted from other areas of the zoo.

What does under control mean? Do service animals have to be on a leash? Do they have to be quiet and not bark?
A: The ADA requires that service animals be under the control of the handler at all times. In most instances, the handler will be the individual with a disability or a third party who accompanies the individual with a disability. The service animal must be harnessed, leashed, or tethered while in public places unless these devices interfere with the service animal's work or the person's disability prevents use of these devices. In that case, the person must use voice, signal, or other effective means to maintain control of the animal. Under control also means that a service animal should not be allowed to bark repeatedly in a lecture hall, theater, library, or other quiet place. However, if a dog barks just once, or barks because someone has provoked it, this would not mean that the dog is out of control.

What can my staff do when a service animal is being disruptive?
A: If a service animal is out of control and the handler does not take effective action to control it, staff may request that the animal be removed from the premises.