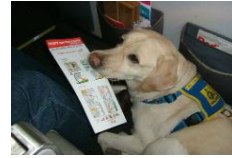


Animals & Air Travel



WARNING!!! Although what is contained in this document is an accurate summary of the current law, airlines are making their own policies that may not reflect current law. Additionally, the Department of Transportation may be creating new rules beginning in mid-2018.

The **AIR CARRIER ACCESS ACT (ACAA)** governs which animals may travel with their handlers and *differs significantly from the Americans with Disability Act (ADA)* in that it requires airlines to allow **both** service animals **and** emotional support animals to accompany their handlers in the cabin of the aircraft. The definitions of these animals also differs from the ADA. For example, under the ADA, a service animal is defined as a dog (or miniature horse) individually trained to do work or perform tasks for an individual with a disability. Service animals are allowed in places of public accommodation. An emotional support /psychiatric service animal, on the other hand, provides emotional support for a person with a disability but is not allowed in places of public accommodation. Airports/Airplanes are the exception.

BE AWARE that although under the ACAA many different types of animals are allowed in an airport or airplane, after leaving **the airport, the ADA applies**, and the ADA requires public accommodations such as taxis, busses, and trains to accept only service dogs or miniature horses (unless a reasonable accommodation is accepted).

Service Animals & Air Travel

- **Definition:** (different from the ADA) any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability.
- Carriers are **not permitted** to automatically require documentation for service animals.
- Carriers **must** accept identifiers that an animal is a service animal (identification cards, other written documentation, presence of harnesses, tags or other **credible verbal assurances** from the passenger).
- Many carriers request, **but cannot require**, 48 hours of **advance notice** that a traveler is bringing a service animal. This **must** be waived if the carrier can accommodate the service animal by making reasonable efforts without delaying the flight.
- For other animals presented as service animals (miniature horses, pigs, monkeys), carriers must weigh factors on a **case-by-case basis** to determine whether any factors may preclude their traveling in the cabin.

Emotional Support and Psychiatric Service Animals & Air Travel

- **Definition:** (different from the ADA) animal providing emotional or psychiatric support for an individual with a mental or emotional disability recognized by the Diagnostic and Statistical Manual of Mental Disorders—Fifth Edition (“DSM V”) standards.
- When traveling with an emotional support animal or psychiatric service animal, individuals **must provide official documentation, not more than a year old**, stating:
 - Individual has a mental or emotional disability recognized by DSM V standards;
 - Individual needs emotional support or psychiatric service animal as an accommodation for travel and/or for activity at the passenger’s destination;

- Individual providing the assessment is a licensed mental health professional (e.g. psychiatrist, psychologist, licensed clinical social worker, including a medical doctor specifically treating the passenger's mental or emotional disability), and the passenger is under their professional care; **and**
- Date and type of mental health professional's license and state or other jurisdiction where issued.

Both Service and Emotional Support Animals & Air Travel

- If traveling with a service or emotional support/psychiatric service animal, **security** may require that the leash, vest, collar and other items be removed before going through any scanners or body imaging devices.
- Carriers must allow both service and emotional support animals to ***sit with the passenger*** in any seat in which the person sits, unless the animal obstructs an aisle or other safety area.
 - If service or emotional support/psychiatric service animal cannot be accommodated at seat location of passenger, carrier must offer ***opportunity to move*** with the animal to seat in same class of service.
- Service or emotional support/psychiatric service animals **cannot** be denied passage because presence of animal annoys/offends passengers, but ***may be denied access*** if animal acts in a way posing a direct threat to safety of others.
- Carriers are not required to accommodate “***unusual animals***” that may pose unavoidable safety and/or public health concerns (snakes, reptiles, ferrets, rodents, spiders).
- On a flight scheduled to take 8 hours or more, an airline can require the passenger to provide **documentation** that the animal will not need to relieve itself on the flight or that the animal can relieve itself in a way that does not create a health or sanitation issue on the flight.
- Airlines are not prohibited from requesting documentation for service or emotional support/psychiatric service animals; however, they are encouraged to accommodate people with these animals, regardless of documentation.

Filing a Complaint

Each carrier must have a Complaints Resolution Official (CRO) available at each airport. Any passenger with a complaint may communicate with a CRO. The CRO must provide the passenger a written statement summarizing the facts and reasons for his or her decision regarding the complaint. If a carrier excludes a person with a disability on safety grounds, the carrier must provide a written explanation of the decision. ***No later than 6 months*** after the date of the incident, a passenger may also file a claim with the Department of Transportation.

- By Mail: U.S. Department of Transportation Aviation Consumer Protection Division (C-75), 1200 New Jersey Avenue, SE, Washington, DC 20590.
- Online: www.airconsumer.ost.dot.gov; By Phone: Toll-free disability hotline, 1-800-778-4838;

References

14 C.F.R. 382.117; 14 C.F.R. 382.27

U.S. DEPARTMENT OF TRANSPORTATION, DOT GUIDANCE CONCERNING SERVICE ANIMALS IN AIR TRANSPORTATION (2003), available at <https://www.federalregister.gov/documents/2003/05/09/03-11452/guidance-concerning-service-animals-in-air-transportation>.

EMOTIONAL SUPPORT ANIMAL CENTER, available at <http://www.emotionalsupportanimalcenter.com/>.

***** Disability Law Colorado distributes this material for informational purposes only. It does not constitute legal advice. For further assistance, we suggest you contact the phone numbers/internet sites referred to in this publication, or seek the counsel of an attorney for your specific issue. *****