

WOONSOCKET HARRIS PUBLIC LIBRARY Service and Emotional Support Animal Policy

Misrepresentation of a service animal is a violation of Rhode Island law.

(Section 40-9.1-3.1. Misrepresentation of service animal.)

In accordance with the Americans with Disabilities Act (ADA), service animals are welcomed and permitted in the Woonsocket Harris Public Library. Per ADA, service animals are dogs and, in some possible exceptions, miniature horses individually trained to do work or perform tasks for an individual with a disability. While not a protected right through the Americans with Disabilities Act, emotional support animals may be permitted within the Library to provide emotional support as necessary. Other species of animal, whether wild or domestic, trained or untrained, are not service animals for the purposes of the ADA. No other animals are permitted in the Library, with the exception of animals involved with library programming.

Effective March 15, 2011, the Department of Justice (DOJ) issued revised ADA regulations which cover Title II (state and local government programs) and Title III (places of public accommodation). This policy was created in accordance with regulations listed online at <https://adata.org/factsheet/service-animals>.

DEFINITIONS

This policy applies the following definitions, as provided by the Department of Justice's 2011 revised Americans with Disabilities Act regulations:

Assistance Animal: A term referring to an animal providing accommodations to individuals with disabilities. As used within this policy, an assistance animal may be either a service animal or an emotional support animal. For purposes of this policy, assistance animals are not pets.

Emotional Support, Comfort, and Therapy Dogs: These dogs are not considered service animals under Title II and Title III of the ADA. The provision of emotional support, well-being, comfort, or companionship does not constitute work or tasks for the purpose of the definition under the ADA. It does not matter if a person has a note from a doctor that states that the person has a disability and needs to have the animal for emotional support. A doctor's letter does not turn an animal into a service animal.

Pet: Any animal kept for ordinary use and companionship. For this policy, service and emotional support dogs are not considered pets.

Psychiatric Service Dogs: Psychiatric service dogs are not the same as a comfort or therapy dog. These dogs are trained to perform tasks that assist individuals with disabilities to detect the onset of psychiatric episodes. Tasks performed by psychiatric service dogs may include, but are not limited to: reminding the handler to take medicine, providing safety checks for persons with PTSD, and removing disoriented individuals from dangerous situations. The difference between an emotional support animal and a psychiatric service animal is the work or tasks that the animal performs.

Service Animal: Any dog or, in some possible exceptions, miniature horse, that is 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 considered service animals. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to: assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work; assisting an individual during a seizure, and helping individuals with psychiatric or neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

Miniature Horse Exception: A public entity or private business must allow a person with a disability to bring a miniature horse on the premises as long as it has been individually trained to do work or perform tasks for the benefit of the individual with a disability. However, an organization can consider whether the facility can accommodate the miniature based on the horse's type, size, and weight and whether the facility can accommodate these features; whether the individual has sufficient control of the miniature horse; whether the miniature horse is housebroken; and whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation. The regulations that apply to ADA service dogs also apply to miniature horses.

POLICY

Individuals with disabilities may bring one service animal or one emotional support animal (collectively termed "assistance animals") in to all areas of the Woonsocket Harris Public Library where members of the public, program participants, clients, customers, patrons, or invitees are allowed.

The Library is a place of public accommodation, but to achieve its essential purpose, it must be clean, safe, welcoming, and quiet. Assistance animals may be excluded from a facility if its presence interferes with legitimate safety requirements of the facility. As such, a service or emotional support animal who behaves in a way inappropriate to the Library's essential mission may be asked to leave. If the assistance animal appears improperly or inadequately cared for, the Library may report such abuse or neglect to the appropriate authorities.

Assistance animals must be in physical proximity with their handler and under handler control and may not be left unattended by their handler at any time. Assistance animals must have a harness, leash, or other tether, unless the handler is unable to use a tether because of a disability or the use of a tether would interfere with the assistance animal's ability to safely perform its work or tasks. In these cases, the assistance animal must be under the handler's control through voice commands, hand signals, or other effective means.

Library staff may ask an individual with an assistance animal to remove the animal for non-compliance if it creates an undue hardship to the Library. Such behavior includes:

- 1) If its behavior can reasonably be interpreted as dangerous, i.e. posing a risk to others whether through aggression (e.g., growling or barking) or has injured another person or assistance animal. The owner will be asked to remove the animal immediately and the animal may be banned.

- 2) If it is “out of control.” An out of control animal is one which acts disruptively, which does not respond to the owner and/or the owner does not take effective action to gain and maintain control. Owners will be first approached and informed that the animal’s behavior conflicts with library policy and/or the animal interferes with library operations. The owner will be asked to gain and maintain control of the animal. If the animal remains out of control, then the owner will be asked to remove the animal immediately. Being under control means that the animal cannot bark repeatedly without provocation, run loose in the Library, or disrupt Library programs.
- 3) If it is not housebroken, i.e. if it urinates or defecates in the Library. The owner of an assistance animal may be responsible for any cleaning costs required if the animal makes an area unsanitary.

In all of the aforementioned circumstances, the owner of the assistance animal is welcomed to stay or return to the Library, without the assistance animal, to obtain goods and services.

ASKING QUESTIONS

To determine if an animal is a service animal per ADA guidelines, a public entity or a private business may ask two questions:

- Is this animal required because of a disability?
- What work or task has this animal been trained to perform?

These questions may not be asked if the need for the service animal is obvious (e.g., the dog is guiding an individual who is blind or is pulling a person’s wheelchair). A public entity or private business may not ask about the nature or extent of an individual’s disability or require documentation, such as proof that the animal has been certified, trained or licensed as a service animal, or require the animal to wear an identifying vest. Local laws that prohibit specific breeds of dogs do not apply to service animals.

OTHER PROVISIONS

- A public entity or private business is not responsible for the care and supervision of a service animal.
- A public entity or private business cannot ask nor require an individual with a disability to pay a surcharge or deposit, even if people accompanied by pets are required to pay such fees.
- If a public entity or private business normally charges individuals for the damage they cause, an individual with a disability may be charged for damage caused by his or her service animal.

*Adopted and Approved by the Library Board of Trustees, July 17, 2019
Amended October 9, 2019*